TENANCY DATABASES – FOR TENANTS

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).

How do the changes affect me as a potential tenant?

When applying for a rental property, Landlords / Agents will be required to notify you in writing of any tenancy database they use or intend on using to search for your rental history and how you can contact the tenancy database operator to obtain that same information. This may be as simple as providing the details on the application form in which you sign and agree to.

If the Landlord / Agent finds a matching record, they must notify you in writing as soon as possible (but within seven days) of the following:

- Your personal information 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 a listing be made against me?

A listing can only be made by a Landlord / Agent in relation to you as a tenant if you are named on the tenancy agreement, and there has been a breach of the tenancy agreement that resulted in an amount owing by you that exceeds the security deposit; or the Northern Territory Civil and Administrative Tribunal (NTCAT) has made an order terminating the tenancy.

Only accurate, complete and unambiguous information relating to the nature of the breach may be recorded in the tenancy database.

What notification is required in relation to listing me as a tenant?

If the Landlord / Agent intends on listing your information on a tenancy database, they must first notify you in writing a **minimum of 28 days prior** and provide you with a free copy of the personal information for listing in order to allow you to review the information and make submissions objecting to the entry.

The Landlord / Agent is not required to notify you of the listing if at the time the information is publicly available from court or tribunal records or they have been unable to locate you after making reasonable enquiries.

How long does the listing last?

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 I disagree with a listing or potential listing?

If you disagree with a potential or actual listing, you 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 the listing or amend or remove the listing.

What if the information has been recorded incorrectly?

Within **seven days** of becoming aware of a discrepancy, the Landlord / Agent 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 the Landlord / Agent 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.

How can I get a copy of my listing?

You may request in writing that a copy of your personal information be provided by either the Landlord / Agent or 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.