

Tenant databases or “blacklists”

When you apply for a rental property, landlords and real estate agents sometimes use tenant databases to check if you have been “blacklisted” by previous landlords or real estate agents.

What are tenant databases?

Tenant databases are run by private companies who collect information about tenants and make it available to landlords, real estate agents and tenants, usually for a fee.

Why are tenants listed?

You can only be listed on a tenant database if:

- you owe the landlord more money than the bond will cover, or
- VCAT has given the landlord a Possession Order for the property,

because you:

- breached the tenancy agreement; or
- caused malicious damage to the property; or
- used the property for an illegal purpose; or
- sub-let or assigned the property to another person without the landlord’s consent; or
- caused a danger to neighbours or a person in the rooming house or caravan park; or
- were late paying rent by more than 14 days (if you were a tenant) or more than 7 days (if you were a rooming house or caravan park resident); or
- breached a compliance order made by VCAT.

You shouldn’t be listed on a tenant database if your name wasn’t on the tenancy agreement.

You shouldn’t be listed on a tenant database if the tenancy agreement hasn’t ended.

You shouldn’t be listed on a tenant database unless the landlord or agent has:

1. given you a copy of the information to be listed (or taken other reasonable steps to give you the information);
2. given you 14 days to respond; and
3. considered any objections from you.

If there’s a listing about you that doesn’t meet these requirements you can take steps to change or remove the listing.

What landlords have to tell you

...when you apply for a rental property

If a landlord or agent usually uses a tenant database to assess rental applications, they must tell you in writing at the time that you apply, including:

- name of the database
- that the database is used for checking an applicant’s rental history
- database company’s contact details.

...if they find a listing about you

If a landlord or agent finds you are listed on a tenant database, they must tell you in writing within 7 days, including:

- 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

...if they want to “blacklist” you

If a landlord or agent wants to list you on a tenant database, they must:

1. give you a copy of the information to be listed (or take other reasonable steps to give you the information)
2. give you at least 14 days to respond
3. consider any objections or changes from you.

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How long do listings last?

A listing can stay on a tenancy database for a maximum of 3 years, but it must be removed sooner if it is "out-of-date" according to the law.

See *Change or remove a listing*.

Stop a listing

If the landlord or agent has threatened to "blacklist" you but their reasons are not lawful, you can apply to VCAT for an order to stop the landlord or database company from listing you on a database.

Check if you are listed

Things you should know:

- Most tenants are not listed
- Landlords have to tell you if you are listed
- There are a lot of database companies
- You might have to pay a fee
- Database companies want lots of your personal details

Some of these companies are also debt collectors. They may ask for your current address and use this for debt collecting.

How to check: Send a written request to the landlord asking which tenancy databases they use and if there are any listings about you.

Don't contact database companies directly except as a last resort.

National Tenancy Database (ntd)
(a division of Veda Advantage)
ntd.net.au | 1300 563 826

Tenant Information Centre of Australia (TICA)
tica.com.au | tenantblacklist.com.au
1900 number for tenant enquiries (\$5.45 per minute or higher from mobile and pay phones)

Tenant Reference Australia (TRA)
(also Trading Reference Australia)
tradingreference.com | 02 9363 9244

Veda Advantage Ltd
veda.com.au | tenancycheck.com.au
online form for tenant enquiries

DataKatch Pty Ltd
datakatch.com.au | 03 9013 0133

Change or remove a listing

A listing must be removed if it is more than 3 years-old or "out-of-date" (according to the law). A listing must be changed or removed if it is incomplete, unclear or "inaccurate" (according to the law). For tenancy law, "out-of-date" and "inaccurate" have set meanings (see examples below).

If you are listed because you owe the landlord more money than the bond and then:

- you pay the money within 3 months of the due date, the listing becomes "out-of-date" and must be removed.
- you pay the money 3 months or more after the due date, the listing becomes "inaccurate" and must be changed, but it might not be removed completely.
- you pay some of the money, the listing could be incomplete or misleading if it says you owe more.

If you are listed because VCAT has given the landlord a Possession Order and then:

- VCAT cancels the Possession Order at a review hearing, the listing becomes "out-of-date" and must be removed.

Steps to change a listing

If the information listed about you is out-of-date, inaccurate, incomplete or misleading:

1. you should write to the landlord or real estate agent to ask them to correct or remove the listing
2. the landlord or agent must write to the database company within 7 days of receiving your written notice and ask them to correct or remove the listing
3. the database company must make the changes within 14 days of receiving written notice.

If the listing doesn't change

The *Residential Tenancies Act 1997* makes it an offence for a landlord or database company to make a listing in breach of the Act. If you have been unlawfully listed and a landlord or database company is refusing to correct or remove the listing you can:

- apply to VCAT for an order to correct or remove the listing; and,
- report the offence to Consumer Affairs (consumer.vic.gov.au).