

RENTAL SECTOR COMPLIANCE STRATEGY OBJECTIVES:

Landlords, property managers, third-party service providers, and tenants understand their rights and responsibilities under the Privacy Act 2020 and act in accordance with them.

Tenants have confidence that their personal information is collected, protected, used, disclosed, and disposed of appropriately across the residential tenancy market.

	Landlords/Property Managers and Third Party Service Providers	Tenants
Impacts sought	<ul style="list-style-type: none"> • Understand and act in accordance with their rights and responsibilities under the Privacy Act • Only collect information that is needed, when it is needed, and from the right person/source to ensure accuracy • Ensure tenants are fully informed about why their information is being collected and what will happen to it • Ensure information provided by tenants is kept secure and protected, and only disclosed with the tenant's authorisation. • Ensure tenants can access their information to check accuracy and that inaccurate information is corrected • Ensure information is held for the minimum time needed and is disposed of securely • Put in place internal processes for dealing with privacy breaches 	<ul style="list-style-type: none"> • Understand and exercise their rights and responsibilities under the Privacy Act 2020 • Have confidence in the way their personal information has been collected, used, stored, and disclosed by their landlord, property manager or associated third party
Monitoring Approach	<ul style="list-style-type: none"> • Six monthly review of application forms, tenancy contract forms, and privacy policies. • First review carried out three months after publication of guidance to establish benchmark. • Review designed to capture major sector players as well as a random sample of smaller landlords/property managers with each review • Annual Rental Sector Privacy Survey (first survey sets benchmark, targets for improvement set for future years) • Investigation of complaints • Independent mystery shopping • Request and review assurance documents 	<ul style="list-style-type: none"> • Annual Rental Sector Privacy Survey (includes tenants and tenant advocacy groups)

	Landlords/Property Managers and Third Party Service Providers	Tenants
Proactive indicators	<p><i>Review of key documentation</i></p> <ul style="list-style-type: none"> • % tenancy application forms reviewed compliant with Privacy Act • % of tenancy contract forms reviewed compliant with Privacy Act • % privacy policies/statements reviewed compliant with Privacy Act <p><i>Mystery Shopping</i></p> <ul style="list-style-type: none"> • % compliant with Privacy Act <p><i>Rental Sector Privacy Survey</i></p> <ul style="list-style-type: none"> • % who understand key Privacy Act responsibilities and obligations • % relevant personnel passed online education modules • % have had an independent audit of their information security • % who have a disposal schedule for information 	<p><i>Rental Sector Privacy Survey</i></p> <ul style="list-style-type: none"> • % tenants surveyed who understand their rights and obligations under the Privacy Act • % tenants surveyed who express confidence in the way in which their personal information has been collected, used, stored, and disclosed by their landlord, property manager or associated third party provider
Reactive indicators	<ul style="list-style-type: none"> • Number/nature of complaints • data breach notifications • access requests – timeliness and response quality 	<ul style="list-style-type: none"> • Number/nature of complaints • Number/nature of issues reported • access requests - timeliness and response quality
Assistance provided	<ul style="list-style-type: none"> • Guidance material • Privacy education modules • Compliance Advice letters • Celebrate and share best practice • Privacy Trust Mark 	<ul style="list-style-type: none"> • Guidance material • Access to Enquiries line • Q and A on OPC website
Stakeholders & Partners include	<ul style="list-style-type: none"> • Landlord and Property Management Associations • Tenancy Services, Housing and Urban Development (HUD) • Commerce Commission (Fair Trading and Consumers) • Consumer New Zealand 	<ul style="list-style-type: none"> • Tenant Advocates (e.g. Renters United, Community Law, Citizens Advice Bureau) • Tenancy Services, HUD • Commerce Commission (Consumers) • Consumer New Zealand
Enforcement Approaches	<ul style="list-style-type: none"> • Warning letters • Access Directions – direction to release information to requestor • Compliance notices – direction to start or stop doing something • Referral to Director of Human Rights Proceedings • Public Interest Inquiry • Public statements (including publicly naming agency) 	