

Transparency International UK – Response to the British Virgin Islands’ consultation on providing legitimate interest access to beneficial ownership data

SUMMARY

Transparency International UK is the UK-based chapter of Transparency International, the world’s leading non-governmental anti-corruption organisation. We raise awareness about corruption; advocate legal and regulatory reform at national and international levels; design practical tools for institutions, individuals and companies wishing to combat corruption; and act as a leading centre of anti-corruption expertise in the UK. We base our advocacy on robust research, and, as a UK registered charity, are independent and non-political.

We welcome the British Virgin Island (BVI)’s consultation on providing legitimate interest access to beneficial ownership data on its corporate register. However, its current proposal is woefully inadequate, effectively entrenching secrecy rather than enhancing transparency.

The BVI's measures would hinder, not help, those fighting financial crime. Instead of facilitating scrutiny, the BVI’s measures would block access to vital beneficial ownership data for journalists, civil society organisations, foreign law enforcement and businesses. By imposing complex barriers to entry and exposing investigators to reprisals, the BVI not only falls short of EU standards, but also fails to live up to its promise to create registers with a “maximum degree of access and transparency”.

Given the BVI’s long standing role in enabling financial crime, the proposed measures would effectively maintain a culture of corporate secrecy, protect criminals, and undermine global efforts to combat corruption and illicit finance.

Our key concerns include:

- That the BVI would only provide access to a subset of beneficial ownership data to those with a legitimate interest, which wouldn’t allow users to identify the ultimate owner of a company or entity
- The proposed legitimate interest regime is restricted to a narrow set of individuals under specific circumstances that would render the information useless to investigations into money laundering
- The BVI proposal to tip-off the beneficial owner when their information is accessed is particularly concerning, as it creates legal and physical risks for those who access the data
- Gagging clauses and restrictions on the use of the data would suppress any publication or advocacy effort in the public interest

By following the below set of recommendations, the BVI can meet its commitments to both the UK and fellow Overseas Territories, showcasing genuine progress toward transparency and global efforts to combat economic crimes.

Summary of key recommendations: To fulfil its commitments to implement legitimate interest registers of beneficial owners with maximum level of access and transparency, and to remain in line with the global standards set out by the EU, the BVI should:

1. Future-proof its beneficial ownership register by broadening its policy purpose and ensuring that those with a legitimate interest can access beneficial ownership data in line with the BVI’s legal definition.
2. Ensure generalised access to beneficial ownership information by recognising legitimate interest for a wide range of categories of the public. The restrictive circumstances under which legitimate interest can be claimed should be removed.
3. Streamline the application process by reducing financial, administrative, and time-related burdens on applicants. Clear and concise guidance should be provided to ensure transparency and efficiency.
4. Protect user confidentiality and freedom of expression by removing the tipping-off clause and gagging clauses and introducing safeguards to keep user identities confidential. Protections should be in place for those publishing data in the public interest.
5. Enhance data usability by ensuring data accuracy and retention, allowing bulk downloads, and introducing lightweight terms and conditions that do not restrict activities related to the prevention, detection, investigation and prosecuting of money laundering, its predicate offences or terrorist financing.

LEGITIMATE INTEREST ACCESS BACKGROUND

In November 2024, the Overseas Territories, including the BVI, promised to provide access to their company ownership records with the “maximum possible degree of access and transparency” at the Joint Ministerial Council.¹ This commitment was the latest in a series of promises made in response to the passage of the Sanctions and Anti-Money Laundering Act in 2018, which required Overseas Territories to introduce public registers and reveal who truly owned companies registered there by December 2020.

Despite these commitments, the BVI missed several deadlines in the implementation of their public registers, citing technical difficulties. Most recently, the BVI stalled progress in response to a Court of Justice of the European Union’s (CJEU) ruling, which found that European public registers violated data privacy rights. Despite this ruling not directly applying to the BVI, it followed the EU court’s recommendation that beneficial ownership data should only be made available to those who could prove they had “legitimate interest” in accessing this information. The court was unequivocal that press and civil society organisations that are

¹¹ <https://www.gov.uk/government/publications/uk-and-overseas-territories-joint-ministerial-council-2024-communicue/b71f1ac8-d55c-44fb-b6a3-365f07a98689> [Accessed: 19 February 2025].

connected with the prevention and combating of money laundering and terrorist financing have a legitimate interest in accessing information on beneficial ownership.²

In response to this ruling, the EU developed its 6th Anti-Money Laundering Directive (AMLD6), which offers a reasonable compromise between privacy rights and corporate transparency in the context of registers intended to support efforts to tackle illicit financial flows. To date, it is the de-facto standard when it comes to legitimate interest beneficial ownership registers. We note in particular that the BVI's consultation document acknowledges that it regards AMLD6 as "best practices".

This consultation response highlights where the BVI departs from the EU's AMLD6 and commitments made in November 2024 towards "maximum degree of access and transparency". We make recommendations on how the BVI could enhance its legitimate interest registers to enhance transparency, strengthen its efforts to combat global money laundering, and uphold financial integrity.

THE ROLE OF THE BVI IN ENABLING GLOBAL FINANCIAL CRIME

The BVI is often seen as a destination of choice for organised criminals³, politicians accused of corruption⁴ and sanctioned oligarchs seeking to hide their wealth.⁵

In 2018, our research found that more than 1,100 companies from the BVI had been used in 213 corruption and money laundering cases globally, amounting to many billions of pounds worth of economic damage.⁶ And this is likely the tip of the iceberg. Since then, media reports and court cases continue to document the misuse of BVI companies in financial crime. Most recently, an OCCRP deep-dive into UK court documents found BVI companies at the centre of a scheme that saw stolen funds from Azerbaijan invested in the UK.⁷

Criminals seeking to hide their wealth turn to the BVI in large part due to the opacity in corporate ownership information which exists there, enabling them to use BVI registered companies to keep their names out of sight of law enforcement, regulators, investigative journalists and civil society.

This secrecy is facilitated both by the BVI's lack of beneficial ownership transparency but also the array of professionals that form and administer companies there. A 2024 review by the anti-money laundering standards body, the Financial Action Taskforce (FATF), found several major concerns with the quality and accuracy of the BVI's company register, as well

² Article 74 on the Court's decision:

<https://curia.europa.eu/juris/document/document.isf?text=&docid=268059&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=7252809> [Accessed: 19 February 2025].

³ <https://www.icij.org/news/2024/08/a-notorious-drug-kingpin-set-up-shell-companies-in-the-british-virgin-islands-and-dubai-to-employ-alleged-cartel-underlings-documents-show/> [Accessed: 20 February 2025].

⁴ <https://www.icij.org/investigations/pandora-papers/malaysian-politician-under-pandora-papers-probe-linked-to-52-million-offshore-trust-and-uk-us-property-investments/> [Accessed: 20 February 2025].

⁵ <https://www.occrp.org/en/project/the-rotenberg-files/leaked-emails-reveal-how-putins-friends-dodged-sanctions-with-help-of-western-enablers> [Accessed 20 February 2025].

⁶ <https://www.transparency.org.uk/publications/cost-of-secrecy> [Accessed 20 February 2025].

⁷ <https://www.occrp.org/en/investigation/luxembourg-bank-central-to-purchase-of-high-end-real-estate-with-embezzled-azerbaijan-funds-uk-police-say> [Accessed 20 February 2025].

as its overall approach to tackling dirty money.⁸ It found that registered agents, who are required to collect ownership information and carry out checks on clients:

- often rely heavily on third parties, such as lawyers, to provide information about the ultimate owners of companies under their management, meaning they themselves are not certain who their ultimate client is.
- often rely heavily on due diligence checks by these third parties – meaning that the agents don't check themselves whether their ultimate clients present a money laundering risk.

It also found that those tasked with regulating BVI agents do not seem to understand, or have concern for, whether BVI companies are involved in money laundering so long as the underlying crimes do not take place on their territory.

Not only does the BVI's shell company industry contribute to kleptocracy and undermine global security, but it also risks hurting BVI citizens, too. Because of the BVI's failure to improve the standard of its anti-money laundering regime, it faces being 'grey listed' by international standards bodies, which would likely impact its major industry – the company formation sector.⁹ In an Island where 60 per cent of state revenue comes from this one sector alone, the spectre of being sanctioned like this presents an existential threat to its public services.¹⁰

ASSESSMENT OF BVI'S BENEFICIAL OWNERSHIP FRAMEWORK

The 2017 Beneficial Ownership Secure Search System Act (BOSS), which created a requirement for BVI companies to collect up-to-date information about their beneficial owners, was developed to give effect to the exchange of notes with the UK.¹¹ Whilst this allows UK law enforcement agencies to request information on individual companies from this central system, they do not have open and unfettered access to the data. Instead, they must request information on a case-by-case basis, inhibiting any macro analysis that could significantly aid investigations.

Furthermore, due to the weaknesses identified in the BVI's FATF assessment, the quality and accuracy of beneficial ownership information collected by corporate service providers who populate the BVI's beneficial ownership register is in itself questionable.

The FATF review also noted that the BVI's company registrar is staffed by just nine people in charge of processing 30,000 incorporations annually, meaning that it is highly unlikely that the information provided by agents is verified effectively by an independent body.

Broader access to company ownership information in the BVI would be the most effective and low-cost verification measure the BVI could introduce. Under the EU's anti-money

⁸ <https://t.co/aCgnltmvU9> [Accessed: 20 February 2025].

⁹ <https://www.bvibeacon.com/biting-report-brings-threat-of-grey-list/> [Accessed: 20 February 2025].

¹⁰ <https://www.bvi.gov.vg/media-centre/final-report-released-financial-services-sector>

¹¹ https://www.bvifsc.vg/sites/default/files/beneficial_ownership_secure_search_system_act.pdf [accessed: 18 February 2025].

laundering directive, regulated entities are obliged to report discrepancies they identify on the register which don't match with their own information.¹² Countries like the UK, with publicly accessible registers, enable members of the public to report inaccuracies they identify – contributing to the accuracy of the register.

Changes to the BVI's beneficial ownership definition, introduced in 2024, are welcomed, but for the register to contain accurate and reliable information, the BVI should:

- **improve the oversight of those forming companies and collecting beneficial ownership information** by fining those repeatedly submitting false or inaccurate data
- **build greater capacity within the registrar to correct inaccuracies on the register** by increasing staff numbers and improving IT systems
- **introduce discrepancy reporting requirements for regulated entities** using the data to identify inaccuracies
- **enable those with legitimate interest access to the register to report inaccuracies** to further improve the data's quality.

RECOMMENDATIONS FOR A LEGITIMATE INTEREST REGIME WITH MAXIMUM ACCESS AND TRANSPARENCY

1. Future proof the register

1.1. Grant access to all beneficial ownership data rather than a subset of information

The 2024 BVI Business Companies (Amendment) Act provides a broad definition of beneficial ownership to include individuals holding 10% or more of a company's shares, parties to a trust, and those exerting indirect influence over a company. However, this information will not be publicly accessible.¹³

Instead, only individuals who can demonstrate a legitimate interest in accessing beneficial ownership data will be permitted to view a limited subset of information—specifically, the names of those holding 25 per cent or more of shares or voting rights.¹⁴ As a result, journalists, businesses, and NGOs will remain unable to identify the ultimate owners of companies, who often conceal their interests through complex structures, such as trusts or nominee arrangements that allow them to exert significant control indirectly. In addition, the definition specifies it can include anyone who “exercises control over company management”. This is narrower than the PSC definition, which is about exercising control over the company [see table below for the comparison between different beneficial ownership regimes].

¹² <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32024L1640> see article 10, section 7(b). [Accessed 25 February 2025].

¹³ <https://eservices.gov.vg/gazette/sites/eservices.gov.vg.gazette/files/newattachments/Act%20No%2015%20of%202024-BVI%20Business%20Companies%20%28Amendment%29%20Act%2C%202024.pdf>, see section 2 amended. [Accessed: 19 February 2025].

¹⁴ <https://eservices.gov.vg/gazette/sites/eservices.gov.vg.gazette/files/newattachments/Act%20No%2015%20of%202024-BVI%20Business%20Companies%20%28Amendment%29%20Act%2C%202024.pdf>, see section 96(A) inserted [Accessed: 19 February 2024]

The table below shows the discrepancy between the definition of beneficial ownership in BVI law compared to the definition for the purpose of legitimate interest access. The latter is completely out of step with definitions under AMLD6 and in the UK's PSC regime.

In practice, this approach could also make it easy for companies to dodge new transparency requirements and risks undermining the purpose of the register. There is growing evidence that, as corporate transparency increases, those intent on hiding their identity for malign purposes are gravitating towards the use of complex trust structures. The speed at which trusts can secretly shift ownership of companies and their underlying assets is reminiscent of bearer shares. We have found these to be particularly attractive to those seeking to avoid or evade sanctions.¹⁵

For instance, our analysis of data has shown that a quarter of all BVI companies on the UK's register of overseas entities are controlled by trust structures, and that their information would not be accessible to applicants. This includes Wastom Holdings Ltd, who ICIJ found out via leaks was really owned by the sanctioned Russian, Igor Komorov.¹⁶ And this is just a snapshot of what could be missing – there will likely be a transparency black hole for tens of thousands of companies, if not more.

Recognising this threat, both the UK Government¹⁷ and EU¹⁸ have adopted arrangements that would allow those with legitimate interest, to access information about parties to trusts, including the settlors, beneficiaries and trustees operating within their territories. In particular, we note that EU regulations require that:

*“the widest possible range of legal entities and legal arrangements created or set up in the territory of Member States should be covered by beneficial ownership rules. That includes corporate entities, which are characterised by the possibility to hold ownership interest in them, as well as other legal entities and legal arrangements similar to express trusts”.*¹⁹

By allowing journalists, NGOs and businesses to only access a subset of the beneficial ownership information, the BVI will effectively create a two-tier system that would impede global efforts to tackle illicit finance.

¹⁵ Harry Davies, *Leak reveals Roman Abramovich's billion-dollar trusts transferred before Russia sanctions*, The Guardian, (January 2023) <https://www.theguardian.com/world/2023/jan/06/roman-abramovich-trusts-transfer-leak-russia-sanctions>.

¹⁶ Matei Rosca, *UK freezes London property linked to Putin ally after ICIJ report*, ICIJ, (April 2024) <https://www.icij.org/investigations/pandora-papers/uk-freezes-london-property-linked-to-putin-ally-after-icij-report/>

¹⁷ For example: Section 23(2), Economic Crime (Transparency and Enforcement) Act <https://www.legislation.gov.uk/ukpga/2022/10/section/23>; Regulation 45ZB, The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017

<https://www.legislation.gov.uk/ukxi/2017/692/regulation/45ZB>; Consultation <https://www.gov.uk/government/consultations/transparency-of-land-ownership-involving-trusts-consultation> [accessed: 29 October 2024]; Transparency of land ownership involving trusts consultation (December 2023), <https://www.gov.uk/government/consultations/transparency-of-land-ownership-involving-trusts-consultation> [accessed: 29 October 2024]

¹⁸ Article 12(1)(e), Directive (EU) 2024/1640 https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=OJ:L_202401640

¹⁹ Regulation (EU) 2024/1624 of the European Parliament and of the Council of 31 May 2024 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, Preamble (112), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32024R1624>

Beneficial ownership definition in BVI legislation

Companies (excluding listed)	Limited partnerships	Trusts
<p>A natural person who:</p> <ul style="list-style-type: none"> • Owns or controls, directly or indirectly, 10% or more of shares or voting rights • Holds the right, directly or indirectly, to appoint or remove a majority of board directors • Otherwise exercises control over company management 	<p>A natural person who:</p> <ul style="list-style-type: none"> • Is ultimately entitled to or controls, directly or indirectly, 10% or more of partnership capital/profits • Is entitled to or controls, directly or indirectly, 10% or more of partnership voting rights • Otherwise exercises control over partnership management 	<ul style="list-style-type: none"> • The trustee • The settlor or other person by whom the trust was created • The protector (if any) • Beneficiaries or class of beneficiaries with vested interest prior to distribution • Any other natural person exercising ultimate effective control (including through a chain of control)

Beneficial ownership information available to those who can demonstrate legitimate interest

Companies (excluding listed)	Limited partnerships	Trusts
<p>A natural person who:</p> <ul style="list-style-type: none"> • Ultimately owns or controls, whether directly or indirectly, 25% or more of the shares or voting rights in a legal person; • Holds, directly or indirectly, the right to appoint or remove a majority of the directors of the board; • Otherwise exercises control over the management of a legal person 	<p>A natural person who:</p> <ul style="list-style-type: none"> • Is a general partner or limited partner who controls the limited partnership. 	NA

UK PSC register

Companies	Limited partnerships (with separate legal personalities)	Trusts
<p>An individual who meets one of the following conditions:</p> <ul style="list-style-type: none"> • An individual who holds more than 25% of shares in the company/partnership • An individual who holds more than 25% of voting rights in the company /partnership • An individual who holds the right to appoint or remove the majority of the board of directors of the company /partnership • The individual has the right to exercise, or actually exercises, significant influence or control over the company /partnership 		<ul style="list-style-type: none"> • Where a trust or firm would satisfy one of the first four conditions if it were an individual. Any individual holding the right to exercise, or actually exercising, significant influence or control over the activities of that trust or firm.

1.2. Broaden the aims of the register

Although the BVI has rolled back on its previous commitment to implement public registers due to the perceived legal risks, the BVI can learn from others. Lessons from the UK and the

EU show that a well-designed beneficial ownership framework can withstand legal scrutiny while maximising the economic benefits of greater corporate transparency.

When the EU faced legal challenges over their public registers of beneficial ownership, legal analysis commissioned by the UK Anti-Corruption Coalition, as well as analysis by Open Ownership, show that the Court’s decision was in large part the result of loose drafting in the EU’s 5th Anti-Money Laundering Directive.²⁰ Specifically, the directive’s stated purpose—preventing the use of the Union’s financial system for money laundering and terrorist financing—was too narrow relative to the extent of the privacy infringements.

This imbalance led the Court to rule that the disclosure of beneficial ownership data was “unnecessary and disproportionate” to the objectives set out in the directive. The Court found that public registers provided access to information that went beyond what was justified by the directive’s limited scope, which focused exclusively on combating money laundering and its predicate offenses.²¹

In contrast, the UK’s PSC register is framed around much broader policy aims. Its objectives include enhancing corporate transparency, facilitating economic growth and tackling the misuse of companies.²² This broader policy framing has helped the UK register remain compliant with the European Convention on Human Rights (ECHR), which the BVI is also subject to. The UK Government’s review of the PSC register, in light of the CJEU court ruling concluded that the intrusions of privacy rights via the PSC register “were limited and necessary in a democratic society for the prevention and detection of crime and in for the economic well-being of the country.”²³

Indeed, a UK Government report from 2019 found that Companies House data can be valued at up to £3 billion per year.²⁴ Beneficial ownership data accounted for about 4% of the total value of all Companies House data, which translates to approximately £40 million to £120 million of aggregate benefit per year, according to their analysis.²⁵ A separate study also

²⁰ <https://www.openownership.org/en/news/statement-on-court-of-justice-of-the-european-union-cjeu-judgement-on-public-beneficial-ownership-registers-in-the-eu/> [accessed: 7 January 2025]
<https://www.transparency.org/en/news/access-beneficial-ownership-after-cjeu-legitimate-interest-6th-amld#:~:text=5BB%5Doth%20the%20press%20and,accessing%20information%20on%20beneficial%20ownership.&text=Transparency%20International%20believes%20that%20this,reflected%20in%20EU%2Dwide%20rules>. [accessed: 7 January 2025]
<https://eur-lex.europa.eu/eli/dir/2018/843/oj/eng> [Accessed 19 February 2025].

²¹ Tymon Kiepe, *Striking a balance: Towards a more nuanced conversation about access to beneficial ownership information*, Open Ownership (October 2023) <https://www.gov.uk/government/publications/people-of-significant-control-psc-register-review-of-implementation>; Transparency International, *Legitimate interest 2.0: Enabling journalists and activists to follow the money in the European Union*, (August 2023) <https://www.transparency.org/en/news/access-beneficial-ownership-after-cjeu-legitimate-interest-6th-amld#:~:text=5BB%5Doth%20the%20press%20and,accessing%20information%20on%20beneficial%20ownership.&text=Transparency%20International%20believes%20that%20this,reflected%20in%20EU%2Dwide%20rules>.
<https://curia.europa.eu/juris/document/document.jsf?text=&docid=268059&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=7252809> [Accessed 21 February 2025].

²² Department for Business and Trade, *People of Significant Control (PSC) Register: review of implementation*, (August 2019) <https://www.gov.uk/government/publications/people-of-significant-control-psc-register-review-of-implementation#:~:text=The%20objective%20of%20the%20register,register%20in%20promoting%20corporate%20transparency>.

²³ Policy Paper, *Supplementary ECHR memorandum: amendments made to parts 1-3 Economic Crime and Corporate Transparency Bill (BEIS measures)*, (October 2023) <https://www.gov.uk/government/publications/economic-crime-and-corporate-transparency-bill-2022-echr-memoranda/supplementary-echr-memorandum-amendments-made-to-parts-1-3-economic-crime-and-corporate-transparency-bill-beis-measures#:~:text=Impact%20of%20recent%20CJEU%20ruling%20on%20beneficial%20ownership%20registers%20on%20ECHR%20analysis%20of%20the%20Bill>.

²⁴ <https://assets.publishing.service.gov.uk/media/5d8a299aed915d5cff89a4a1/valuing-benefits-companies-house-data-policy-summary.pdf> see p.16, [Accessed 21 February 2025].

²⁵ *Ibid.*

found that that 22% of businesses used the PSC register to obtain information about other companies, and that all financial institutions and law enforcement agencies consulted during the study had used it.²⁶

Meanwhile, the cost of implementation remained low. The government review of the register found that the cost of compliance had median cost of £125 and an ongoing compliance cost of approximately £29. Since BVI businesses already collect this information, making it publicly available should not result in significant additional costs.²⁷

Opacity and secrecy, on the other hand, can create an environment where corruption thrives. Academic research and grey literature have consistently shown the link between corruption and reduced economic growth, low investment, and the erosion of trust in the business environment.²⁸

The 2017 BOSS, which created a requirement for BVI company to collect up-to-date information about their beneficial owners, was developed to give effect to the exchange of notes under the UK's Sanction and Anti-Money Laundering Act (SAMLA).²⁹ In practice, this means that the BVI's register was created for the purposes of preventing and detecting corruption, money laundering, terrorism financing, financing of the proliferation of weapons of mass destruction and other serious and organised crime.

By learning from the experience of the UK and the EU, the BVI government should seek to establish a beneficial ownership register that reflects the broader economic benefits of corporate transparency. Expanding the purpose and scope of its register would not only strengthen its legal standing against the ECHR, but also enhance trust in the business environment, attract legitimate investment, and secure long-term economic benefits.

To future proof its register of beneficial owners, the BVI should:

- **Ensure that those with legitimate interest can access beneficial ownership data in line with the legal definition** – rather than a limited subset – to prevent the legitimate access framework becoming a *de facto* register of opaque trusts and/or nominees. Access should include all relevant parties as defined in legislation, such as parties to trusts and individuals exerting indirect influence over a company.
- **Broaden the policy purpose of the register** beyond anti-money laundering to include broader benefits, such enhancing the trust of global market participants, facilitating economic growth, and combating the misuse of companies.

²⁶ <https://assets.publishing.service.gov.uk/media/5d431904e5274a699238cf8b/review-implementation-psc-register.pdf> [Accessed: 21 February 2025].

²⁷ <https://assets.publishing.service.gov.uk/media/5d431904e5274a699238cf8b/review-implementation-psc-register.pdf> [Accessed: 21 February 2025].

²⁸ https://knowledgehub.transparency.org/assets/uploads/helpdesk/Impact_of_corruption_on_growth_and_inequality_2014.pdf [Accessed 21 February 2025].

²⁹ https://www.bvifsc.vg/sites/default/files/beneficial_ownership_secure_search_system_act.pdf [accessed: 18 February 2025]

2. Define users with a presumed legitimate interest, and their access rights

2.1. Review and broaden scope of eligible categories

In its policy document, the BVI has identified five categories of organisation that may apply for access. This includes financial institutions and other non-financial businesses subject to AML obligations; non-profit organisations subject to AML duties; as well as journalists and civil society organisations.

Whilst some of these categories mimic those proposed in AMLD6, the list of eligible categories is out of step with the EU's approach. The BVI should consider the following changes and additions, in line with AMLD6:

- **Review its definition of journalism:** Both the UK Government³⁰ and EU³¹ recognise the invaluable contributions of civil society organisations and journalists in identifying money laundering, corruption and other crimes. In its proposal, the BVI's definition departs from the EU's by restricting access to those "with work directly aimed at preventing money laundering, terrorist financing or proliferation financing." In contrast, AMLD6 proposes a broader definition, covering media people who are 'connected' with the prevention or combating of money laundering, and also its predicate offences. This means that journalists investigating organised crime such as drug trafficking, human smuggling or other economic crimes would also be eligible in accessing European registers. Given the BVI's role in international corruption and organised crime, a failure to expand the definition of journalism would suggest the BVI is comfortable with protecting those involved in serious criminality.
- **Review its definition of civil society organisations and academic institutions:** Similarly, the definition proposed by the BVI for civil society organisations and academics does not cover those who research or campaign on predicate offences related to money laundering. Obtaining company records could be essential for academic research or campaigning groups looking at environmental violations, human trafficking, or the illegal arms trade – and they would not qualify under this regime. In addition, the BVI's proposal makes a reference to "bona fide research or advocacy" which is subjective and out of step with the EU's AMLD6.
- **Adding entities subject to AML/CFT requirements in third countries:** Financial institutions, legal professionals, and other service providers outside the BVI that are subject to Anti-Money Laundering and Countering the Financing of Terrorism (AML/CFT) requirements should be granted legitimate interest access. These organisations play a vital role in detecting and flagging suspicious activities. Given the international nature of illicit financial flows, allowing these entities to access the BVI register will allow them to conduct faster and more reliable checks. This will be

³⁰ <https://www.gov.uk/government/news/uk-government-to-tackle-global-financial-corruption>

³¹ Paragraph 41, Directive (EU) 2024/1640 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32024L1640>

critical for professional services to perform due diligence and identify PEPs, designated entities, or suspicious activities. The AMLD6 has the additional benefit of enabling them to report any discrepancies, which should help improve the accuracy of the register if applied to the BVI.

- **Adding competent authorities in third countries which need to perform AML/CFT checks:** Due to the inherent cross-border nature of money laundering, law enforcement agencies and other competent authorities in third countries should be included in the list of entities presumed to have legitimate interest. Our research shows that complex ownership structures may pose an obstacle to law enforcement bodies seeking to identify the ultimate beneficial ownership of a company who they suspect of engaging in criminal activities or sanctions evasion.³² This provides an undue burden on foreign law enforcement agencies for which there does not seem to be a clear rationale. For instance, in the UK, this would mean that competent authorities would not have direct access to beneficial ownership data and would instead have to continue relying on bilateral *Exchange of Notes*. This process allows UK authorities to make case-by-case requests for access to beneficial ownership information about BVI companies, with a view to prevent and tackle economic crime.³³
- **Adding authorities in charge of the register/company registration in third countries:** Competent authorities in charge of registers in third countries should have presumed access, in line with the EU AMLD6. Given the complex nature of global corporate ownership, companies registered in the BVI often own or are linked to entities in other jurisdictions, such as the UK. It is vital that third-country corporate registrars, such as the UK's Companies House, can verify beneficial ownership information when onboarding companies. Access to the BVI's register would allow them to triangulate and verify the information provided by UK entities with BVI connections. By allowing these registers access, the BVI would facilitate cross border cooperation, improve the accuracy of register data, and bolster its reputation for corporate transparency.
- **Adding providers of AML/CFT products:** Third party providers of AML/CFT products (such as firms offering screening, due diligence, PEPs and designated lists, etc) should also be presumed to have a legitimate interest. These providers support businesses – such as banks, law firms, estate agents – comply with their AML obligations. These services can offer a bird's eye view of risks, allowing businesses to make informed decisions before engaging with a customer, and allowing them to adopt mitigation measures where necessary. These providers may be especially relevant for smaller businesses who do not have dedicated compliance/AML

³² See <https://www.transparency.org.uk/publications/cost-of-secrecy> [accessed: 20 December 2024]; <https://www.transparency.org.uk/partners-in-crime-UK-LLP-Limited-Liability-Partnership-money-laundering> [accessed: 20 December 2024].

³³ <https://www.gov.uk/government/publications/statutory-review-of-the-exchange-of-notes-arrangements/statutory-review-of-the-implementation-of-the-exchange-of-notes-on-beneficial-ownership-between-the-united-kingdom-crown-dependencies-and-overseas-te> [accessed: 20 December 2024].

departments and purchase these services as a substitute. Foreign governments may also rely on these third-party providers – for instance, the Danish Tax Authorities frequently use intermediaries to cross reference their own data and visualise complex corporate structures.³⁴ Presuming legitimate interest for AML/CFT providers would allow these professionals to offer more accurate risk assessments and promote better compliance with the BVI’s transparency commitments.

- **Adding public authorities in charge of procurement in third countries:** In AMLD6, the EU presumes legitimate interest for public authorities in other member states that are responsible for public procurement in respect to the tenderers and operators being awarded contracts. Doing so would help third country public authorities conduct due diligence on potential suppliers, which would have been particularly helpful for the UK during the COVID-19 pandemic.

Where the BVI chooses not to include specific categories listed in the AMLD6, it should justify why thoroughly. For instance, we can see there is an argument to say that categories (g) and (h) are not relevant to the BVI context, as they refer to EU supranational institutions in charge of investigating fraud, corruption and other crimes, particularly in relation to funds received from the Union. However, this could have been clearer in the consultation document.

For each one of these categories, there should not be a restriction based on the nationality or the location of residence of the person requested as long as the other criteria is fulfilled.

In addition to these categories identified, and in line with AMLD6, anyone else who is able to proactively demonstrate a legitimate interest in preventing or combatting money laundering, its predicate offences or terrorism financing, should be able to do so at any given time on a specific, case-by-case basis.³⁵

2.2. Align the definition of Legitimate Interest Access with the EU

Although the BVI recognises categories of the public who should have legitimate interest, in practice this is highly restrictive, as the eligible categories would need to show they have a “demonstrable, specific and lawful need to access information on the register”. The policy document does not specify how applicants would be required to meet these criteria, suggesting this would be a very subjective assessment. In addition, eligible categories of organisation would only be able to submit legitimate interest requests in a narrow set of arbitrary circumstances, most of which would occur after suspected money laundering has taken place, rather than aiding the prevention of this crime:

- entities subject to AML/ CFT/ CPF obligations in the BVI
- when the applicant is connected with an entity involved in criminal or regulatory proceedings related to financial crime

³⁴ Open Ownership, Use and impact of public beneficial ownership registers: Denmark, December 2023. <https://oo.cdn.ngo/media/documents/oo-impact-story-denmark-2023-12.pdf> [p. 5, Accessed: 27 February 2025].

³⁵ Paragraph 44, Directive (EU) 2024/1640 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32024L1640>

- when the applicant is a party to criminal litigation in the BVI or elsewhere and the court deems it relevant for the proceedings

This secondary set of circumstances under which legitimate interest can be claimed exists neither in the EU and nor the UK. At most, someone in the UK would have to prove they are investigating money laundering, tax evasion, terrorist financing or breaching of sanctions, which is itself an unduly high bar, especially when compared to AMLD6.³⁶ By virtue of playing a role in the prevention and combatting of money laundering, its predicate offences and terrorism financing, groups identified in the EU’s court ruling, as well as AMLD6 should be presumed to have a legitimate interest – without needing to be parties to any specific regulatory or criminal case.³⁷

2.3. Generalised access to the entirety of the register

The EU’s AMLD6 makes clear that certain eligible groups – such as journalists and civil society organisations – should have unrestricted access to beneficial ownership data, without “demonstrating a link with those entities or arrangements”.³⁸

The BVI’s approach fails to follow the EU model. While it technically recognises a few eligible groups, it still requires them to demonstrate legitimate interest on a case-by-case basis and imposes unduly narrow criteria for access. In practice, this means that journalists and civil society organisations would rarely, if ever, be granted access—undermining the very purpose of the register.

This runs counter to the fundamental principles behind AMLD6, as well as the CJEU court ruling, which irrevocably found that “both the press and civil society organisations that are connected with the prevention and combating of money laundering and terrorist financing have a legitimate interest in accessing information on beneficial ownership”.³⁹

³⁶ Regulation 4(3)(f), The Register of Overseas Entities (Protection and Trusts) (Amendment) Regulations 2025
<https://www.legislation.gov.uk/ukdsi/2025/9780348266849/regulation/4>

³⁷ AMLD6

³⁸ Paragraph 41, Directive (EU) 2024/1640 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32024L1640>

³⁹ Article 74 on the Court’s decision:

<https://curia.europa.eu/juris/document/document.jsf?text=&docid=268059&pageIndex=0&doclang=en&mode=lst&dir=&occ=first&part=1&cid=7252809>

To ensure meaningful access to its register, the BVI should:

- **Defining legitimate interest in line with the EU** by removing the narrow sets of conditions under which legitimate interest can be claimed.
- **Presume legitimate interest for a wide range of groups**, and at the very least in line with the applicable categories identified by the EU.
- **Grant generalised access to the entirety of the register** for groups that are presumed to have legitimate interest, without having to demonstrate interest in specific legal entities. Allow for other members of the public to access beneficial ownership information by actively demonstrating legitimate interest in specific legal entities at a given point in time.

3. Streamline access to the register

3.1. Remove undue barriers to entry

The BVI creates barriers to access to the register by requiring the applicant to supply extensive information – some of which may not be known. Under the current proposal, the applicant would need to already know the beneficial owner whose information they're requesting before being granted access to the register. In effect, this would make it virtually impossible to use the register to access new information, rendering it almost entirely useless for investigators.

In contrast the EU's AMLD6 does not require applicants to demonstrate any prior knowledge of the company or its owner.

3.2. Establish clear guidelines on evidence for eligibility

The current policy laid out by the BVI fails to provide clarity on documents required to evidence legitimate interest. We would encourage the BVI to produce and publish guidance on the registrar's website, which should align with any similar documents and templates provided by the European Commission. These should be clear enough to reduce confusion and avoid unnecessary delays, and not too burdensome on applicants. Requiring organisations to supply extensive documentation and information that can be hard to source would deter legitimate users and undermine the impact of the register.

We also warn against having categories of accepted evidence that are too prescriptive. Where possible, the BVI should adapt and review the evidence considered acceptable and leave an option for applicants to submit relevant bodies of work or explain their affiliation to a group through written submissions. This approach is the fairest, as it provides flexibility for diverse groups with informal structures, such as grassroots movements and freelance journalists.

- **Independent persons acting for the purpose of journalism, reporting or any other form of expression in the media:** In considering access to beneficial ownership information to journalists worldwide, the BVI should provide a wide scope. It should ensure that media/press organisations, affiliated and independent journalists, bloggers or any other individuals who enhance/facilitate access to information that is in the public interest are covered, regardless of whether this person has formal press accreditation or affiliation to a media association (especially because, in certain countries, this is not a requirement to work as a journalist).⁴⁰ It may also fail to cover freelance journalists or alternative types of media that don't neatly provide accreditation.⁴¹ The BVI registrar could also provide an *option* to submit published work (for example, articles, reports, multimedia content) or projects where it can be more difficult to justify their affiliation to this category. This approach recognises the realities of freelance and independent journalism around the world.
- **Civil society organisations, including non-governmental organisations and academia, that are connected with the prevention or combatting of money laundering, its predicate offences or terrorist financing:** In considering access to beneficial ownership information to civil society, The BVI should equally provide a wide scope. Defining civil society organisations can be challenging due to some groups being registered as companies (for instance, if they sell goods whilst also being a charity), or having a different status if they are grassroots or activist groups. As such, we would encourage The BVI to adopt a broad definition, covering associations, think tanks, charities, NGOs, activist groups – so long as their work relates to identifying or combatting money laundering and its predicate offences. Again, for organisations that do not have a status that easily identifies them as members of this categories, a free text box could allow them to share their on-going work, projects or publications which would justify their affiliation.

3.3. Establish transparent timelines and appeals processes

We welcome the BVI's clarity when it comes to timeline, with the registrar aiming to issue any decision on a legitimate interest request within 12 working days. We also welcome the fact that any rejection will be justified and can be appealed – and we would recommend that the BVI follow the EU's approach, whereby the registrar should request additional information or documents from the applicant prior to refusing a request for access where the applicant is a journalist, civil society organisation or academic.

⁴⁰ Maria Constanza Castro Orduna and Adriana Fraiha Granjo, Transparency International U4 Anti-Corruption Helpdesk, *The uses and impact of beneficial ownership information*, March 2023. [Policy-position-Access-to-beneficial-ownership-registers-under-EU-AMLD6-May-2023.pdf](#)

⁴¹ Maria Constanza Castro Orduna and Adriana Fraiha Granjo, Transparency International U4 Anti-Corruption Helpdesk, *The uses and impact of beneficial ownership information*, March 2023. [Policy-position-Access-to-beneficial-ownership-registers-under-EU-AMLD6-May-2023.pdf](#)

However, AMLD6 makes clear that applicants who are approved as having legitimate interest should not require to evidence this each time they apply for access, and that they should retain access for a reasonable and clearly defined period – ideally **no less than three years**, in line with the AMLD6.⁴² Once the time lapses, they should also be able to renew via a simplified application.⁴³ This approach would reduce the operating cost for the registrar, but also create more clarity and certainty for users.

3.4. Keep costs reasonable

The EU's AMLD6 clearly states that the fee 'shall be limited to what is strictly necessary to cover the costs of ensuring the quality of the information held in those registers and of making the information available', and that the fees should not 'undermine the effective access to the information held in the central registers.'⁴⁴ The UK experience shows that providing free access to company information can provide substantial financial benefits and can complement paid-for products provided to commercial clients.⁴⁵ We think there is a strong argument to adopt a similar approach to the UK. This would help strike a balance between not imposing undue barriers to those investigating financial crime, while providing a sustainable income stream for the company register.

3.5. Establish mutual recognition

Financial crime knows no borders, and it is not uncommon for kleptocrats and criminals to use multiple jurisdictions to obtain and launder their ill-gotten gains. Recognising this threat, the EU's AMLD6 makes provision to facilitate the mutual recognition of legitimate interest to access beneficial ownership across the different Member States.⁴⁶ This helps avoid a situation whereby someone who proves they have a legitimate interest in one jurisdiction is denied access in another for no good reason, hampering cross-border investigations. By following the EU's approach and recognising the legitimate interest granted by the EU and UK Overseas Territories, the BVI can limit the financial and administrative costs associated with processing a high number of applications while maximising the impact of its register.

To streamline access to the register and create more certainty, the BVI should:

- **Remove unnecessary barriers to entry** by eliminating overly burdensome requirements, such as the need to provide the name of a suspected beneficial owner, which may be unknown to applicants.

⁴² Maria Constanza Castro Orduna and Adriana Fraiha Granjo, Transparency International U4 Anti-Corruption Helpdesk, *The uses and impact of beneficial ownership information*, March 2023. [Policy-position-Access-to-beneficial-ownership-registers-under-EU-AMLD6-May-2023.pdf](https://assets.publishing.service.gov.uk/media/5d8a299aed915d5cff89a4a1/valuing-benefits-companies-house-data-policy-summary.pdf)

⁴³ Official Journal of the European Union, *Directive (EU) 2024/1640 Of The European Parliament And Of The Council*, (May 2024) https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=OJ:L_202401640

⁴⁴ Official Journal of the European Union, *Directive (EU) 2024/1640 Of The European Parliament And Of The Council*, (May 2024) https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=OJ:L_202401640

⁴⁵ Companies House/BEIS, *Valuing the user benefits of Companies House data* (September 2019) <https://assets.publishing.service.gov.uk/media/5d8a299aed915d5cff89a4a1/valuing-benefits-companies-house-data-policy-summary.pdf>

⁴⁶ Official Journal of the European Union, *Directive (EU) 2024/1640 Of The European Parliament And Of The Council*, (May 2024) https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=OJ:L_202401640

- **Provide clear guidance and streamlined processes** by establishing objective criteria and evidence requirements for applicants, while granting access for extended periods (minimum three years) to minimise administrative burden and align with EU standards.
- **Ensure transparency in decision-making** by setting clear timelines for processing applications and providing specific reasons if access is denied. Applicants should have the right to appeal, with a straightforward process for doing so.
- **Offer free access alongside commercial products** to maximise economic benefits. General uses should have free access, complemented by paid-for products tailored for data intermediaries providing services for commercial users.
- **Recognise legitimate interest in the EU and in other Overseas Territories** to facilitate international investigations and reduce unnecessary bureaucracy.

4. Protect those accessing and using beneficial ownership data

Transparency International UK is particularly concerned with the BVI's proposal to notify the beneficial owner when access to their data is requested, and to give them an opportunity to object. This mechanism presents several risks. It would expose journalists or civil society to legal threats aimed at preventing the publication of information in the public domain (also known as strategic lawsuits against public participation, SLAPPs) or for particularly nefarious actors, this could even result in intimidation or threats. For instance, Catherine Belton, who authored the book *Putin's People: How the KGB took back Russia and then took on the West* was sued for libel by Roman Abramovich and the Russian state energy company, Rosneft,⁴⁷ both of whom directly and indirectly make use of companies in the BVI.⁴⁸

Tipping-off beneficial owners about an application for information also significantly increases the threat of physical intimidation and violence against investigators, especially journalists. The assassination of Daphne Caurana Galizia and Ján Kuciak are reminders that those working to expose high-level corruption can become targets for reprisals.

In addition, by alerting beneficial owners, the BVI may inadvertently give nefarious actors the opportunity to liquidate or move illicitly obtained assets to avoid detection. This would clearly undermine the BVI's commitment to fight global money laundering, and runs counter to what the courts found in CJEU ruling:

“As the Commission has rightly pointed out, if the beneficial owner were notified that data concerning him or her had been accessed, and particularly if that notification were automatic, that could deter people from accessing beneficial ownership information and thus compromise the objective of prevention, pursued by means of increased transparency. Indeed, as was asserted at the hearing, it cannot be ruled

⁴⁷ <https://www.indexoncensorship.org/2021/11/lawsuits-against-the-author-and-publisher-of-putins-people-are-slapps/>

⁴⁸ See <https://www.bbc.co.uk/news/articles/cgrnqvgqek4ro> and <https://www.rferl.org/a/investigation-austria-russia-rosneft-corporate-jets/31887548.html>

out that, in some cases, individuals seeking to access beneficial ownership information for the purposes of investigating crime, such as journalists, could become the target of reprisals.”⁴⁹

In response to this concern, the EU’s AMLD6 states that the identify of applicants should be anonymised for persons acting for the purpose of journalism, or civil society organisations. Under GDPR rules, the beneficial owner would only be able to know that “persons acting for the purposes of journalism or civil society organisations have consulted their data,” rather than finding out whom, and for what purposes – as suggested by the BVI.⁵⁰

AMLD6 permits foreign competent authorities and law enforcement agencies investigating a specific company or its owner to request that the beneficial owner is not alerted to their data being accessed, for up to five years.⁵¹ This allows law enforcement agencies to proceed with their investigation without risking asset dissolution or movement before they can freeze, seize or recover illegally obtained assets. We recommend that the BVI extend this provision to all eligible groups that can demonstrate a legitimate interest and demonstrate that such a situation might occur.

The Directive does not allow beneficial owners from objecting to their information being disclosed – apart from exceptional circumstances where the beneficial owner pre-emptively applies to have their identity protected because disclosure of their identity would expose them to “disproportionate risk of fraud, kidnapping, blackmail, extortion, harassment, violence or intimidation, or where the beneficial owner is a minor or otherwise legally incapable.”⁵²

In addition to tipping-off, the current proposal places strict limitations on the usability of the information obtained on the register. It requires applicants to provide a signed statement affirming that the information accessed will be used solely for the stated purpose and specify the information sought and its intended use, explicitly tying it to anti-money laundering concerns and ensuring proportionality.

This is problematic as it would require journalists to essentially draw a link between money laundering and an individual before seeing evidence. This seems to conflict with a key defence in defamation cases—public interest/responsible journalism—which requires journalists to act impartially, avoid assumptions, and not frame an investigation around unverified suspicions. If a journalist enquired about an entity, they would effectively signal to the beneficial owner their suspicions, opening the door to defamation claims, as submitting a request could technically qualify as a publication to a third party. Additionally,

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<https://curia.europa.eu/juris/document/document.jsf?docid=252461&mode=req&pageIndex=1&dir=&occ=first&part=1&text=&doclang=EN&cid=381070> [accessed: 12 February 2025]

⁵⁰ Official Journal of the European Union, *Directive (EU) 2024/1640 Of The European Parliament And Of The Council*, (May 2024) https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=OJ:L_202401640 [see preamble, paragraph 41]

⁵¹ Official Journal of the European Union, *Directive (EU) 2024/1640 Of The European Parliament And Of The Council*, (May 2024) https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=OJ:L_202401640 [see Article 12]

⁵² Official Journal of the European Union, *Directive (EU) 2024/1640 Of The European Parliament And Of The Council*, (May 2024) https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=OJ:L_202401640 [Article 15]

the "proportionality" requirement could be turned against journalists, with beneficial owners arguing that a request lacked sufficient basis.

Access to the register is also subject to overly restrictive confidentiality requirements. Information obtained can only be used exclusively for the purpose outlined in the application, and unauthorised use or dissemination - such as publication - will result in penalties, including fines and potential legal action. These clauses will have a gagging effect and undermine the important role civil society and journalists play in tackling corruption through public interest reporting.

These restrictions go far beyond the EU's AMLD6 and are contrary to BVI's commitments during the 2024 Joint Ministerial Council. In the highly unlikely scenario that a journalist or NGO is able to access information from the BVI register, they will be gagged from publishing these details, undermining the whole purpose of them requesting it in the first place - to alert the public, relevant authorities, and business to potential criminality.

To protect user confidentiality and freedom of expression, the BVI should:

- **Remove tipping off clauses** and guarantee that the identify of those accessing beneficial ownership information remains confidential and is never disclosed to the beneficial owner or any third party. This protects users from potential retribution, legal and physical threats, in line with EU practices.
- **Ensure non-disclosure protections for legitimate interest applicants** by allowing them to request that the beneficial owner is not alerted to their data being accessed for up to five years, depending on the type of applicant, and if they can demonstrate a risk of asset movement or liquidation.
- **Remove gagging clauses to protect freedom of expression.** Access to the register should not restrict organisations from publishing research or investigations based on the data. Terms and conditions should be lightweight and should not include non-disclosure agreements (NDAs) or other limitations on public reporting.

5. Enhance data usability

To be a valuable tool in the fight against money laundering, data on the BVI register should be accessible in a way that is easily usable, downloadable and searchable. The validity of academic research, investigations or policy analysis will depend on the quality and accuracy of the data contained in the register. In particular, the data contained on the register should be up-to-date, ideally live, to enable investigations to be timely and relevant.

By granting access exclusively on a case-by-case basis, the BVI fails to follow standards set out in the EU. In line with AMLD6, the BVI should hold information in an "accessible in a readily usable and machine-readable format" on a centralised register.⁵³

⁵³ Paragraph 23, Directive (EU) 2024/1640 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32024L1640>.

As the BVI seeks to develop the register's interface, it can look at the UK's PSC register which provides a useful model. It allows for bulk downloads of data and offers a user-friendly search interface to find beneficial ownership data. Bulk access was instrumental in previous pieces of research, where Transparency International UK was able to download all the UK Companies House data to identify the systematic and widespread abuse of Scottish⁵⁴ and Limited⁵⁵ Liability Partnerships in high-end money laundering cases. This analysis enabled us to expose key weaknesses in the law, which we were able to share with policy makers, supervisors and law enforcement agencies. This resulted in the introduction of a new law to close some of the loopholes that our investigations identified.⁵⁶

In addition to bulk data, the BVI registrar should provide access to associated documents in a searchable format, such as accounts and annual returns, incorporation documents, charges and capital, as well as appointment of new officers and beneficial owners. This approach is critical, as most investigations require access to beneficial ownership information for multiple interconnected entities and the ability to verify the information through original documents, signatures and stamps.

Finally, the BVI register should keep historical information available for scrutiny, as this can help uncover links that are not immediately evident from current information. Keeping and publishing historical records prevents an entity from obscuring its identity by changing its name, or a beneficial owner to hide by reincorporating. In the AMLD6, the EU requires Member States to ensure access to beneficial ownership data that have been dissolved or ceased to exist in the preceding five years.⁵⁷ In its associated documents, it stated that:

“Money laundering schemes often involve corporate entities, legal entities and legal arrangements which are created for a short period to limit traceability. An immediate deletion of the data would create a loophole whereby criminals would strike off related corporate entities, legal entities or legal arrangements for the purpose of removing any trace of them for competent authorities, obliged entities and persons having a legitimate interest”⁵⁸

In the UK, the registrar retains company information for 20 years after a company is dissolved,⁵⁹ with the UK Government recognising views from across the public, private and third sectors that this information is important for investigations.⁶⁰ Based on our experience, we think the UK's approach of retaining historical records for 20 years is preferable given the length of time it can take to uncover corruption and associated crimes.

⁵⁴ Transparency International UK, *Offshore in the UK*, (June 2017) <https://www.transparency.org.uk/publications/offshore-in-the-uk>

⁵⁵ Transparency International UK, *Partners in Crime*, (October 2022) <https://www.transparency.org.uk/sites/default/files/pdf/publications/Partners%20in%20Crime%20-%20Transparency%20International%20UK.pdf>

⁵⁶ <https://www.legislation.gov.uk/ukxi/2017/694/contents> [accessed: 7 January 2025]

⁵⁷ Paragraph 36, Directive (EU) 2024/1640 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32024L1640>.

⁵⁸ https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CONSIL:ST_9358_2023_INIT

⁵⁹ <https://www.gov.uk/guidance/your-personal-information-on-the-public-record-at-companies-house>

⁶⁰ BEIS, *Corporate transparency and register reform: Government response to the consultation on options to enhance the role of Companies House and increase the transparency of UK corporate entities* (September 202) pp.50-51 <https://assets.publishing.service.gov.uk/media/5f7ed12ad3bf7f019966930f/corporate-transparency-register-reform-government-response.pdf>

We note that in the UK, this data is also passed on to the National Archives after the 20-year retention period, making these records available to the public indefinitely.

To ensure data usability, the BVI should:

- **Ensure that the data contained in its register is accurate and up to date**, ideally live. At a minimum, information should be published within a month and include historical records, ideally covering the past 20 years.
- **Facilitate research and analysis** by allowing bulk data access and providing a user-friendly search interface to assist users in conducting investigations and identifying trends.

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