



Data Protection Good Practice Note

Disclosing information about tenants

This good practice note answers some frequently asked questions from landlords about how the Data Protection Act 1998 applies to them, the information they hold about their tenants and information held on their behalf by a letting agent.

A landlord's legal obligations to disclose information

The Data Protection Act 1998 will not prevent a landlord from releasing personal information where they have a legal obligation to do so. For example, under the Landlord and Tenant Acts landlords may have to provide an unedited copy of the service charge account to a tenant if he or she asks for it. If so, the landlord will have to comply with the request even if it means revealing information about other tenants.

Can a landlord pass the names of new tenants to the utility companies?

Yes. A landlord has a legitimate interest in making sure that utility charges are directed to those responsible. However, landlords should tell individuals when they first agree to the tenancy that their details will be passed on.

Can landlords see references which were provided to the letting agents?

The agent can pass this information to the landlord, as long as, when the reference is asked for, they make clear to the tenant and the referee that this will happen.

Can landlords put up a list of tenants who are in arrears?

No. Information about an individual's debts should only be given out in limited circumstances. It is only justifiable to tell tenants if someone has not paid their rent if this has a direct effect on them, for example, if they become legally responsible to help meet any shortfall in shared maintenance charges.

Can landlords disclose details of a tenant who left without paying the rent?

Where a tenant leaves without paying the rent, and without making any arrangement to pay, landlords may provide their details to a tracing agent or debt collection company to help them recover money owed to them. However, it would be good practice to make tenants aware when they sign the tenancy agreement that in such circumstances this will happen. This may also help tenants think twice about not paying rent.

Can a landlord pass forwarding addresses of former tenants to the utility companies?

Yes. Sometimes a landlord will become aware that a tenant has moved leaving behind an unpaid utility bill or an account in credit. In addition a utility provider may need to contact a former tenant regarding continuing social support. In these

circumstances landlords can pass a forwarding address (where known) to the utility companies as the Act is not intended to be an obstacle to disclosure in these situations. However, landlords must make tenants aware of these possible disclosures at the start of the tenancy.

Giving out information

In general, landlords should make clear to tenants when they sign the tenancy when and how their information will be given out. However, if an emergency repair needs to be carried out, it would not breach the Act to go ahead and provide tenants' contact details to the repairers. On the other hand, if a domestic contractor is looking for work the tenants should be left to contact the contractor rather than the landlord giving out the tenants' details without their knowledge or agreement.

Good practice checklist

Before you give out information, consider the following points to help make sure you are giving out the information fairly.

- Whether the information you want to give out is personal information
- Whether you have told the tenants that you may give out this information, and in what circumstances
- Who you are giving the information to and why they want it
- Any legal obligation to give out the information
- Whether it is really necessary to give out the information

More information

If you need any more information about this or any other aspect of data protection, please contact us.

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E-mail: please use the online enquiry form on our website

Website: www.ico.gov.uk