

Tenant databases

Tenant databases are run by private companies who collect information about tenants and make this information available to real estate agents. Agents use the databases to assess their 'business risk' by looking at a person's rental history.

There are several national databases operating in Australia. These databases are largely unregulated. As a result, tenants can sometimes be 'blacklisted' for trivial matters or for simply exercising their rights against landlords or agents. Once a tenant is listed they can find it difficult to rent a property.

National Tenancy Database (ntd)

National Tenancy Database (ntd), formerly known as Remington White, is the database most likely to affect Victorian tenants. The ntd database is only available to licensed real estate agents (there are currently more than 4,000 members), not private landlords.

There are several categories for the listing of tenants such as:

- > recommended tenants
- > tenants who have vacated without notice
- > tenants with outstanding rent arrears
- > tenants who have unpaid Tribunal orders
- > refer to agent

A common reason for being listed is where a tenant has broken their lease and the lease breaking costs are greater than the bond.

The 'refer to agent' category means there is no particular reason given for the listing, but an agent who is making an enquiry is advised to contact the tenant's previous landlord for information. This may be for the previous landlord to get your new contact details or to pass on unrelated or unfounded information that may prevent you from securing a new tenancy.

➔ If you contact a database company to request a copy of your rental history file, any details you provide them with (eg your new address, driver's license number etc) can be passed on to your previous landlord via their estate agent for debt recovery purposes.

Finding out if you are listed

If you are looking for a property to rent and your tenancy applications are being rejected, it could be because you are listed on a tenant database. Ask your previous estate agent/s if they have listed you on a database and if so, which one and for what reason. You can also check the real estate agent's door to see if they have a sticker saying they subscribe to a tenancy database.

You can contact the database companies and request a copy of your rental history file. You may be charged a fee for this information. Always check first with the individual company whether there are costs involved in getting the information from their database.

ntd (National Tenancy Database) \$15 online or free if you send a written request and wait 10 business days ☎ (03) 8629 1682

Barclay MIS Risk Management
☎ (03) 9848 6158

TICA (Tenant Information Centre of Australia) \$14.30 with a written request or \$5.45 per minute or higher from mobile/ pay phones ☎ 190 222 0346

This information is correct at the time of printing.

Privacy laws

Under the *Privacy Act 1988*, legislation applies to database operators and the estate agents that supply information about tenants. Individuals have the right to know what information an organisation holds about them and have the right to correct that information if it is wrong.

Tenant databases are subject to the 'national privacy principles' in the following ways:

- > tenants have a right to access data held about them
- > any data held must be complete, accurate and up-to-date
- > tenants must give their consent before information can be passed on to third parties for 'secondary purposes'

continued overleaf...

Agents may ask tenants to sign a consent form to release their personal information to third parties (including database companies). Agents may take the view that they don't actually need the consent of tenants to pass their information on to database companies because looking at a tenant's history to assess 'risk' could be seen as a primary, not a secondary purpose.

While you do not have to sign the consent form, a refusal may reduce the chance of your application being successful.

Complaints

You can complain to the Federal Privacy Commissioner for the following reasons:

- > you think that your personal information is being misused
- > you are listed on a tenant database and the details are incorrect
- > you are listed on a tenant database and your listing has been there for more than 4 years or has been re-listed

To make a complaint, phone the Federal Privacy Commissioner on ☎ 1300 363 992.

Removal of listings

In some circumstances, eg where the tenant is not at fault, the Victorian Civil and Administrative Tribunal may order that a listing be removed from a tenant database. This will depend on the facts of each individual case. For more information contact the Tenants Union.

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