

8 February, 2017

Residential Tenancies Act Review
Consumer Affairs Victoria
GPO Box 123
Melbourne VIC 3001

Dear Consumer Affairs Victoria,

Submission: Fairer Safer Housing Options Paper

Thank you for inviting my office to make a submission to the Fairer Safer Housing Options Paper as part of the 'Heading for Home' review of the *Residential Tenancies Act 1997* (RTA).

The Office of the Commissioner for Privacy and Data Protection (CPDP) administers the *Privacy and Data Protection Act 2014* (PDPA), which is designed to protect all information held by the Victorian public sector, including individual's personal information. While this review falls outside the jurisdiction of the PDPA, I welcome the opportunity to provide comment on this important issue with regard to the information privacy of Victorians and all Australians.

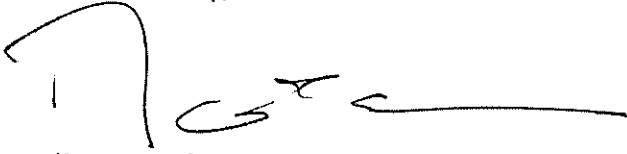
I am pleased that the options paper regards privacy as an essential element alongside choice, security of tenure, fair practices and non-discrimination. In particular, the inclusion of option 4.3 to prohibit a landlord or agent from using information in a tenancy application for another purpose is an important step. As the *Privacy Act 1988* does not apply to businesses with an annual turnover of less than \$3 million, it is important that private landlords and smaller agencies are required to adhere to good privacy practices.

Consultation Question 15: Is the scope of the protection proposed in option 4.3 sufficient to address concerns around misuse of applicants' personal information and, if not, what other measures are required?

Option 4.3 is underpinned by the 'purpose limitation' principle – a central pillar of privacy law holding that personal information collected for one purpose should not subsequently be used for a secondary purpose. While I support option 4.3, I would recommend that the review could benefit from going further to require landlords and smaller agents not covered by the *Privacy Act 1988* to adhere to the remaining Australian Privacy Principles (APPs). This would extend the protection of personal information to the *entire* information lifecycle, not just on use and disclosure of personal information in the specific instance of tenancy applications.

Once again, thank you for the opportunity to make a submission to this review.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'D. Watts', with a long horizontal stroke extending to the right.

Adjunct Professor David Watts

Commissioner for Privacy and Data Protection