

Privacy Act 2020: Tenant Fact Sheet

What information can I be asked for...

Remember, the test is always: **does the landlord need the information for a lawful purpose connected with renting a property or managing your tenancy?**

...when viewing or booking to view a property for rent?

- Name and contact information only

This is so the landlord can contact you after the viewing.

They may give you the option of completing a full application, but you shouldn't be required to do so.

...when applying for a rental property?

- Name and contact information
- Proof of identity
- Whether you are aged 18 years or older
- Number of people who would live at the property
- Names of occupants who will not be on the tenancy agreement (e.g. flatmates, dependents), but **not** other personal details about non-tenants
- Contact details for landlord and non-landlord references
- Consent to contact referees (landlords can contact referees at this stage)
- Consent for a credit report and criminal record check (to be obtained only if the landlord is in negotiation with you about an offer of tenancy)
- Pet ownership (only if there are restrictions on pets allowed at the property)
- Whether any occupants are smokers (only if there are restrictions on smoking at the property)
- Whether you have a legal right to remain in New Zealand for the duration of a tenancy (only if the tenancy is for a fixed term)

This is so the landlord can decide whether you are likely to be a suitable tenant before they choose a preferred applicant.

...if I am a preferred applicant?

- Any additional information needed to carry out credit or criminal record checks (e.g. date of birth or copies of ID documents)
- Evidence of ability to pay the rent – in addition to a credit report, landlords can ask for one other form of evidence (e.g. payslip, letter from employer, letter from Work and Income, evidence of rental payments in previous tenancy).
- Landlords must not ask for evidence of your spending habits, such as detailed bank statements.

This is so the landlord can carry out checks to confirm your suitability as a tenant, including your ability to pay the rent.

...for my new tenancy agreement?

- Vehicle information (if needed to provide for parking on the property)
- Address for service (where the landlord can send you correspondence)
- Contact details for someone the landlord can contact in an emergency
- Your Work and Income client number, if the rent is being paid using an accommodation supplement and if the landlord can show that collecting the client number is necessary for managing the tenancy

This is so the landlord can obtain any additional information needed to manage the tenancy.

...during my tenancy?

A range of personal information can be collected during the tenancy – for example, photos and notes collected as part of flat inspections. Photos taken as part of flat inspections should provide no more information than necessary to document how well you are looking after the property. They must not intrude unreasonably into your personal affairs; for example, photos shouldn't focus on personal items.

This is so that you and your landlord can enforce your rights and meet your obligations under the Residential Tenancies Act.

What information do I not have to provide?

When selecting tenants, a landlord should never ask for:

- information protected under the Human Rights Act, including your:
 - sex (including pregnancy and childbirth)
 - relationship or family status
 - political opinion or religious or ethical belief
 - colour, race, or ethnicity (including nationality or citizenship)
 - physical or mental disability or illness
 - age (other than whether you are over 18)
 - employment status (being unemployed, on a benefit, or on ACC)
 - sexual orientation or gender identity
- whether you have experienced or are experiencing family violence
- how you spend your income (for example, you shouldn't be asked to provide a full bank statement showing individual transactions)
- your employment history
- your social media URLs

Once the tenancy starts, there may occasionally be reasons for the landlord to collect information about some of these matters. For example, there could be a good reason to collect information about a characteristic such as disability, if it's relevant to how the landlord manages the tenancy or communicates with you.

There may also be exceptional circumstances in which it could be OK to collect information about how you spend your money – for example, if you are seeking to negotiate a rent reduction or repayment plan.

For more information, see detailed guidance on our website [here](#).