



Public Consultation of Legitimate Interest Access of Beneficial Ownership Register

Comments and Responses

Part I — General Public Comments

Comment 1

Comment: *The amendments do not appear to introduce any new measures regarding the misuse of disclosed information. Once personal information is made public, it can be copied, redistributed, and used beyond its intended purpose. Such exposure may disproportionately affect the data subject's privacy rights compared to any effective benefit it would bring to transparency initiatives.*

Government of Anguilla — Response: Part 6 of the Commercial Registry and Beneficial Ownership Registration System Act, 2022 speaks to the protection of confidential information and the gateways for disclosure as well as the relevant contraventions. The Government of Anguilla remains committed to ensuring that our legislative framework meets international standards while also reflecting appropriate safeguards for individuals. We are therefore engaging with the Attorney General's Chambers to carefully consider the issue and determine whether any further refinements may be warranted.

Comment 2

Comment: *Instead of deleting the requirement to inform subject companies of a search, we suggest withholding the requestor's personal information (PII) or anonymising the search log by including only the time and date. Otherwise, it is unclear how service providers could request suppression of information if they are not even aware that a request has been made.*

Government of Anguilla — Response: Suppression requests can be made at anytime. A request to search does not have to occur first for a company to file an application to suppress its beneficial owner(s) information. The purpose of the suppression request is to safeguard the identity of individuals or persons living in their household where there is a serious threat to life if public persons gain access to their personal information.



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Comment 3

Comment: The “legitimate interest” basis currently provides extensive access to journalists, but this definition is overly broad. With “influencers” claiming journalistic status worldwide, anyone could potentially qualify under this clause. Not everyone who “collects, writes, and publishes news stories and articles on websites” should be considered a journalist, as this could include personal blogs. The same concern applies to those seeking access for “research purposes” or to establish a business relationship. More specific criteria are needed, such as accreditation with a licensed media outlet or a recognised research institution.

Government of Anguilla — Response: All persons with legitimate interest in accessing the information on the BO register, including journalists, will be required to provide information and documentation to allow the authorities to verify their status and identity. This must be completed prior to gaining access to the system as a user and for search request.

Comment 4

Comment: The Commission’s control over information suppression requests appears to conflict with its duty to grant requests for information. It may be more appropriate for the registrar to remain responsible for suppression requests, acting as an intermediary.

Government of Anguilla — Response: The Commercial Registry is currently a department of the Commission. The Director may delegate the duties necessary under this framework to the Registrar of the Commercial Registry.

Comment 5

Comment: The proposed fee for accessing information seems too low. We believe that US\$300 would be more appropriate than the proposed US\$30.

Government of Anguilla — Response: The proposed fee is consistent with the current search fee in the Business Companies Act.

Comment 6

Comment: These NGOs, journalists and academics have a left-wing political agenda which demonises wealthy people and arrogate unto themselves the sole ability to moralise on how citizens organise their tax



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affairs. They are very anti-offshore and we should not feed their appetite for sensationalism, biased academic research and prejudiced reporting.

Government of Anguilla — Response: The minimum standards set out by the United Kingdom Government requires the territories to include civil societies, academics and journalists in the legitimate interest frameworks. Removing these persons would result in Anguilla not meeting the minimum standards.



Part II — Detailed Submission

1. International Standards Compliance

Comment: We acknowledge that FATF Recommendation 24 requires that beneficial ownership information be adequate, accurate, up-to-date and accessible to competent authorities and obliged entities. However, the standard does not extend to journalists, NGOs, or academic researchers, nor does it require broad public access. The recent jurisprudence of the Court of Justice of the European Union has confirmed that unrestricted or speculative access is disproportionate to the rights of privacy and data protection.

Government of Anguilla — Response: Although the legitimate interest framework helps with Anguilla's compliance with FATF Recommendation 24 and 25, the framework is not intended primarily to comply with the FATF Standards. Rather it is designed to comply with the minimum standards from the Foreign and Commonwealth and Development Office applicable to all United Kingdom overseas territories and crown dependencies. The minimum standards requires the territories to include civil societies, academics and journalists in the legitimate interest frameworks.

2. Notice, Objection and Suspensive Effect

Comment: We recommend that Anguilla adopt a notice-and-objection framework. Beneficial owners, through their registered agents, should be notified of any request for access, including the identity and stated purpose of the requester. A fixed objection period (for example, five business days) should be available, and no disclosure should be permitted while an objection is pending. Where an objection is rejected, the beneficial owner should retain a right of appeal to the High Court, and disclosure should remain suspended until the appeal is resolved. The rationale for this position is that if such appeal does not operate as a stay, the purpose of the appeal would be rendered otiose, post disclosure. We do note the concerns of potential reprisals, though in the context of unilateral access by...

Government of Anguilla — Response: The minimum standards set out by the United Kingdom Government advises against frameworks that notifies BOs of request to access their information. This can be viewed as “tipping off”. Anguilla will consider releasing statistics with the number of requests received, approved and rejected.

3. Obligated Entities

Comment: We support access for obliged entities (financial institutions and DNFBPs) only with the consent of the company or partnership concerned. Such relationships are voluntary and mutually beneficial, and obliged entities already obtain ownership information in the ordinary course of customer due diligence. Allowing



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registry access without the entity's permission risks undermining commercial trust and would exceed FATF's requirements.

Government of Anguilla — Response: Obligated entities will be subjected to the same search request process as persons purporting to have legitimate interest making the similar request.

4. Business Counterparties

Comment: We also recommend that business counterparties be permitted to access the register only with the consent of the company or partnership concerned. In commercial practice, beneficial ownership information is exchanged voluntarily under NDAs and transaction documentation. To allow unilateral registry access by prospective or hostile counterparties would encourage speculative due diligence and competitive misuse.

Government of Anguilla — Response: Only persons mentioned under the legitimate interest access framework may be granted access to the BO register on CRES following the approval to grant access rights by the authorities.

5. Journalists, Academics and NGOs

Comment: We strongly recommend the exclusion of journalists, academics, and NGOs from the scope of legitimate interest applicants. The potential ambit of these classes is overly wide and highly vulnerable to misuse. In practice, actors in these categories often pursue "naming and shaming" campaigns or political advocacy even in the absence of any AML/CFT evidence. Such outcomes would be contrary to the objectives of the regime, damaging to reputations, and disproportionate to the limited AML benefit. Where these actors have legitimate grounds, they should pursue disclosure through competent authorities or the courts, ensuring due process. Whilst we recognize that the European Court of Justice did reference the possibility of journalists and NGO's having access to beneficial ownership registers being proportional, it certainly did not mandate such access being granted. Given the state of political bias in mainstream media (on both ends of the spectrum), it may be imprudent to allow such access which may serve not only to embarrass political targets (even in the absence of any wrongdoing) but to cause embarrassment to Anguilla.

Government of Anguilla — Response: The minimum standards set out by the United Kingdom Government requires the territories to include civil societies, academics and journalists in the legitimate interest frameworks. Removing these persons would result in Anguilla not meeting the minimum standards.



6. Suppression of Disclosure

Comment: We support the proposed expansion of suppression grounds to cover risks to household members and to suspend disclosure automatically while an application is pending. These measures provide necessary safeguards against violence, blackmail, extortion, and other serious threats to personal safety.

Government of Anguilla — Response: This comment has been noted.

7. Requirement for Written Reasons

Comment: We strongly recommend that the amendments should expressly require the Commission to provide written reasons for every decision relating to legitimate interest applications or suppression requests. The absence of such a provision risks undermining the right of appeal under CRBORS, since an appellant cannot effectively challenge a decision without knowing the grounds on which it was made. By contrast, the recent amendments in the British Virgin Islands expressly require the Registrar to notify applicants of the reasons for any refusal or objection decision and to maintain records of exemptions with reasons. We therefore recommend that Anguilla adopt the same safeguard, ensuring that every decision by the Commission is accompanied by written reasons, thereby strengthening due process, facilitating appeals, and demonstrating Anguilla's commitment to international best practice.

Government of Anguilla — Response: Section 9(d) of the CRBORS (Amendment) Act which amends section 33 of the principal legislation requires the Commission to send a written notice with the reason for revoking a suppression approval which was previously granted.

Sections 31A (2) and (3) of the CRBORS (Amendment) Regulations requires that written notices be sent to persons for a decision made by the Commission in a search request application.