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Web Site: www.dcls.org.au

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Postal Address: GPO Box 3180, Darwin NT

Location: 8 Manton Street, Darwin, NT

TENANCY DATABASES

Tenancy databases are electronic databases that contain information about tenants and their tenancy history.

Tenancy databases

Tenancy databases, for example TICA, are also known as blacklists or bad tenant databases. Being listed on a tenancy database can make it very difficult to find rental accommodation.

Landlords, real estate agents, boarding house operators and caravan park managers can pay to access tenancy databases in order to list and find out information about tenants. In this factsheet, a reference to a landlord includes all these housing providers.

When you can be listed

The law that applies to tenancy database operators and landlords does not specify when you can be listed on a tenancy database. The best way to avoid being listed is to comply with your tenancy agreement, but even doing this cannot guarantee that you will not be listed.

Some tenancy application forms and tenancy agreements contain a term that says you agree to have your details listed on a tenancy database. If you sign this, you are giving permission for the landlord to share information about your tenancy with a tenancy database operator. However, if you do not provide your permission, your application to live in the premises may be unsuccessful.

How to find out if you have been listed

If you apply for a rental property but your application is unsuccessful, you can write to the landlord and ask whether they have received a

report about you from a tenancy database operator.

If the landlord has received such a report in the last 6 months, they must tell you and give you the name and address of the tenancy database operator that provided the report.

How to find out details of a listing

If you make a written request to a tenancy database operator, the operator must, without charge:

- tell you all the information it has about you at the time you make the request;
- tell you the name and address of every person they have given information about you to in the 12 months prior to your request; and
- provide a copy of the written information that was provided.

What to do about incomplete or inaccurate listings

If a tenancy database holds or shares information about you that is incomplete or inaccurate, you can write to the tenancy database operator or the landlord who listed you and outline your concerns. They then need to use their best efforts to check the accuracy or completeness of the information.

The tenancy database operator or landlord (whoever you wrote to) must tell you within 30 days if they have made any changes to the information, and if so, what the changes are.



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If the tenancy database operator changes the information, they must give a written copy of the changes to:

- every person they provided the information to in the 60 days before the changes were made; and
- anyone else that you can identify who has received information about you.

If the landlord makes a change, they need to give written details of the change to every person who they have shared the information with in the past. If the tenancy database operator or landlord does not change the information that you believe is incomplete or inaccurate, you can apply to the Local Court.

Other options

You can contact the landlord who listed you and talk to them about what you can do to resolve the issue that resulted in you being listed.

If you were listed for a debt and you start making repayments, you should notify the tenancy database operator or the landlord in writing. You can ask them to change the listing to show you have made a repayment/s. If they do not do this, the information listed may be incomplete or inaccurate. You should consider seeking legal advice before making any repayments.

The Australian Privacy Principles

The Australian Privacy Principles apply to all tenancy database operators. These principles say that:

- an organisation must only collect personal information about you directly from you, unless you have given permission for the information to be collected from someone else.

- an organisation that has collected personal information about you must, if it is reasonable in the circumstances, tell you its name and contact details, why they have collected your personal information and how to locate their privacy policy. Their privacy policy must tell you how you can access and seek the correction of your personal information.
- an organisation must take reasonable steps to ensure the personal information it collects and discloses is accurate, up to date and complete .

If you think the listing of information about your tenancy history on a tenancy database breaches an Australian Privacy Principle, you should follow the steps set out in the tenancy database operators privacy policy.

If this does not resolve this issue, you can make a complaint to the Office of the Australian Information Commissioner within 12 months of finding out about the breach, but ideally as soon as possible. The Office of the Australian Information Commissioner can make the organisation in breach take steps to address the issue, for example amend records and compensate you for any loss.

Useful contacts

Darwin Community Legal Service

Phone: (08) 8982 1111

Freecall: 1800 812 953

Office of the Australian Information Commissioner

Freecall: 1300 363 992