

April 2014

Policy on exceptional circumstances justifying withholding of registrant's name from the public register

At the time of registration, or at any time during registration, a registrant may make application to the Registrar to have their name withheld from publication in the Register. The application should set out in detail the circumstances the registrant considers good cause to exceptionally have their name withheld from publication in the Register, and include the name and contact details of an organisation or individual from whom the Registrar may seek confirmation of the registrant's circumstances. Wherever possible an application should be accompanied by formal documentation confirming the exceptional circumstances.

The Registrar, on receipt, and following acknowledgement of an application, will take all possible action to reach a determination on the matter at the earliest possible opportunity, not to exceed one calendar month. In this process, the Registrar may seek clarifications from the applicant; contact the organisation or individual cited in the application and, with the approval of the applicant, seek to validate the submitted documentation.

In the event of an applicant being considered to be in any immediate danger by virtue of their name being included in the Register, the Registrar has the power to immediately withdraw the registrant's name from the Register, pending clarification and confirmation of the circumstances.

Exceptional circumstances which may justify withholding a registrant's name from the Register, and thereby protecting their privacy, could include, by way of example, evidence of stalking, harassment and related intrusions of personal privacy. Other examples may include witness protection arrangements and the need to help protect victims of domestic and other targeted violence.

When granted, the withholding of a registrant's name from the Register will be for the following year of registration, or remainder of a year of registration, as considered appropriate by the Registrar.

The need to extend the withholding of a registrant's name from the Register would be subject to review at the time of registration renewal, with the registrant being asked to provide evidence of the continuation of the exceptional circumstances, together with any new evidence of relevance. Normally, the extension of the withholding arrangements would not exceed the following year of registration.

Decisions of the Registrar in respect of withholding a registrant's name from the Register may be appealed, with any appeal being considered by the Registration Approval Committee. The Registration Approval Committee would not be chaired by the Registrar and the Registrar and the registrant (and/or the registrant's representative) would be entitled to attend the hearing and speak.

Appeal decisions will be final; however, an unsuccessful appellant would be free, at any time, to make fresh application for the withholding of their name from the Register, subject to a significant change in their circumstances and/or the availability of new evidence.