

## Tenancy databases

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Tenancy databases are used by agents to screen prospective tenants.

### What is a tenancy database?

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Tenancy databases hold information about tenants. These databases are also referred to as 'blacklists' or 'bad tenant databases'. The databases can only be used by members who pay membership fees.

There are a number of tenancy databases which operate in NSW, including TICA, National Tenancy Database and Trading Reference Australia. These databases are run by private companies, not by the Government or the NSW Civil and Administrative Tribunal.

The *Residential Tenancies Act 2010* sets out who, when, and why a person can be listed.

### Who can be listed?

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You can only be listed on a database if you are named on the lease as a tenant. Approved or unapproved occupants, visitors or children cannot be listed.

### When can you be listed?

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You can only be listed on a database after your tenancy has ended. You cannot be listed on a database if you fall behind with a rent payment, are given a termination notice or are not looking after the property in a satisfactory way.

### Why are you listed?

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You can only be listed on a database for one or both of the following reasons:

- You have vacated owing an amount more than the rental bond for a breach that is still outstanding.
- The Tribunal has made an order terminating the agreement because of something you have done wrong.

Any information recorded on a database will identify the reason for the listing in an accurate, complete and unambiguous way. For example, 'eviction order given on grounds of rent arrears, tenant owes \$500 in rent above the bond'.

## How will I know if I have been listed?

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Landlords or agents must let you know in writing if they want to list you on a tenancy database.

They must give you at least 14 days to object before listing you on the database. You can apply to the Tribunal if you think the proposed listing is incorrect or unjust.

If you apply for a tenancy and the landlord or agent discovers you have been listed on a database, they need to let you know in writing. They should inform you of the contact details of the person who has listed you and how you can go about checking what the listing says. They do not have to advise you of the reason for the listing.

You are entitled to a copy of the information from the person who listed you (free of charge) or direct from the database operator. The database operator can charge you a fee for the information but it must not be excessive. Some database operators also provide information over the phone but be aware that high charges may apply.

## Removal of out-of-date, incorrect or unjust listings

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Any listing that is older than three years must be removed from a database. Listings under three years must also be removed if they are 'out-of-date'.

Listings also need to be amended if the information is inaccurate, incomplete or ambiguous.

You can also seek to have your name removed from a tenancy database if you think the listing was unjust. An agent or landlord needs to make the change themselves within seven days or 14 days if they need to notify the database operator.

The laws apply to all listings, including any listings made before the new laws commenced.

## Disputes in the Tribunal

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You can apply to the Tribunal to have incorrect, out-of-date or unjust listings removed if you cannot resolve the matter with the agent or landlord.

The Tribunal can order information about you in the database to be wholly or partly removed, changed, or not listed at all if it was a proposed listing. The Tribunal also has the ability to award compensation to you if you have suffered a loss as a result of inaccurate, ambiguous or out-of-date information being listed on a tenancy database.

[Prev](#) Discrimination when renting

[Next](#) Completing a tenancy agreement