



Policy Fact Sheet: Access to Tenancy Deposit Data

This fact sheet is designed to give Members of Parliament further information about the aims of the Housing and Planning Bill, and how ministers intend each individual policy to work in practice. If you have any questions you would like to ask, please email

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What is the Bill hoping to achieve?

Local Housing authorities have a duty to review housing conditions in their districts and to identify any action which needs to be taken to improve the quality of accommodation in their area. They also have functions in assessing housing conditions and enforcing housing standards. However, they frequently have a very limited picture of the size and scale of the private rented sector in their area. This can make it difficult for them to identify rented housing and ensure that it meets basic standards.

Data provided by tenancy Deposit Protection (TDP) schemes will help authorities to more easily identify privately rented housing, so cutting the costs of enforcement and reducing the need to operate borough-wide licensing schemes that impact on good landlords. The data will assist authorities to identify and target the small minority of rogue landlords who knowingly rent out unsafe and substandard accommodation.

Further detail on the types of information which local housing authorities will have access to will be set out in the contractual arrangements between the Department and the operators of the TDP schemes.

The Government is not requiring Local Housing Authorities to access the data provided. It will be up to individual authorities to decide whether to use the information or not. Authorities will be able to combine the TDP data with existing datasets (such as council tax data and housing benefit data) to identify properties that are not on the TDP list, and hence those likely to be of interest as potentially belonging to 'rogue' landlords.

This approach builds on what is already happening in Scotland and Northern Ireland, where legislation is in place to allow local authorities to access data about landlords in their area.

Why is legislation needed, and how can Members influence the details?

Primary legislation is needed to explicitly provide a power to share the data because reliance on common law powers would be risky. There is already a power at section 237 of the Housing Act 2004 which provides an explicit power to share data in a similar way to that currently proposed. The fact that there is an explicit power to allow data sharing at section 237 could cast doubt to a reliance on common law powers for other data sharing and raises the question as to why an explicit power is set out in one area and not in another.

Section 237 of the Housing Act 2004 sets out how local authorities can use certain data that they hold for housing purposes. The Bill amends this provision to provide



that this data can now be matched with that shared under the proposed clause. The matching of these data sets would not be lawful without the amendment.

Further detail on the types of TDP information which local housing authorities will have access to will be set out in the contractual arrangements between the Department and TDP schemes. The purposes for which the data may be used by a local authority can be amended by secondary legislation using the affirmative procedure.

How do we see this working in practice?

Local authorities would be able to request data from the operators of the three Tenancy Deposit Protection schemes, specifically limited to their local authority area. The operators of the schemes will be able to charge a fee to cover their costs.

This data will allow Local authorities to map which properties are rented in their area, to assist in developing their enforcement strategies. By matching this data with other datasets, authorities will be able to identify potential rogue landlords who have not registered their tenants.

Some key facts, initial reactions, and answers to questions you may find helpful.

The department published a technical discussion document in August to engage informally with key partners on the measures we taking to tackle rogue landlords and to improve the Private Rented Sector.

615 responses were received from a range of organisations and individuals, including local authorities, housing charities, landlord associations, and tenant groups as well as individual landlords and tenants. Over 80% supported the sharing of Tenancy Deposit Protection data with local authorities.

How will the Government ensure that access to this data is not abused?

The clause restricts the manner in which the data may be used to the purposes set out in Parts 1-4 of the Housing Act 2004 and the purpose of investigating whether an offence has been committed under any of those Parts in relation to the premises. It would be unlawful for a Local Authority (or a body assisting a local authority) to use the data in any way other than in the discharging of these narrow functions.

In addition to this safeguard all those processing this data must do so in accordance with the Data Protection Act 1998. Taken together the Government is satisfied that these provide adequate safeguards to ensure that the data is processed in a manner that would not abuse data subjects' rights.