Tenant information

Keeping personal details secure

When you apply for a rental premises in South Australia you will be asked to provide personal details to complete your application.

This information is protected by law against misuse, interference, loss, unauthorised access, modification or disclosure. Some information you can't be asked for, as detailed below.

Disposal of personal details

Tenant information must be destroyed within legislated timeframes:

- if the application is successful: 3 years after the end of the tenancy
- for unsuccessful applicants, 30 days after the tenancy is let – or if the applicant agrees, 6 months after providing the information. (This could be to assist with future applications.)

A 12-month transitional period for the above ended 1 September 2024.

Disclosure of personal details

A person who holds tenant information or prospective tenant information must not disclose the information except:

- with the consent of the person whose information it is
- as required or authorised by law, or a residential tenancy agreement to which the person who provided the information is a party
- in accordance with an order of a court or tribunal.

If tenant information that relates to you has been dealt with in a way that breaches the requirements, you may make an application to SACAT seeking compliance.

Government of South Australia
Consumer and Business Services

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Misleading information

Residential tenancy laws also prohibit any exchange of falsified information or documents between landlords/agents, tenants and those applying for a tenancy.

Inappropriate information requests

Landlords/agents cannot request certain information from prospective tenants or another person.

This includes:

- whether or not you have previously taken or responded to legal action or had a residential tenancy dispute with a landlord/agent
- whether you have been given a notice of termination under section 80 of the Act for breach of agreement (such as non-payments, property damage) unless the tenancy was ultimately terminated
- whether your bond may be paid wholly or partly through a program for housing assistance (such as SA Housing Authority bond guarantee)
- your bond history and whether a claim has been made on a previous bond
- whether you have had a tenancy with the SA Housing Authority (or a subsidiary)
- your bank or financial statements, without the outgoing transactions or bank account number redacted or omitted
- your financial information including your expenditure records, financial practices (unless it relates to your financial capacity) and any discharge from bankruptcy
- information relating to your employment (other than a payslip or document confirming your employment)
- information that may give rise to discrimination under the *Equal Opportunity Act 1984*
- your medical records
- information relating to you on a social media service
- your vehicle registration number
- your pets microchip number
- your level of education
- your reason for moving into the premises you're applying for.

A grace period for landlord/agent compliance with these requirements ended 2 August 2024.

More information

For further details:

- see rights and obligations in the Tenant Information Guide www.cbs.sa.gov.au/tenantinfoguide
- visit www.sa.gov.au/renting or contact Consumer and Business Services on 131 882 or www.cbs.sa.gov.au.

The information provided in this fact sheet is of a general nature only and should not be regarded as a substitute for legal advice and/or reference to the appropriate residential tenancies legislation.