

How the data protection act 1998 affects landlords

Assuming you've taken references and asked your tenant to complete a suitable amount of paperwork, you (and/or your letting agent) will hold personal information about them. The Data Protection Act 1998 has strict rules about the personal information that you and your letting agent can disclose.

Before disclosing any personal information about your tenants, ask yourself:

- Who has requested the information?
- Why has the information been requested?
- Is the information personal?
- Is disclosure really necessary?
- Do you have a legal obligation to disclose the personal information?
- Have you informed your tenants that you might disclose personal information about them and the circumstances in which you would do so?
- If a third party is affected by a disclosure (such as a referee), have they been informed that the information they provided might be shared?

What you CAN do

As a landlord, you can disclose information about your tenants in certain situations. It's good practice to inform your tenants at the start of their tenancy of the circumstances in which you would disclose their personal information.

A landlord can:

- Give the names of new tenants to utility companies
- Give the forwarding addresses of former tenants to utility companies when they have unpaid utility bills or when their accounts are in credit



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- Disclose tenants' personal information when there is a legal duty to do so
- Ask a letting agent for the tenant's references
- Disclose information to a tracing agent or debt collection company when a tenant has left without paying their rent
- Inform tenants when another tenant has failed to pay their rent if that non-payment directly affects those tenants
- Give a tenant's personal information in an emergency, such as contact details to a tradesman who needs to carry out urgent repairs

What you CAN'T do

A landlord can't:

- Display a list of tenants who are in rental arrears
- Disclose tenants' personal information generally

For further information about your responsibilities under the Data Protection Act 1998, visit the Information Commissioner's Office at www.ico.gov.uk



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