NORTHERN TERRITORY

CONSUMER AFFAIRS

TENANCY DATABASES – FOR LANDLORDS

What is a tenancy database?

A tenancy database (or blacklist as it is more commonly known) is a list used by landlords to record personal information about the rental history of their tenants should they default on their tenancy agreement. There are several national tenancy databases used by landlords when screening potential new tenants for their property. The most commonly used databases are:

Tenancy Information Centre Australasia (TICA)   https://www.tica.com.au/

National Tenancy Database (NTD)   https://www.tenancydatabase.com.au/

Trading Reference Australia (TRA)   https://tradingreference.com/

What is personal information?

Personal information is information or an opinion, whether true or not, about an individual whose identity is apparent, or can be reasonably ascertained (including their name).

What do I have to do before searching a potential tenant's rental history?

If you intend on using a tenancy database to search a potential tenant's history, you are required to notify the potential tenant in writing first. The written notice must contain the name of any tenancy database you intend on using to search for their rental history and how they can contact the tenancy database operator to obtain that same information. This may be as simple as providing the details on the application form.

What if I find a match?

If you find a matching record, you must notify the potential tenant in writing as soon as possible (but within seven days) of the following:

- The personal information that is listed on the database
- The name of the database that produced a match
- The name of the listing Landlord / Agent
- Information as to how and in what circumstances the personal information can be amended or removed.

Web: www.consumeraffairs.nt.gov.au | Email consumer@nt.gov.au | Telephone (08) 8999 1999 or 1800 019 319
Fax: (08) 8935 7738 | SMS: 0401 116 801

DARWIN: 1st Floor, The Met Building, 13 Scaturchio St, Casuarina NT 0810 | PO Box 40946, Casuarina NT 0811
ALICE SPRINGS: Ground floor, Green Well Building, 50 Bath Street, Alice Springs NT 0870 I PO Box 1745, Alice Springs NT 0871

When can I make a listing against a tenant?

A listing can only be made against a tenant if they are named on the tenancy agreement, and there has been a breach of the tenancy agreement that resulted in an amount owing that exceeds the security deposit; or the Northern Territory Civil and Administrative Tribunal (NTCAT) has made an order terminating the tenancy agreement. Only accurate, complete and unambiguous information relating to the nature of the breach may be recorded in the tenancy database.

What notification do I need to provide the tenant if I list them on a tenancy database?

If you list a tenant on a tenancy database, you must first notify them in writing a **minimum of 28 days prior** and provide them with a free copy of the personal information that will be listed. The tenant must be given the opportunity to review the information and make submissions objecting to the entry.

You are not required to notify the tenant of the listing if at the time; the information is publicly available from court or tribunal records or you have been unable to locate them after making reasonable enquiries.

What happens if the tenant objects to a listing or potential listing?

If the tenant disagrees with a potential or actual listing, and after advising of their objection you still intend on listing them, they may apply to the Northern Territory Civil and Administrative Tribunal under Section 134 of the *Residential Tenancies Act*, to request an order be made to prohibit, amend or remove the listing.

How long can I list a tenant for?

Information regarding each particular listing on a tenancy database can only be kept for a maximum of three years. A lesser period may apply if determined by the Australian Privacy Principles as per the *Privacy Act* 1988 (Cth).

What if the information has been recorded incorrectly?

Within **seven days** of becoming aware of a discrepancy, you must notify the database operator in writing to ensure the information is amended, or if out of date; the information is removed. A record of this notification must be kept by you for a minimum of **one year** after it is given. The database operator must amend or remove this inaccurate information within **14 days** after notice is given.

What if the tenant wants a copy of their listing?

The tenant may request in writing that a copy of their personal information be provided by either you or the database operator, however a fee may be charged in relation to releasing that information. The fee must not be excessive and must not apply to lodging the request. If no fee is payable, the personal information must be provided within **14 days** of the written request. If a fee is payable, the personal information must be provided within **14 days** from the date the fee is paid.