

Tenant databases

Tenant databases are run by private companies who collect information about tenants and make this information available to landlords and real estate agents. Landlords and agents use tenant databases to assess their 'business risk' by looking at an applicant's rental history when they apply for a rental property.

➔ From 1 September 2011, changes to the *Residential Tenancies Act 1997* limit the use of tenant databases. The changes are outlined in this fact sheet.

When you apply for a rental property

If a landlord or an agent usually uses a tenant database to assess rental applications, they must inform you of this in writing at the time that you apply—whether or not they intend to use it for your application.

This notice must state the name of the database used, and that the database is used for checking an applicant's rental history. The notice must also include the database company's contact details.

If a listing is found, the landlord or agent have 7 days to give you a written notice that states:

- > the name of the database
- > that the database has personal information about you
- > the name of each person who listed the information (if available)
- > how the listing can be removed or corrected

When can a tenant be listed?

Any information listed on a tenant database must be accurate, clear and complete. It must only relate to a specific breach of the tenancy agreement or one of the following breaches of the *Residential Tenancies Act 1997*:

- > malicious damage to the property
- > illegal use of the property
- > sub-letting or assigning the property to another person without the landlord's consent

- > putting the safety of neighbours at risk
- > being more than 14 days behind in rent
- > repeated 'breaches of duty' under the Act

Personal information about a tenant can only be listed when:

- > the tenant has done one of the above; **and**
- > the tenant owes the landlord more money than the bond will cover, or the Victorian Civil and Administrative Tribunal has given the landlord a Possession Order for the property; and
- > the landlord has given the tenant a copy of the information to be listed on a tenant database; and
- > the landlord has given the tenant 14 days to respond (or has taken reasonable steps to contact the tenant) and has considered any response by the tenant

To check a listing

Tenants have the right to check a listing that has been made about them on a tenant database. To check a listing, send a written request to the landlord or the database company. They must provide a copy of the listed information within 14 days of receiving your written request.

The landlord or database company can charge a fee for providing the information but it must not be an excessive amount.

Barclay MIS Risk Management
www.barclaymis.com.au

☎ 1300 883 916

Ntd (National Tenancy Database)
www.ntd.net.au

☎ 1300 563 826

TICA (Tenant Information Centre of Australia)
www.tica.com.au

✉ TICA at PO Box 120 Concord NSW 2137

*TICA has a 1900 number for tenant enquiries that charges \$5.45 per minute (at the time of printing), higher for mobile and pay phones.

continued overleaf...

To change a database listing

If you think that the information listed about you is inaccurate, incomplete, misleading or out of date, inform the landlord or real estate agent in writing. The landlord or agent have 7 days to notify the database company in writing that they must correct or remove the listing.

The database company must correct or remove the listing within 14 days of receiving written notice.

Lifespan of a listing

A listing can stay on a tenancy database for a maximum of 3 years. However it must be removed sooner if it is out of date.

A listing becomes 'out of date' if it was made because of a debt and that debt was paid within 3 months of falling due, or if it was made because of a Possession Order and that order has been revoked (ie overturned) at a review hearing of the Victorian Civil and Administrative Tribunal.

Getting a listing corrected or removed

Tenants can apply to the Victorian Civil and Administrative Tribunal for an order to stop their landlord or a database company from listing them on a database. You can also apply for an order that the landlord or database company correct or remove a listing that is inaccurate, incomplete, unclear, more than 3 years old or out of date.

Tenants can also apply to the Tribunal for an order that a database company remove a listing when the company has failed to act on a request from the landlord to correct or remove information.

For more information see the following Tenants Union of Victoria publications:

- > ***The Victorian Civil and Administrative Tribunal*** fact sheet
- > ***'A Day at the Bench'*** DVD and handbook
- > ***your step-by-step guide to going to the Tribunal***

For more information phone the Tenants Union Advice Line on ☎ (03) 9416 2577.