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Implications of tenant data collection in housing: protecting Australian renters

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AHURI

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AHURI's vision is to achieve better outcomes for housing and communities through credible and independent evidence. Our mission is to work collaboratively to inform and impact better policy and practice in housing, homelessness and urban issues.

Using high-quality independent evidence and through active, managed engagement, AHURI works to inform the policies and practices of governments and the housing and urban development industries, and stimulate debate in the broader Australian community.

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Acronyms and abbreviations used in this report

ADM	automated decision-making
AHURI	Australian Housing and Urban Research Institute
AI	artificial intelligence
APPs	Australian Privacy Principles
CCPA	California Consumer Privacy Act 2018
EU	European Union
GDPR	General Data Protection Regulation (EU 2016)
HDB	Housing and Development Board (Singapore)
HUD	Department of Housing and Urban Development (US)
IoT	Internet of Things
NPPs	National Privacy Principles
NSW	New South Wales
NT	Northern Territory
PDPA	Personal Data Protection Act (Singapore 2012)
PRS	Private Rental Sector
QLD	Queensland
RT Act	Residential Tenancies Act
RTD	Residential tenancy database
SA	South Australia
SRS	Social Rental Sector
TAS	Tasmania
VCDPA	Virginia Consumer Data Protection Act (Virginia, US 2024)
VIC	Victoria
WA	Western Australia

Glossary

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Executive summary

Key points

- Property technology (PropTech) is increasingly used across the private and social rental sectors to process and assess tenancy applications.
- Online property advertisements and application portals are some of the basic forms of PropTech used by applicants for housing.
- Other forms of PropTech are used by real estate agents and property managers. This includes residential tenancy databases, artificial intelligence, and automated decision-making, which are widely used in screening applicants. Tenants may be unaware of this.
- PropTech platforms gather information about tenant identities, incomes and housing needs across the private and social rental sectors. More data is collected on social housing tenants than private renters; this continues throughout their tenancies.
- The data collected in both sectors has raised concerns, particularly among regulators and advocates, about data security, privacy, discrimination and over-collection.
- Industry commentators emphasise the ability of PropTech and data analytics to provide tenants and property managers with better services and experiences. These tools could help to address bias and discrimination in tenant selection, but would need to be designed, tested and used with these goals in mind.

- **Human oversight remains important. While PropTech platforms can summarise applications, detect missing data and assist with shortlisting applicants, decisions on recommending applicants for tenancies ultimately stay with the property manager.**
- **PropTech platforms can also be used to prioritise different sector-relevant characteristics. In the social housing sector, for example, PropTech can be used to identify and prioritise applicants with higher housing needs.**
- **The stakeholders we interviewed for this project were aware of issues with data collection, privacy and security. The consensus was that personal information should not be kept for extended periods; in some cases, stakeholders deliberately minimise the data recorded at the application stage.**
- **International regulatory frameworks highlight the importance of having specific guidance on how data and privacy regulations apply to housing.**
- **Existing regulatory frameworks that provide protection for renters are not always fit for the digital age, and wider regulatory frameworks for privacy and data usage are not easily applied to the rental sector. Regulatory reforms and the development of tailored industry guidance would help to bridge these gaps.**
- **Technological and regulatory landscapes are rapidly evolving. All stakeholders—regulators, industry professionals and advocates—need to work collaboratively and share information to ensure that regulation is fit for purpose and that innovations maintain and enhance renter protection.**

Approximately one-third of Australian households rent their housing. The majority of them are in the private rental sector (PRS), while the remainder rent in the social housing sector. The rental sector has always relied on intermediaries to manage rental properties and tenants, usually via real estate agencies and property managers. Increasingly, these processes are mediated by digital platforms and applications.

These digital intermediaries form part of the PropTech sector. Digital technologies are used across both the private and social rental sectors to collect personal information about tenants, analyse it and use it to allocate, assist with and manage tenancies. They are primarily platform technologies, such as online application forms or property management platforms, with enhanced analytical capacities.

The collection of increasingly large amounts of data across the rental process has raised concerns among housing advocates and regulators, who worry that this could potentially result in discriminatory outcomes and create data security and privacy risks.

Many participants in the sector also acknowledge the potential for PropTech platforms to have beneficial outcomes for tenants if appropriate regulatory frameworks are in place. Potential benefits include streamlining the application process by allowing tenants to transfer their profiles more easily when applying for more than one property and across different platforms, standardising the data collected, and improved data security and deletion of data in accordance with data privacy and security legislation. The analytical capabilities of PropTech platforms can also be used to prioritise more vulnerable tenants or those with lower incomes who may not be as competitive in the PRS.

While PropTech has been increasingly utilised in the Australian rental sector, stakeholders have a limited understanding of how these technologies are used in practice. There are many unanswered questions about what data is collected, how it is used, and how these technologies are perceived in the real estate sector, as well as by social housing providers, technology developers, housing advocates and regulatory stakeholders.

With a few exceptions, most of the existing research and policy literature addresses international examples of the use of PropTech and its implications, often in housing systems that are different from Australia's rental sector. For example, much international PropTech literature discusses corporate landlords rather than the small-holding household-sector landlords and real estate agents who dominate the Australian PRS.

This project seeks to better understand PropTech use across the Australian rental sector and consider its role and impact in current policy and legislative landscapes. Unlike the United States (US) and Europe, where many rental properties are owned by institutional landlords, Australia's are predominantly owned by individuals (Rogers et al 2024). Though Australia is similar to the United Kingdom (UK) in this regard (Wainwright 2023), it differs by having a significantly lower proportion of social housing (3.8% in Australia compared to 17% in England, 24% in Scotland and Northern Ireland and 16% in Wales) (AHURI 2022). The differences between Australia's rental sector and those of comparable nations heightens the importance of better understanding how PropTech is being applied and regulated.

Key findings

What data is collected?

Tenants applying for a property in the PRS are typically asked to provide personal information that enables landlords or property managers to verify the tenants' identity, assess their ability to maintain rent, and gauge whether they can care for a property.

Although most properties rented in the PRS are managed by real estate agents acting on behalf of landlords, some landlords self-manage properties, and some PropTech companies have specifically designed tools to help landlords manage their own properties. This report mostly refers to 'property managers' or 'real estate agents' as the primary users of PropTech, but it is worth noting that landlords are increasingly utilising these tools to perform functions such as tenant assessments.

The data commonly collected from applicants includes:

- identity documents (e.g. passport, driver's licence)
- details of employment and finances (e.g. payslips and bank statements)
- references from previous landlords and property managers, including checks against tenant databases and blacklists.

While there is general agreement that identity documents and proof of income are necessary for assessing tenants, there is tension about how many pieces of evidence should be provided and what forms of information a manager or agent should request. For example, while there is broad agreement that it is necessary to verify an applicant's identity and employment, there is debate about the sources, type and quantity of information agents can request to provide this verification (Choice 2024: 13).

In the social rental sector (SRS), data is collected during the application phase for two key purposes: first, to establish whether a prospective tenant meets the eligibility criteria for social housing, and secondly, to determine where they should be placed in the waitlist. Across most states and territories, eligibility is determined by an assessment of income, assets, citizenship and residency status.

Information used to establish eligibility in SRS applications involves similar documentation to that collected in the PRS, including identity documents and financial information, but because the SRS prioritises cohorts with greater needs and vulnerabilities, more extensive personal data is collected to aid the process of prioritisation. This may include:

- letters from support providers
- medical assessments, and
- police reports (in cases of domestic violence)

Unlike tenants in the PRS, those in the SRS also have personal data collected throughout the tenancy. The types of data collected include:

- eligibility data and assessments
- rental payment and arrears tracking
- incident tracking
- support needs, and
- wellbeing assessments

For applicants seeking social housing, securing a tenancy can take years, and applicants are required to reconfirm their eligibility every 12 to 24 months. Once an applicant has secured a tenancy, periodic reviews are performed to assess ongoing eligibility for rental subsidies and calibrate the amounts paid. Rental payments are tracked closely to enable early intervention if a tenant fails to pay rent, and information about arrears remains in the system even if tenants are evicted.

In some jurisdictions, this has direct consequences for tenants. In New South Wales (NSW), former tenants must clear their rental debts before they can be allocated another social housing property. In Victoria, while rental debt does not prevent reallocation, the arrears remain on record and tenants are expected to enter a repayment plan if they return to social housing. Information about incidents, support needs and tenants' wellbeing is also periodically recorded.

Fears about the amount of data held were widely raised during our research. Many property managers saw digital platforms as a valuable way to make sure they met their data storage and deletion obligations. There was a distinct trend for property managers to avoid keeping data unnecessarily or accidentally, because they were aware of data security and privacy risks and compliance requirements.

At the same time, some property managers felt that certain data had to be kept in case an insurance claim was made on the property. This indicates that there needs to be greater clarity about the data insurance companies require. It is important to ensure that insurance companies are not incentivising people in the real estate sector to over-collect data or otherwise undermine the goals of privacy legislation.

How does data shape access to rental accommodation?

Once data is collected, how is it used to mediate access to housing? In the PRS, data is used to assign scores to rate tenants and assess the completeness of their applications. This increases the speed and efficiency of tenant selection. Artificial intelligence (AI) is being employed in both these processes. This can be as simple as AI being used to check the completeness of an application and prompt the applicant to upload any missing information; more complex applications may be used to rate a tenant's fit with a property. Nevertheless, human oversight is still key to the process, with the property manager ultimately deciding on the preferred applicants.

In the SRS, data is used to prioritise tenants by automating screening processes that identify the most vulnerable applicants and list them by date of application or position in the queue.

What are the potential risks of data collection?

Data is used to screen and assess tenants across both private and social housing sectors, but the sectors sort applicants according to different characteristics. SRS applicants are assessed to determine their vulnerability, while applicants in the PRS are assessed according to the risks they appear to present (usually determined by assessing income and previous rental history).

Data collection in the PRS involves the following risks:

- data breaches
- bias in tenant assessment and selection
- privacy risks
- increased risks of physical and digital surveillance
- increased power imbalances between platforms and renters (based on information asymmetries between the parties)
- a lack of agency and choice for renters (e.g. an inability to choose the technology they use to submit an application); and
- renters' inability to control their own story or representation of themselves.

Our research suggests that many of these risks are also present in the social housing sector, but there are also differences between the sectors because of variations in the types, volume and sensitivity of data collected. For example, the increased amount of personal data collected on social housing tenants presents greater risks of data insecurity, compromised privacy and intrusive surveillance.

There are also possible risks in minimising data collection. In considering the design of potential reforms, it is important not to restrict tenants' autonomy unintentionally. For example, when tenants voluntarily supply information, it can help them present their situation in a way that a standardised form may not capture. At the same time, it is important to ensure that tenants are not feeling pressured to offer additional personal information that they are not comfortable sharing. Research warns against the use of a limited number of metrics for the assessment of individuals.

What is the regulatory and compliance landscape?

Several regulatory frameworks shape the use of tenants' data, but no legislation specifically addresses the collection, analysis and use of tenant data via digital intermediaries.

- Residential tenancies legislation: This legislation is broadly useful but was not drafted for the digital era. Recent amendments mean that some PropTech providers are covered by residential tenancies legislation in some jurisdictions, but the effectiveness of recent changes remains to be seen. In 2023, National Cabinet agreed on a 'Better Deal for Renters'; this included a commitment to standard tenancy forms, which are expected to limit the types and amount of data that can be requested. The implementation of these reforms, however, has so far been slow and inconsistent.
- Privacy legislation: National privacy legislation is relevant to the sector, but there is a significant gap: the legislation exempts small businesses, which include most real estate agencies. Privacy legislation is also of a general nature, and for the most part is not tailored to the real estate sector. As a result, real estate businesses have considerable discretion in interpreting what constitutes 'reasonably necessary' data collection, which could result in the over-collection of personal information.
- Anti-discrimination legislation: This legislation is important in instances when data relates to protected factors such as race, gender or disability, but the protections provided by anti-discrimination legislation are harder for consumers to access, particularly when there is a lack of transparency about the processing of their data.
- Competition and consumer legislation: This legislation is potentially helpful in countering market orchestration but is currently untested. Manipulation of the rental market could involve the systematic coordination of rents based on existing data. Algorithmic rental price setting is currently the subject of antitrust prosecutions in the US (US Department of Justice 2024).[1]

Our interviews with property managers and PropTech developers showed that they were all aware of the regulatory landscape, particularly in relation to data storage requirements. Property managers who used third-party rental platforms stated that a key benefit of using these intermediaries was that they made it easier to remain data compliant, for example by automatically deleting tenant data after 30 days.

International examples and lessons

A review of the international regulatory landscape highlighted several approaches relevant to governing digital technologies in the PRS. Of particular interest were the European Union's General Data Protection Regulation and its Artificial Intelligence Act, as well as the UK equivalents. In the US, several states have introduced regulations, including the California Consumer Privacy Act (CCPA), the Virginia Consumer Data Protection Act (VCDPA), the Colorado Privacy Act (CPA) and the Colorado Artificial Intelligence Act. Singapore has also adopted a Personal Data Protection Act (PDPA).

Insights from this legislation can be used to inform approaches attuned to the current Australian rental landscape. This includes the need for specific guidance on how these measures apply to housing. In cases where housing is classified as an 'essential service', data collection and the use of AI are subject to the highest scrutiny. Importantly, relevant laws must be supported by effective monitoring and enforcement that takes into account tenants' reluctance to raise issues for fear of retaliation.

1 These prosecutions remain ongoing at time of writing (October 2025).

Policy development options

Based on insights from stakeholder interviews and our review of legislation, we provide the following options for policy development.

Legislation and regulatory frameworks

Option 1: Reform privacy and data legislation and regulatory frameworks to address the realities of the digitally mediated rental sector.

Existing legislation and regulatory frameworks need to accommodate the context of a digitally mediated rental sector by:

- developing specific guidance on how whole-of-economy data and privacy regulations apply to the rental sector (e.g. defining what constitutes reasonable data collection in the context of a rental application);
- extending the Privacy Act to cover small businesses, noting that many real estate agencies fall into this category;
- placing tighter regulations on residential tenancy databases (RTDs) such as TICA, the national tenancy information database, to prevent them from extending their services into intrusive tracking of renters' activities.

Option 2: Reform residential tenancies legislation.

Residential tenancies legislation needs reform to recognise how digital intermediaries are reshaping the ways that housing is accessed and experienced. This should include:

- implementing National Cabinet's 'Better Deal for Renters', ensuring that all states and territories standardise rental application forms, impose data retention limits and regulate data collection practices in residential tenancies legislation;
- exploring options in consultation with industry, rental advocates, social housing and renters to provide tenants with opportunities to contextualise their data by setting aside spaces for personal testimony in standardised application forms. These sections of the forms should be designed and tested to ensure that they achieve the intended purpose and do not incentivise the sharing of excess personal information. This information should not be assessed by computers applying set algorithms;
- clarifying how new and existing provisions in Residential Tenancies Acts apply to PropTech platforms and other third-party intermediaries;
- specifying in legislation that tenancy applicants must be offered non-digital pathways to access housing services. This would ensure that both the private and social housing sectors retain accessible offline alternatives to prevent digital exclusion, and require that non-digital applications are given equal weight in decision-making;
- developing frameworks to increase renters' control over technology and data. This would involve exploring mechanisms that would allow renters to access, correct and control how their rental histories and personal data are used. Limited protections of this nature exist in relation to residential tenancy databases, but similar protections must also apply to other PropTech platforms.

Option 3: Regulate algorithmic decision-making

We recommend that the use of algorithms in decisions that affect tenants should be regulated as soon as possible. This might require a temporary ban on the use of automated decision-making (ADM) in tenant assessment until economy-wide regulation is implemented.

At the time of writing (October 2025), the federal government is developing mandatory guardrails for AI in high-risk settings. If enacted, this will be the first mandatory, whole-of-economy AI regulation in Australia. To date, the federal government has largely prioritised voluntary frameworks, including the AI Ethics Principles and the Voluntary AI Safety Standard. Housing—particularly in the private rental sector—should be recognised as a high-risk setting, given the potential for AI to affect access to essential services and exacerbate existing inequalities.

While this federal legislation should apply across sectors, residential tenancies legislation may also need to introduce additional sector-specific restrictions on the use of PropTech tools and algorithmic decision-making, which can entrench discrimination in ways that are difficult to detect and counter. These restrictions should include:

- ensuring that tenant application assessment is captured by relevant federal and state legislation;
- limiting the use of third-party data in tenant application assessment. This requires regulators to ensure intermediary platforms use only information from standardised application forms and are prevented from utilising external data such as tenants' social media contributions or generalised demographic data in algorithmic decision-making;
- restricting the use of algorithmic decision-making in tenant selection. This involves limiting algorithmic systems to filtering based on objective criteria (e.g. income verification) rather than ranking tenants using opaque AI models;
- recognising housing as a special category requiring increased oversight. In particular, if the federal government intends to pursue a risk-based approach to AI regulation, the use of AI and ADM in determining access to housing should be classified as 'high risk', in recognition that housing is an essential service and a basic human right;
- improving data governance in the social and private housing sectors by establishing clear guidelines on data verification and correction processes, ensuring that accurate and up-to-date information is provided in social housing records. Tenants must be able to access a copy of their data easily and request timely correction and removal.

Option 4: Ensure fair competition in rental technology

For both tenants and tech developers, mechanisms should be in place to encourage fair competition in the growing PropTech market. If big players buy up and consolidate PropTech products, the sector risks being controlled by a handful of key firms. Real estate listings are already subject to the duopoly of realestate.com.au and Domain.com.au. Realestate.com.au also acquired 1form after the company developed a flexible online application form for tenants' use. This move suggests that these key PropTech players are seeking to offer other functionalities. PropTech concentration would limit opportunities for diversity in the sector and likely reduce the possibility of positive outcomes for tenants.

Other measures that could promote a more competitive sector include:

- monitoring digital market coordination in rental pricing. This would involve increasing scrutiny of real estate listing platforms and algorithmic pricing models to prevent rent inflation through data-driven market coordination; and
- encouraging competition through data portability. This might involve investigating mechanisms allowing tenants to transfer rental applications between platforms, preventing the dominant players from controlling rental market access.

Option 5: Provide industry guidance and support best practice

Legislative changes should be complemented by tailored industry guidance. For example, different property managers have different ideas about what constitutes 'due diligence' in tenant background checks, particularly in relation to insurance requirements. This can lead to excessive or inconsistent data collection and storage.

It is particularly important to ensure that insurance companies are not incentivising the over-collection of tenant data or encouraging practices that undermine the goals of privacy legislation. It is essential to have clearer communication from the insurance sector about how their expectations conform to privacy and tenancy laws. Governments can play a key role in coordinating best practices and providing guidance and educational materials to support implementation across the industry.

Option 6: Future-proofing and research priorities

Considering the rapidly shifting landscape of the rental PropTech sector and the evolving regulatory context, the role of technology in mediating access to housing will continue to be an evolving site of attention. It is notable that comparatively little research has been conducted on rental PropTech in the social housing sector apart from the contribution made in this report. We therefore suggest that it should be identified as a priority area of research.

Good relationships are vital to good research. It is imperative that researchers develop trusting relationships with regulatory bodies, property managers and the PropTech sector to understand evolving data practices, impacts and responses.

Option 7: Addressing broader systemic issues

It is important to acknowledge that issues such as bias and discrimination have not emerged because of the use of PropTech. Rather, the current challenges are a result of systemic issues in the housing system that may be amplified and made more visible by PropTech. Some of these issues could actually be addressed or minimised through the use of PropTech technologies. In particular, the use of PropTech in the social housing sector presents an important opportunity to leverage technologies to benefit tenants. PropTech can be used to prioritise the most vulnerable tenants. If private PropTech companies are to play a role in reducing broader systemic biases, they must be incentivised to do so, whether through regulation or by other means.

Option 8: Taking cross-sector collaboration seriously

It is important to ensure there is collaboration between regulators, PropTech providers, the real estate industry, government and tenant advocates. We recommend establishing regular forums to understand opportunities and challenges, monitor compliance, discuss emerging risks and keep up to date with evolving industry practices. The building of good relationships across all stakeholders, as identified in option 6 above, is critical here.

There is an added opportunity to develop more progressive rental PropTech collaboration between government, regulators, PropTech providers, the real estate industry and tenant advocates.

The study

This study used a two-phase approach to provide new insights into the practices of PropTech-enabled data collection and use across the Australian rental sector, alongside a review of the regulatory landscape.

Phase 1 focused on the data landscape, aiming to understand the type and scope of technologies, data collection practices and their use in assessing and managing tenancy applications. It addressed two research questions (RQ):

- RQ1: What data is currently collected on tenants in private and social housing, and by what technologies? What are their impacts on renters' privacy and data security, and are there discriminatory effects? What emerging PropTech trends may add to these concerns?
- RQ2: What are the practices and perspectives of key intermediaries for housing access? How are technologies—and the data they collect—being used by agents and housing managers to make decisions?

Phase 2 focused on the regulatory landscape and reviewed the current regulatory and compliance landscape in NSW, Victoria and the federal arena, as well as reviewing international regulatory practices that inform best practice approaches to data management and harm minimisation. It asked the following two questions:

- RQ3: What is the current regulatory and compliance landscape in NSW, Victoria and federally for data governance in housing?
- RQ4: What international regulatory practices can Australia learn from to better manage tenants' data and minimise harm?

1. Digital technologies and rental data collection

- **PropTech applications are increasingly used across the private and social rental sectors to increase efficiency in the processing and assessment of tenancy applications.**
- **There are concerns about data privacy, data security, uneven power relations and the potential for PropTech technologies to facilitate or introduce biases and discrimination.**
- **Policymakers are beginning to respond to these issues by amending residential tenancy legislation in some jurisdictions.**
- **Existing research shows how rental PropTech mediates access to housing by screening and sorting tenants, exacerbating the privacy and security risks of data collection.**
- **Research also points to positive outcomes when PropTech is used to improve aspects of the property search and application experience.**
- **Most existing research into PropTech focuses on the private rental sector; there is little insight into how these technologies are being used in the social housing sector.**
- **Considering the increasing role of digital technologies in mediating housing access, there is an urgent need to boost our understanding of rental PropTech use and its impact on the Australian private and social rental sectors.**

About one-third of Australian households rent their housing, mostly from private landlords. Most of these landlords engage real estate agents to manage their properties; other intermediaries involved include online property advertising platforms, tenancy application portals and residential tenancy databases (RTDs). All these parties collect and use information about applicants and tenants. Social housing landlords also collect and use highly sensitive personal information to allocate tenancies and other forms of assistance, and to manage tenancies.

The digital technologies used are variously called PropTech, RealTech or RentTech; this report refers to them as PropTech.

Digital technology has proliferated, as has the collection and use of applicants' and tenants' personal information. While digital technologies promise greater convenience and better-informed decisions, there are concerns about their impact on tenants' ability to access housing, including how bias and data discrepancies may influence algorithmic decision-making and exacerbate uneven power relationships between tenants, landlords and property managers based on access to data (Gilman 2025; Wallace et al. 2025; Wolifson et al. 2024).

In the Australian private rental sector (PRS), there is a PropTech solution (and start-up) for every step of the rental process. Australian renters are likely to encounter these technologies—knowingly or unknowingly—throughout the tenancy 'lifecycle', and landlords and property managers increasingly depend on them to help manage the value chain for private rental housing (Maalsen at al 2021; Choice 2023; Wolifson et al. 2024).

PropTech often involves digital intermediaries that mediate a necessary step or inform a decision point in the rental process, thereby capturing value from that process in the form of money and data. In Australia these technologies (and companies) include:

- online application platforms (e.g. 2Apply, Ignite)
- platforms with tenant risk evaluation and algorithmic 'matching' processes (e.g. Cubbi, Snug)
- rent payment apps (e.g. Alio, Managed)
- rewards systems that incentivise automated rent payments (e.g. RentalRewards, Occubuy).

As we explain further in Section 3, several companies also aim to be one-stop platforms offering tenants digital products and services that cover the renting lifecycle (e.g. Sorted, Rent.com.au).

There is a booming market for enterprise platforms used by real estate agencies to manage client data, automate workflows and extract market insights (e.g. PropertyMe, Our Property, PropertyTree). These platforms are not tenant-facing—indeed, tenants may not know they exist or understand their role in managing the property—but real estate agents and clearinghouses find them essential for the collection, analysis and use of data about tenants, lease agreements and rental assets.

PropTech companies use technologies that collect and analyse large amounts of data. Because they predominantly operate in the private sector, there is no public access to their technologies and databases. As a result, it is difficult to discern what data is being used and how it is being analysed, as we discuss further in Section 2. In the case of a tenant scoring system, for example, we have little insight into whether the prospective renter is being evaluated by a simple rule-based decision tree or a complex neural network.

What we do know is that many companies are experimenting with new technologies to capture and valorise data in the rental sector. This includes creating automated systems to help real estate agents manage tenant communication, maintenance requests and other 'touchpoints' in the rental lifecycle. These technologies continue to develop rapidly, especially with the integration of AI, producing a rapidly shifting techno-social rental sector landscape.

While the Australian PropTech sector has not yet developed to the same extent as the United States (US) sector, where the use of technologies employing rent-setting algorithms like YieldStar has become widespread and controversial, there are signs that some Australian firms are exploring international models as potential blueprints for market growth and expansion. International evidence suggests that the sector's appetite for data may lead it to collect and use data in problematic, even unethical ways (Fields 2022; McElroy 2024; McElroy and Vergerio 2022).

1.1 Policy context

In 2023, Digital Rights Watch described the PRS as one of Australia's 'most data-invasive industries', with industry actors 'accumulating huge amounts of personal information on homebuyers and renters'.

PRS stakeholders have highlighted applicants' and tenants' concerns about the over-collection of tenants' data. The consumer advocacy organisation Choice reported in 2023 that 41 per cent of renters surveyed felt pressured to use PropTech in the process of applying for a rental, and 60 per cent of renters felt uncomfortable with the amount and type of personal information collected by digital platforms connected to real estate agents (Choice 2023: 5).

The unwanted use of these technologies goes hand in hand with the unwanted sharing of data. In a survey conducted by the Tenants' Union of NSW, 91.7 per cent of renters said they felt pressured into sharing information that they were uncomfortable about the agent or landlord having (2023). High-profile data breaches at real estate agencies (Boaz 2022; Thompson 2024) have demonstrated that the sector's appetite for data poses risks to the privacy of individual applicants and tenants, and to agents' business reputations.

The rental sector's data collection practices also pose risks relating to housing access, discrimination and social sorting. Research by Maalsen et al. (2021) for example, showed how tenants may face discrimination based on intersections of age, race, socio-economic status, gender and indigeneity. Their work highlighted how PropTech could exacerbate uneven experiences of the rental sector (see also Wolifson et al. 2024).

Furthermore, there is international evidence of new harms emerging. PropTech platforms in the US have been used to coordinate rent increases among different landlords. US-based regulators are currently prosecuting the PropTech firm RealPage and several large corporate landlords (including Greystar and Blackstone's LivCor) for using algorithmic pricing software, fuelled by rental data, to set rents higher than they would be under competitive conditions (Department of Justice 2024).

Concerns about the amount and sensitivity of data required of tenants have registered with Australian policymakers. Several jurisdictions have amended their residential tenancies legislation to make new rules regarding the collection and use of information in the application process. National Cabinet has included similar limits in its 'Better Deal for Renters' law reform agenda (Parliament of Australia 2023). The new rules join a range of other provisions in residential tenancies, privacy and other legislation that have been enacted over the years; these are reviewed in Chapter 4.

Data collection issues are not limited to the PRS. Social housing applicants are required to disclose substantial amounts of personal information through the application process, including highly sensitive information relating to health problems, domestic and family violence, and applicants' history of homelessness (Morris et al. 2023). This information is stored in providers' databases and used to test applicants' eligibility for social housing and other forms of housing assistance. It is also used to prioritise applicants based on their level of need and their suitability for the available properties (Clarke et al. 2024, Clarke et al. 2025; Morris et al. 2022; Morris et al. 2023).

These decisions are increasingly automated, as social housing providers use computer algorithms to sort, rank and filter applicants based on the data they have provided. There are also examples both in Australia (Kovolos 2023) and overseas (Ferreri and Sanyal 2022) of affordable housing providers engaging PropTech companies to assess tenancy applications on their behalf. As has been identified in other jurisdictions (Ferreri and Sanyal 2022: 1046), there is an emerging 'digital technology confluence between private and public sectors' in Australia centred on the collection and use of digitised data.

1.2 Existing research

A review of existing research in academic literature and policy reports revealed three key themes that characterise the debates around the practices of data collection in the rental sector. While there is a large literature on the surveillant and economic extractive practices of PropTech, our focus here is limited to literature that addresses:

- how digital technologies mediate access to housing including tenant profiling, sorting and discrimination;
- the risks to tenants' privacy and data security; and
- the potential positive opportunities of PropTech.

While we acknowledge that this is a tight framing of the literature on PropTech, a focused literature review provides a suitable context for our core research questions.

1.2.1 Tenant sorting, profiling and discrimination

In both the private and social housing sectors, there has been a rapid uptake of digital technologies to process tenant applications. These technologies mediate access to housing based on what Przhedetsky (2024) has described as screening and sorting processes. The process of sorting may involve scoring, rating and ranking potential tenants. The use of algorithmically enabled assessments of rental applications has generated significant conversations around the transparency of the attributes used to assess applicants (or the lack thereof), the potential for negative or positive discrimination and the impacts of these factors on housing access (Gilman 2025).

Recent work in the United Kingdom (UK) suggests that the increasing use of digital platforms in tenant risk profiling could 'signal a major shift in access … especially as tenants are increasingly assessed based on their digital data traces and through automated systems' (Burrows et al. 2025: 2). While some of this profiling may be intentionally discriminatory—for example, discriminating on income, or indeed discriminating in favour of those who would find it more challenging to secure a rental in the PRS (see Chapter 2)—discrimination can also enter algorithmic calculations in unintentional ways.

In the UK, Wallace et al. (2024) found that algorithmically generated tenant reference reports, which took into consideration factors such as affordability, credit assessments and personal and employer references, presented new challenges to would-be tenants, particularly those who have complex circumstances that are outside the range of algorithmic judgement. Those most at risk of being assessed unfairly by these algorithms were 'those with poor affordability, non-standard employment, adverse credit such as younger people and migrants, older people reliant on savings and people on benefits' (Wallace et al. 2024: 45).

The research demonstrates that this mode of tenant profiling tends to sort along demographic categories such as age, race and socio-economic status. This is consistent with research from Australia that highlights the intersectional nature of discrimination in the rental sector (Wolifson et al. 2024, 2025; Maalsen et al. 2021). This work shows that discrimination on social, demographic and economic grounds can be amplified by algorithmic decision-making, often reproducing existing biases, even if unintentionally. This amplification is enabled by connecting different data sets that previously were not easily integrated. Processes of evaluation are sped up by using fixed models that not everyone fits into, and platforms proliferate across the entire rental lifecycle (Wallace et al. 2024; Wolifson et al. 2025).

Wainwright has analysed the unintentional ways in which discrimination is incorporated in PropTech. He found that the PropTech entrepreneurs in his study often thought of the ideal tenant as someone who resembled themselves and their teams. Often that was someone who was young, male, an urban dweller and a creative class professional. When entrepreneurs created a digital product for this niche market, they did not consider the different needs of other renters. As a result, Wainwright concluded, the 'design assumptions that feed into algorithms may not be inclusive for all renters' (Wainwright 2022, 348).

This has implications for assessing potential tenants who may not fit these algorithms' conception of a suitable tenant. The phenomenon has been observed more broadly in algorithmic decision-making systems, some of which have been designed with inbuilt structural biases that reproduce social inequality (Eubanks 2017; Noble 2017).

Some landlords and agents are aware of these issues. In the UK, Wallace et al. (2024: 48) found that 'Landlords and letting agents are hesitant to fully rely on automated processes because people are complex, and certain risks might be reconsidered with more personal information or additional data. Trust in automation is not fully established, and landlords ultimately want to rent out their properties'. In Australia, Digital Rights Watch has argued that PropTech is 'exacerbating pre-existing issues of accessibility, fairness and affordability' in the context of Victoria's housing affordability crisis (DRW 2023: 4).

The social rental sector (SRS) has also been accelerating its uptake of data-driven technologies. These technologies have spurred the development of increasingly fine-grained assessment and triaging methods such as needs-based testing (Clarke et al. 2024), which require social housing applicants to provide significant amounts of personal information to make a case for priority allocations (Morris et al. 2023). To assist them in processing and assessing this information, state housing authorities have adopted searchable databases and computer algorithms that automate significant parts of the process of prioritising and matching applicants to available tenancies (Clarke et al. 2025; Pawson and Lilley 2022).

Little is known about the technical functionality of these tools. Studies of the use of similar technologies in the homelessness sector, both in Australia and internationally, highlight the use of ranking algorithms that score applicants on their level of vulnerability in order to triage them for scarce housing and support resources (Clarke et al. 2024; Eubanks 2018; Humphry 2022). There is some evidence that the tools used to assist social housing allocations in Australia work in a similar manner (Clarke et al. 2025; Pawson and Lilley 2022). For instance, Pawson and Lilley (2022: 88) describe the allocation process in NSW as follows:

> In NSW, the matching of applicants to properties is a highly structured and automated process. When a property becomes available for letting, a computer program automatically formulates an applicant shortlist, based on an algorithm accounting for applicants' assessed needs, locational preferences and priority status. Crucially, all priority applicants whose locational and property type/size needs match the vacancy are ranked above general list (or non-priority) applicants. This generates an allocations shortlist, from which the highest ranked applicant must be offered the tenancy unless there are compelling reasons for doing otherwise.

Data-driven tools also sort applicants to distinguish between those who can be supported to access private rental housing, and thus 'diverted' from the social housing waiting list, from those for whom social housing is the only option (Clarke et al. 2025). Those who are diverted often find themselves back in insecure housing and with limited social mobility, rather than gaining 'greater independence as assumed in the "pathways" discourse that animates Australia's social sorting system' (Clarke et al. 2025: 131–2)

According to housing providers, the adoption of data-driven systems and technologies helps ensure a fairer approach to allocating scarce social housing tenancies by making assessment and triaging practices more 'objective' (Morris et al. 2022). However, as has been noted in other contexts (Eubanks 2018), this technology-driven rationalisation has led some applicants, support workers and other advocates to express concerns about the transparency of technologically mediated allocation systems and the possibility of built-in biases (Morris et al. 2022).

It is important to remember that data collection and tenant surveillance are long-standing practices, and concerns about digital data collection, surveillance and social sorting are not confined to PropTech. As Ferreri and Sanyal observe (2022: 1045) 'Rented housing has invariably … been subjected to forms of social control and filtering'. It has 'long been customary … in social and housing surveying' to gather often-detailed intimate knowledge about the personal characteristics and behaviours of lower-income residents who are seen as risky (Ferreri and Sanyal 2022: 1045). These practices have not emerged because of PropTech, but PropTech has accelerated and compounded them, as well as opening up new pathways for connecting different data sets.

1.2.2 Risks to renters: data privacy and security

Data privacy and security are critical concerns in Australia. The financial year 2022/23 saw approximately 94,000 reports of cybercrime nationally (ACSC 2023). Data breaches have resulted in millions of Australians having their information stolen and leaked on the internet and the so-called dark web. Global data breach monitoring now places Australia as the world's thirteenth most compromised nation in this regard (Surfshark 2025). James Clark of Digital Rights Watch believes that a 'culture of data hoarding across corporate Australia' could potentially drive Australia's risk level even higher, producing a situation where data is collected and stored, often without a specific purpose, because of its potential value down the track (cited in Canetti 2022: n.p.).

Tenants' concerns about the volume of personal data they are asked to provide when applying for a rental were captured in the results from a 2023 survey on rental laws conducted by the NSW government. A key finding of this study was that renters strongly supported changes that would limit how their information was collected and laws that would limit how long their information could be held. The latter point was also supported by owners; real estate agents remained neutral (NSW Fair Trading 2024: 5). Renters, owners and real estate agents also 'either supported or strongly supported' changes pertaining to data laws, access, and security as illustrated in Table 1 below:

Table 1. Attitudes to data collection laws, data access and data security in the NSW rental sector

	Renters	Owners	Real estate Agents
The law should be more specific about when and how to use and share renters' personal information (% yes)	97	58	57
Allow renters to access their personal information (% yes)	99	76	61
The law should require renters' information to be kept securely (% yes)	99	93	92
Laws should limit how long renters' information is kept (% yes)	98	69	52

Source: NSW Fair Trading 2024: 5

Those already most disadvantaged by the assetisation of housing are 'less likely to be data holders and are more likely to have data held about them' (Przhedetsky 2024).[2] The amount and types of data on renters held by technology businesses are of great concern. The grounds for concern include, but are not limited to, the possibility of data breaches. Data leaks in recent years involving the exposure of names, signatures, contact details, identification documents, contracts and bank details underscore the very real threat digital data collection enables (Razaghi and Heaghney 2022; McIntyre 2022). Furthermore, anonymising data may not be effective in mitigating this risk, as we discuss in Section 2.3. Australia's rental crisis and the growing threat of data breaches and misuse of data amplify the risk of harm that PropTech may pose to renters (Choice 2023).

2 Assetisation refers to the ways in which the value of housing as an asset has grown, inflating house prices, delivering more return to landlords through rents and increasing inequality between those that have assets (landlords) and those who do not (renters) (Adkins et al. 2022).

1.2.3 Positives of PropTech

Although PropTech is the subject of considerable criticism in the literature, it is important to acknowledge that digital technologies are not inherently problematic and are not necessarily developed and applied with malign intent. Indeed, as Maalsen et al. (2024) observe, multiple values can underwrite the development of rental PropTech and circulate through these digital technologies. These values may be techno-utopian, involving a belief in the emancipatory potential of technology (Barbrook and Cameron 1996: 45; Geiger 2020: 171); they may be capitalist, with an emphasis on value extraction (Wainwright 2023); or, in a more productive frame, they may be digital care ethics that utilise technology for social good.

In their research on the rental PropTech sector, Maalsen et al. (2024: 483) found that the value developers and users of PropTech ascribe to these technologies is not based on a simple division between for-profit extraction and more socially oriented drivers. An ethic of care and a desire to help tenants was often reported as a driver for these technologies, and in some cases, it was evident in the way the technologies functioned. This included, for example, relatively mundane technologies that improved property and tenant management for both the property manager and tenants. Care logics and practices, however, were often subordinate to the economic value the technologies produced, largely because the technologies existed in a market where the success of applications is based on their potential economic returns (Maalsen et al. 2024: 485). Furthermore, the distinction between markets and care is not impermeable, as it is often presented in critiques of the market (Smith 2005).

The entanglement of care and economic values can also be attributed to PropTech entrepreneurs wanting to create products that will make the process of renting better based on their own experiences of the rental sector (Wainwright 2022; Wallace et al. 2024: 26). For example, Wallace et al. (2024: 26) noted cases where PropTech founders were motivated by negative personal experiences in the rental sector, 'first developing tools to appraise the veracity of landlords after family members succumbed to rental deposit scams, or because they felt that too many tenants were unnecessarily excluded or were paying unaffordable rents' (Wallace et al. 2024: 26). Similarly, Maalsen and Gurran (2022) have highlighted how digital platforms allow tenants who may have difficulty finding rentals, such as single mothers, to connect and form new households together.

Technology platforms and data collection are also central to tenant advocacy work. Projects such as the Anti-eviction Mapping project, which develops tools and shares data in forms useful for tenants and advocates responding to evictions and other housing justice issues (Marharawal and McElroy 2017; McElroy 2023: 55), and the Know Your Landlord project (Rogers et al. 2024), use digital technologies to create PropTech tools for tenant advocacy. This shows that there are opportunities for developing more progressive PropTech. Various stakeholders are genuinely interested in pursuing this PropTech agenda, though stronger market and regulatory incentives may be needed to translate this interest into sustained action.

1.3 Research methods

The current project uses a two-phase methodological approach, addressing four research questions (RQ) in total (see Table 1). Phase 1 focuses on the data landscape and aims to understand the type and scope of technologies and data-collection practices and their use in assessing tenancy outcomes (RQ1 and RQ2). Phase 2 addresses the regulation of the rental sector with a focus on establishing the current regulatory and compliance landscape in NSW, Victoria and federally. This analysis is conducted alongside reviewing international regulatory practices that inform best practice approaches to data management and harm minimisation (RQ3 and RQ4).

Table 2: Research approach

Research question	Methods
Phase 1 Data landscape	
RQ1: What data is currently collected on tenants in private and social housing, and by what rental PropTech? What are the impacts of rental PropTech on renters' privacy and data security, and are there discriminatory effects? What emerging rental PropTech trends may add to these concerns?	Literature and policy review Desktop market analysis and mapping of RentTech sector, products and platforms Sample survey of rental application process across NSW and Victoria via trial applications. Interviews
RQ2: What are the digital practices and perspectives of key intermediaries for housing access? How are technologies—and the data they collect—being used by agents and housing managers to make decisions?	Interviews with property managers and social housing managers
Phase 2 Regulatory landscape	
RQ3: What is the current regulatory and compliance landscape related to housing in NSW, Victoria and federally for digital data governance?	Review and synthesis of NSW, Victorian and Australian regulatory landscape. Interviews with key policymakers in NSW, Victoria and federally.
RQ4: What can Australia learn from international regulatory practices to better manage tenants' data and minimise harm?	Review and synthesis of international and Australian regulatory landscape.

Source: Authors

1.3.1 Phase 1: The data landscape

Phase 1 sought to establish a comprehensive understanding of the data collection landscape, including what data is collected and through what technologies, for tenants across both the private rental and social housing sectors. This included four different data sets generated by the following methods:

- a literature and policy review;
- a desktop mapping of the PropTech sector;
- a sample survey of rental application processes across NSW and Victoria via trial applications; and
- semi-structured interviews with relevant stakeholders.

These methods are described in more detail below.

Literature and policy review

We produced four different data sets to answer RQ1. The first step was a scoping review of literature, reports and policy from academia, industry and government. This review provided insight into the key debates on the impact of PropTech in the rental sector as a well as an insight into the types of data being collected. The review drew on both national and international literature and contextualised our later empirical work and policy options. This work forms Chapter 2.

Desktop mapping

The process of mapping rental PropTech involved the creation of a database of digital rental technology products and companies that are headquartered and currently operate in Australia. Almost sixty entries were collated, each being a different rental PropTech product. Each entry contained information including the product name, website link, company name, location of headquarters or primary office, product type (e.g. tenant application technology), short description of product features, primary users (e.g. renters, agents or landlords), type of data collected (if applicable or available), marketing language from the website, plus notes, quotes and links about the product that didn't fit into other fields.

The analysis was limited to products and services that directly interact with the rental cycle—that is, processes to do with entry into a rental agreement (listing, searching and applying for rental properties; tenant assessment), living in a rental home (rent payment, property management, communications and maintenance) and exiting from a rental home (moving and utility transfer services, vacancy management).

We included products and services whose primary user is the renter, such as web portals and apps for tenants, as well as systems designed to be primarily used by real estate agents and landlords; the renter may never directly interact with or be aware of these. Other products in the broader PropTech industry were set aside, although we acknowledge that many of them have indirect impacts upon the experience and nature of renting. For example, data-driven property valuation and property data analytics (such as PointData and CoreLogic), and fractional investment platforms (such as BrickX and Bricklet) were excluded for the purposes of this analysis.

Sample survey of rental application technologies

We analysed the data collection practices of representative digital rental platforms in the private market and the application systems used in social housing.

In the private rental domain, we did a desktop survey of listings across Australia—23 postcodes across multiple cities, yielding approximately 2,000 records. We reviewed two popular online application services—2Apply (by Inspect Real Estate) and the Ignite platform of realestate.com.au—examining the fields and documents they ask prospective tenants to provide. This involved using platform interfaces and JSON (Javascript Object Notation) outputs to extract application form data from interfaces and reviewing secondary sources to understand the scope of information collected.

We similarly examined social housing application processes using the Victorian Housing Register as a case study (including the public-facing Register of Interest form and guidelines) and noted comparable requirements in NSW's Housing Pathways system. For comparison, the data points requested were categorised into themes (e.g. personal identity, financial status, rental history, household circumstances). We also identified any use of automated decision-making (ADM) or risk scoring in these systems by reviewing information available on PropTech and algorithmic tenancy assessment.

By comparing the private and public sector findings, we could highlight key similarities and differences in the collection of tenants' data. Data gathered from platform documentation and reports was used to illustrate current practices and emerging trends with appropriate citations.

In realestate.com, almost all the listings use their own 'apply' platform, which blocks systematic scraping (that is, the use of software tools or scripts to download content and data from websites in a systematic, automated or semi-automated fashion). This presented a methodological challenge, as we were unable to systematically gather and analyse the data points of these forms. Because of the challenges in accessing some of this data, we have instead used this material to ground our empirical data from interviews and the literature. The analysis of the sample survey is integrated in the empirical chapters.

Semi-structured interviews

A total of 17 semi-structured interviews were conducted with relevant stakeholders to generate new insights and ground the findings of the literature and policy review, the rental PropTech mapping and the survey of rental application technologies. The interviews aimed to gather the perspectives of different actors in the rental and data ecosystem to better understand the logics, practices, applications and implications of the use of rental PropTech in tenancy applications. This included participants from the real estate, PropTech and social housing sectors, as well as tenant advocates and policymakers. Table 2 shows the number of participants interviewed in each sector.

Table 3: Interviews and sectors

Sector	Interviews
Tenant advocates and policymakers	4
PropTech industry	3
Social housing sector/community housing	6
PRS property managers/real estate industry	4

Source: Authors

A constraint of this project was the comparatively small representation from each sector despite concerted efforts to recruit. We reached out to various contacts and followed up requests for interviews, but we received limited responses. This might indicate a lack of time or interest in the topic, or hesitation to engage with researchers on a topic that has attracted media controversy. It may also reflect broader trends of diminishing trust in institutions.

On a positive note, those participants who did engage were very generous with their time, and one of the PropTech participants was interviewed twice (this is counted here as 1 interview).

We have looked to ground and support these interviews in existing literature, reports and policy analysis. Although imperfect, the interviews provided valuable insights into the data collection practices and logics in property management. Furthermore, as noted in 1.3.1, the interviews are only one of four datasets we collected to answer the research questions in phase 1.

All interview data has been anonymised. The interview analysis was an iterative process, with the team meeting to establish, test, clarify and refine themes. A deductive coding framework was used to correspond to the research questions, but during the coding process some new and unexpected insights emerged inductively.

1.3.2 Phase 2: The regulatory landscape

Phase 2 of the study sought to understand the current regulatory and compliance landscape in Australia, as well as international best practice examples. The key statutes here are state/territory-level Residential Tenancies Acts and the federal Privacy Act 1988. Federal anti-discrimination legislation and consumer and competition law are also relevant but less central, along with state/territory legislation regulating real estate agents.

The various Residential Tenancies Acts have fairly consistent provisions regarding residential tenancy databases (RTDs), but there are concerns that they have not kept pace with changes in information technology and sector practice. On the question of what information may be sought from applicants, residential tenancy laws are diverging; for example, Victoria has recently regulated in this area, while at the time of writing (October 2025), NSW has introduced, but not passed, residential tenancy reforms (Martin et al. 2022). To answer RQ3, the regulatory regimes across Australia were reviewed and synthesised. To further understand the landscape, we conducted semi-structured interviews with key policymakers (see Table 1).

Similarly, to answer RQ4 and generate insights into international examples of best practice, key international regulatory responses to data collection were reviewed and synthesised. These included the General Data Protection Regulation (GDPR) from the European Union (EU) (and the UK's GDPR) and the California Consumer Protection Act in the US. These measures have significantly affected data collection by landlords and agents, as has Singapore's Personal Data Protection Act (PDPA). The review scoped these regulations and their ability to protect data effectively, deriving best practice examples that may be of value to inform Australian policy.

1.3.3 Structure of this report

Chapter 2 positions the research in the existing literature. It builds on the themes identified above, paying attention to literature that addresses how digital technologies mediate access to housing, including:

- tenant profiling, sorting and discrimination;
- risks to tenants' privacy and data security; and
- the positive opportunities of rental PropTech.

This review is international in scope, and some of the themes that emerge from this literature may play out differently in Australia, because rental PropTech is always influenced by national, state/territory or local policy environments and housing markets.

Chapter 3 provides a market analysis of existing digital rental technology products and companies that are headquartered and currently operate in Australia. Five key trends are identified:

- service integration and coordination;
- consolidation and scaling in the market;
- the minimisation of touchpoints and creation of data collection points;
- agents' and landlords' efforts to distinguish 'good' from 'bad' renters; and
- sweating rental assets, which refers to extracting additional value from the assets.

Chapter 4 provides an overview of the existing regulatory landscape. This includes:

- an analysis of residential tenancies legislation at state/territory level;
- a discussion of federal legislation regarding privacy, including the Privacy Act 1988;
- federal anti-discrimination law;
- state/territory laws relating to real estate agents; and
- federal consumer and competition legislation.

The analysis is supplemented with interview material that provides insight into how this is playing out on the ground.

Chapter 5 assesses the international regulatory landscape and considers best practice examples that may inform Australian policy reform. These include the EU's GDPR (including the UK GDPR), the California Consumer Protection Act; and Singapore's PDPA. These are assessed for their effectiveness and suitability for regulating data in the rental sector and policy options are made.

Chapters 6 and 7 present insights on practices of data collection, use and handling across the social rental sector (Chapter 6) and the private rental sector (Chapter 7). These chapters draw on interviews with property managers and housing providers, representatives from the PropTech sector, housing advocates and government regulators.

Chapter 8 summarises the key lessons from each chapter and responses to the research questions. Key policy and practice options are made and directions for future research outlined.

2. Existing Research

- **PropTech products are used to mediate access to housing by profiling and sorting tenants based on their data input.**
- **The data that tenants are assessed on varies by country, product and context.**
- **Algorithmic discrimination is highlighted as a concern.**
- **Data privacy and security breaches are a risk.**
- **PropTech can also be useful for tenant advocacy.**
- **Data collected by PropTech has been used to inform housing and urban policy.**
- **PropTech can have positive impacts on tenant experiences.**

2.1 Existing themes in the literature

This chapter provides an overview of the key themes in the existing literature and builds on the themes briefly introduced in Chapter 1. It provides an entry point into understanding the data landscape as part of Phase 1, question one.

In Chapter 1 we noted that there is a large literature on the surveillant and extractive characteristics of PropTech. This is an important body of work, but beyond the scope of this report. Here, we focus on literature that addresses how digital technologies mediate access to housing, including tenant profiling, sorting and discrimination; the risks to tenants' privacy and data security; and, on the other hand, the potential for PropTech to create positive opportunities for tenants.

We emphasise again that some of the issues and opportunities identified in the international context may play out differently in Australia due to local regulatory environments and housing market dynamics.

A key difference in the Australian rental market, as Rogers et al. (2024) note, is the relatively small number of corporate landlords and higher proportion of individual landlords, which affects companies' ability to up-scale certain rental PropTech products. On the other hand, Nethercote (2023) suggests that the corporate landlord sector may be growing in Australia, and this may have a flow-on effect for the uptake and scaling of rental PropTech products.

2.1.1 PropTech technology and Australian tenant data

The collection and use of tenants' personal data occur across the lifetime of a tenancy. Beyond the legitimate collection of basic information necessary to evaluate a tenant and secure a tenancy agreement, there are currently few limits on the extent of the data that can be asked of tenants or restrictions imposed on what then happens to the information shared (NARO 2023).

There are moves to limit the questions asked of applicants; for example, Queensland, South Australia, Victoria and the NT have recently amended their Residential Tenancies Acts (RT Acts) to limit the information being asked of applicants and to regulate its use by landlords and agents (see Chapter 4 for more detail). The National Association of Renters' Organisations (NARO), however, has called for more reform to improve transparency and privacy protections as well as preventing discrimination at the application stage (NARO 2023).

In the UK context, Meers (2024: 1) reflects on the diminishing diversity of pathways for accessing rental housing, with rental PropTech offering just 'a small band of online platforms'. In Australia, access is arguably even more restricted, with property search dominated by just two players, Realestate.com.au and Domain.com.au, which are both investing heavily in PropTech products and real estate data (see Rogers et al. 2024).

We will return later to look at the smaller but growing impact of digital technologies in the Australian institutional investor sector, which is dominated by property development companies. The value of this sector is illustrated by US-based digital real estate platform CoStar's A$3.2 billion acquisition of Domain in August 2025, as a means to extend the market for its data analytics services (CoStar 2025). The discussion below predominantly focuses on PropTech operating in the individual landlord market, which still dominates the Australian PRS.

2.1.2 Application and data collection

The types of data needed to assess a rental application are determined by the nature and structure of the rental system in each location. For example, if housing was a protected human right in Australia, very little data would need to be collected to assess a rental application, because housing need alone would qualify an applicant (Rogers and McAuliffe 2023). In a market-driven rental system like Australia's, however, landlords and real estate managers can demand additional forms of digital data so they can make market-based assessments of tenancy risk (Dal Maso et al. 2019).

Thus data collection is pervasive across the whole rental experience (Wolifson et al. 2024). A major concern is the increasingly expansive collection of data for tenancy applications, which have fast become the dominant means by which renters apply for housing—what Meers (2024) has described as the new 'letting agent's window'. Australian tenant support organisations report that the intrusiveness of data collection has grown markedly in the past few years, driven by the power imbalances in the sector and facilitated by the digitisation of its processes (TUNSW 2024). Put simply, the more data that is collected on prospective tenants, the greater the potential for issues to emerge concerning the storage, sharing and use of that data.

In Australia, landlords and real estate agents can legally ask prospective tenants applying to rent a dwelling for certain forms of identification and evidence of their ability to pay rent, although the federal Privacy Act 1988 explicitly prohibits real estate agents from obtaining consumers' credit reports. The documentation typically requested by real estate agents includes proof of identity, proof of income such as payslips or bank statements, past rental records and personal or work references. There has also been increasing evidence of real estate agents asking for additional information, from social media profiles to vehicle registration, information about pets, marriage certificates, medical history and self-funded background checks (Choice 2023).

Application requirements can vary considerably between agencies, and intending tenants generally need to provide information with each application; some agencies request personal information to arrange an inspection. Despite some state-based regulatory changes, agents still have significant wriggle room and scope for obfuscation about what data can be collected and used to make determinations in the application process.

2.1.3 Assessing applications

Digital application technologies add a structural layer to the way rental housing is accessed and organised in Australia's rental sector. This can fundamentally reshape people's ability to access housing. Przhedetsky (2024) shows how the algorithmic data-processing technology that underpins application processing introduces and exacerbates unfair and unlawful treatment of renters, which can result in significant harms. Applicants provide personal data through these technologies; this can then be automatically screened and sorted—via scoring, rating or ranking—to facilitate comparison between applicants. The sorting process draws on a wide range of personal data. It does not assess an applicant's eligibility based on a straightforward and reasonable assessment of their ability to afford to pay rent (Przhedetsky 2024). Personal, social, cultural and financial characteristics are interpreted using predetermined logics.

In the US, for example, nine out of ten landlords buy tenant reports, which are supplied by more than 2000 companies that specialise in screening services. These companies compile their data through practices such as data scraping, accessing public records and obtaining information from data brokers (Gilman 2024: 9). These companies 'algorithmically score potential tenants across a variety of attributes, such as residential history, civil and criminal case history, credit history and ill-defined "life-style" criteria, such as marital history and pet ownership'. The company then compiles this into a worthiness score or recommendation (Gilman 2024: 9).

The algorithmic logics embedded in these technologies are used to organise rental applicants by interpreting and evaluating their data (Przhedetsky 2024). While purportedly objective, these evaluative tools are based on proprietary algorithms in which agents, or the technology developers themselves, can adjust the priority given to various renter attributes. The algorithms may also be changed over time using machine learning.

As the technologies evolve, more and more data is subject to algorithmic processing to decide who should and shouldn't be granted access to rental housing, with very little human discretion (Przhedetsky 2024; Fields 2022; Wallace et al. 2025). Renters are unlikely to know the rationale for their rejection and so are unable to improve their chances by modifying their applications (Przhedetsky 2024).

This barrier is likely to have greatest effects on the most vulnerable, including those with insecure or irregular work and people on low incomes or income support, many of whom may already be on lengthy waiting lists for social housing. People with insecure work are a growing group with the rise of precarity and the 'gig economy' (Troy et al. 2025). As Choice (2023: 22) explains: 'The automation of creditworthiness checks, semi-opaque tenancy databases, and income cross-checking can put [such] applicants at a disadvantage'.

Currently there is substantial variability in rental PropTech companies' approaches to the types of data collected, how and with whom it is shared and how long it is retained; tenants also vary in their preferences for the collection and storage of their data. Limited controls of data collection and agents' compliance issues subject renters to substantial risk. While high-profile breaches have begun to draw attention to the issue, the evolution of data collection practices is arguably outpacing attempts to address tenant advocates' concerns.

PropTech-mediated tenant assessment is not confined to Australia. For example, Naborly, which was founded in Toronto, Canada, gathered social media profiles and other intrusive personal information on tenants in order to assess the tenancy's risk for the property owner. During the COVID-19 pandemic, Naborly encouraged landlords to record tenants who had missed payments and report them to what critics have described as a de facto blacklist, which would be illegal (Hauen 2020). In the UK, Tenant Assured carried alerts for applicants who were 'new to country' or 'high risk language', suggesting potential bias against immigrants and activists (Ferreri and Sanyal 2022: 1044).

Ferreri and Sanyal (2022: 1044) have noted that 'predictive' analysis is 'seen as an inevitable and desirable development of digital platforms applied to the rental sector'. They cite the example of the British firm Gridizen, which promises insights into 'end user behaviours' using machine learning integrated into their property management software. Common to all these applications is that the decision-making itself is hidden behind technological firewalls, meaning the inclusion and weighting of characteristics is unknown.

Less considered in such predictive analytics is calculating the risk to renters' lives, particularly when the analytics' primary function is (ostensibly) to reduce risk for the landlord and managing agent. As McElroy et al. (2020) have shown in the US context, such tools impose additional de facto requirements for renting a property by making it 'contingent on factors well beyond the payment of monthly rents'. In the US, these requirements have extended to biometric data, with technology companies offering surveillance and the integration of data-driven tracking.

2.1.4 Discrimination

Discriminatory effects can emerge through the processing of data via algorithms that have inbuilt discriminatory biases (Porter et al. 2019). The processes, modelling and decision-making embedded in these algorithms have profound implications for renters—what Amoore and Raley (2017: 6) have described as 'the politics of algorithmic world-making'. The human decisions and biases that shape these algorithms, however, are not always readily apparent: the opacity of algorithms and their appearance of value neutrality tends to obscure the people involved in the design and deployment of the technology. It is, however, important to recognise that the algorithms are products of human decisions, which embed particular understandings of what a desirable tenant looks like. As Gillespie (2016: 22) describes it, these decisions are made by people responsible for 'debating the models, cleaning the training data, designing the algorithms, tuning the parameters, [and] deciding which algorithms to depend on'.

Seemingly objective and technical processes hide the fallible people involved in their construction. As Gilman (2025: 9–10) observes, relying on algorithmic decision-making to assess tenants' worthiness can result in discrimination based on discrepancies in data quality. Algorithmically generated reports produced by PropTech platforms or purchased through them often lack necessary context. For example, if court records relating to eviction are used, they often fail to show the outcome of the case, including whether the tenant had their eviction overturned (Gilman 2025: 9). There are also instances where reporting tools have misidentified people with similar names, or included erroneous or misleading data (Gilman 2025: 9).

The lack of information about how these algorithmically generated scores are created means that landlords 'can disclaim responsibility for a report's errors or biases' (Gilman 2025: 9). The obscuring of the decisions taken in the process, the models deployed, the data collected and selected and the relative weight of parameters are all key issues. As Boeing et al. (2021: 1) point out:

> The question of which data—and people—are hidden or marginalized on these platforms is just as important as the question of which data are available.

The lack of transparency on these factors clearly presents a challenge for regulatory oversight and intervention. According to Ferreri and Sanyal (2022), these technologies demand a governance approach that will open up the black box hiding their decision-making processes. This is especially important in the rental sector, where the black box effect has been normalised, and the lack of transparency in tenant assessment makes it impossible to assess whether PropTech technologies are compliant with privacy law, anti-discrimination legislation or other measures.

Nethercote (2023: 13) explains that algorithmic technologies dehumanise by 'reducing renters and their need for home to operational metrics'. The algorithms used to score, sort and rank renters are grounded in asset management imperatives. They 'flatten already subjective, incomplete and unverified information about renters … [and] introduce inaccuracies into operational metrics, so this evaluative infrastructure cannot accurately represent the realities … they claim to describe' (Nethercote 2023: 13). Consequently, algorithms 'have the potential to exacerbate what are already fundamentally uneven power dynamics in the realm of rental housing' (Fields 2022: 176).

Algorithmic arranging also shapes access to information and resources (Kear 2022) and exacerbates the disadvantage of those already most vulnerable in the housing market. Research on online advertising of rental properties has shown how information supplied by renters is used to target them with particular rental ads and obscure others. These hidden processes of filtering information commonly occur through algorithmic analyses of renters' 'digital footprints' that assume user preferences based on past data (Allen 2019). As Ferreri and Sanyal (2022: 2042) observe: 'the capillary and technocratic systematisation of such biases through predictive analytics … [drives] inequalities and disparities even further'.

Even successfully anonymised data still has potential to harm (Pettit et al. 2018), perhaps more so with the recent rapid acceleration of AI. Kear (2022) highlights how platforms create particular market conditions. Interface design can nudge actors into alignment with certain traits in an attempt to create an 'ideal' tenant identity—one that places upward pressure on rental values. Meers (2024) also points to the discriminatory role of interface design in online rental platforms.

2.2 Risks to tenants' privacy and data security

Although some data collection is necessary to establish a rental housing agreement, the over-collection of data poses significant risks to renters' data security and privacy. Opacity about how and with whom data is shared means renters have little understanding of where their data goes. Research conducted by Ciocănel et al. (2024: 8) found that renters could barely recollect any third parties used in tenancy application processes, but still felt uneasy about who could access and use their data.

This concern has been amplified by several high-profile data breaches and specific allegations around a frequently used online application (Razaghi and Heagney 2022; Redman 2022; Right to Know 2020). Platforms rely on the collection, storage, sharing and linking of large volumes of data (Sadowski 2019, 2020). Emergent data relations that result from these platforms therefore involve multiple third-party actors beyond tenants, landlords and property managers, increasing the risk of data misuse and breaches.

Data stolen in cyber-attacks and hacks can put individuals at risk of fraud and exploitation, as Australia's high-profile Medibank breach (among others) has shown (Queensland government 2022). Financial theft and identity theft are serious concerns; stolen data has been used to make purchases, apply for credit, access superannuation accounts, use health insurance and rent properties in the victim's name. Fraudsters may also apply for official identification documents and use these when committing other crimes.

Apart from these overt cases of fraud, renters are also subject to more insidious risks of misrepresentation. Iveson and Maalsen (2019) write of 'datafied dividuals', fragments of data that can be assembled to create a representation or profile of an individual. Wainwright (2023) employs this concept to explain how opaque interfaces and interconnected systems pose difficulties for unpacking power relations in rental PropTech markets. He writes:

> In being stripped of their narratives, tenants become represented by data captured from the dragnet (Fourcade and Healey 2017), where platforms are beginning to draw-in data from a variety of sources through [application programming interfaces, APIs (Langley and Leyshon 2016) to create data representations used to assess tenants and landlords.

As Pettit et al. (2018: 39) have observed, promises by technology providers and mediators that data collected will remain anonymous have 'become dubious as data re-identification has become a sophisticated sub-discipline of computer science'. They continue:

> The creation and sharing of large data sets challenge data protection regimes [intended to ensure that] data collected for one purpose should not be used for a secondary purpose without explicit consent.

Wainwright (2023, 344), reflecting on processes of data re-identification, highlights the importance of the structural imbalances underlying the abstract algorithms that inform the treatment of collected data. These imbalances in turn create 'uneven power dynamics as platforms make decisions on incomplete tenant subjectivities [and] tenants are unable to provide selective disclosure'.

So (2023: 1505) has underscored the myriad 'downstream effects' of errors in the 'training data' that permeates the digital databases employed in tenant screening, showing 'how implicit bias is coded into the structure of tenant screening'. The 'information dragnet' also has the potential to aggregate data on renters that may follow them around and, sometimes simultaneously, misrepresent them by applying algorithmic errors, using out-of-date data or incomplete records (Fields 2022: 177).

One example is the misuse of eviction records to exclude or blacklist renters, regardless of the outcome of the eviction action (McElroy and Vergerio 2022). There are also databases showing potential tenants' criminal records and credit scores (So 2023). While housing activists have called for certain records to be expunged because of their potential misuse (So 2023), the automation of data collection from a range of sources and the opacity of the results put this goal increasingly out of reach.

It is important to note that not all the PropTech functionalities described in the international literature appear in Australia. For example, Australian PropTech tools cannot incorporate credit information, and 'blacklists' are heavily regulated by state and territory Residential Tenancies Acts, which include provisions relating to residential tenancies databases (see Section 4.2.2). Despite this, there is evidence of novel data being obtained in Australia, for example, by tapping tenants' social media profiles, even if the tenants have not supplied them, or generated using AI, for example, in predictions of renters' future behaviour (Przhedetsky 2024).

Recent history has highlighted the murky legal territory surrounding enhanced screening platforms (see Martin quoted in Siebert 2022). In Australia, for example, digital technologies Snug and 2Apply have both offered applicants the ability to purchase a background check on Equifax's National Tenancy Database. The checks cost $25 to $30 each, and the document generated could be used to support a tenancy application. In October 2024, NSW state regulators barred this practice, but vigilance in compliance is an ongoing challenge. Another worrying development is 2Apply's attempt to seek payment for privacy; in 2023, the platform offered to increase applicants' privacy protections for $20 (Malo and Dib 2023), suggesting that renters will either lose out financially or have less privacy protection.

2.3 The benefits of PropTech

While much of the current literature emphasises the negative effects of PropTech, it is important to acknowledge that other studies emphasise its beneficial outcomes for tenants. There are two key streams here. First are studies of the increasing uptake of PropTech in tenant and housing advocacy. Secondly, several studies deal with PropTech industry products that are designed to advantage renters, not landlords.

A growing literature details the role of PropTech in housing advocacy and activism. This includes the anti-eviction mapping project and JustFix.NYC (both in the US) and Know Your LandLord (KYL) in Australia. These projects are tenant-focused and use digital platforms to variously bring attention to issues with tenancies or support tenant rights. The anti-eviction mapping project is a volunteer-based data and digital story-telling collective that maps evictions, tracks landlord tech, and provides tenants and housing advocates with data and information that is useful for organising (McElory 2023: 55). JustFix.NYC is a platform that provides 'technology for housing justice' by way of digital tools, information and advice for tenants to assist with issues such as requesting rental repairs and accessing rent history (JustFix: n.d.). KYL is an advocacy tool that parodies tenant and property apps; it draws attention to tenant data over-collection by imagining a scenario where tenants can access detailed landlord information such as how often they have increased rent. KYL aims to generate debate about rental data collection practices as part of a broader campaign to improve renter rights and experiences (University of Sydney 2023).

The volume and quality of data that PropTech can generate can be useful to advocates and policymakers. For example, Gilman (2025: 36) shows how PropTech tools have enabled a shift of focus in the provision of affordable housing: rather than simply counting the number of dwellings occupied, policymakers can now also assess some less tangible outcomes of access to affordable housing, such as providing information on improvements to 'income, educational achievement, physical and mental health and even subjective wellbeing'. The type of data analysis enabled by these tools is also of value to city planners when making decisions on housing supply and location, and it can enhance information sharing across different levels of government (Gilman 2025: 36)

It is not only housing advocates, activists or policymakers who use PropTech in ways that centre on tenants' experiences. There are several start-ups whose forays into PropTech have been informed by the founders' own previous experiences of the rental sector and their desire to improve the process for tenants (Wainwright 2022; Wallace et al. 2024: 26). Research on PropTech in the UK rental sector provides several examples of tech founders who were motivated to develop products to address the negative rental experiences they or family members had encountered, including scams, exclusion and excessive rent (Wallace et al 2024: 26).

Several values circulate in PropTech—private capitalist ownership, techno-utopianism and an ethics of care—and these are not mutually exclusive (Maalsen et al. 2024). Some tech start-ups have actively worked with citizens to improve housing outcomes. As an example, a Detroit-based start-up developed a platform, app and survey to collect data on building condition, ownership, use and vacancy. It hired residents to conduct a 'reparative property census' of the city's housing stock (the Motor City Mapping Project) and made that data available online. This data was used by the City to access federal funding to support those in housing stress and later integrated into its functions (Gilman 2025: 38; McLeod 2021: n.p.).

2.4 Conclusion

With housing an essential service, the increasing digital mediation of renting—both in private and social housing—means that a growing number of Australians are handing over their personal data. This data is going directly and indirectly, via third-party arrangements, to a wide range of organisations and actors, with little assurance of security and often with little justification.

Questions of what data is collected and how it is collected, stored, shared and used are now facing much-needed scrutiny (McIntyre 2022). Data leaks in recent years, where names, signatures, contact details, identification documents, contracts and bank details were exposed, have underscored the reality of these threats (Razaghi and Heaghney 2022; McIntyre 2022). Yet regulation and enforcement lag behind technological developments and fall short of protecting tenants from the harms facilitated by emerging rental technologies.

Beyond data breaches, ostensibly 'legitimate' uses of renters' data via digital technologies also pose significant risks of discrimination, which is often difficult to identify. These risks are generally more acute against the most vulnerable renters. Illegal uses of data to discriminate can rarely be identified as such. While our focus so far has been on application processes, we reiterate that data can be collected across the whole rental cycle (Wolifson et al. 2024).

Calls for more proactive and agile policy settings to mitigate the emerging harms of digital technologies in the housing sector are not new (Pettit et al. 2018; Maalsen et al. 2021). Moreover, warnings that such threats would unevenly impact the most vulnerable have been borne out as these technologies have become more prevalent.

The existing research highlights the potential for harms to result from a lack of regulation, from existing regulation that fails to address harms facilitated by new technologies and from a lack of effective enforcement. In many cases, the potential for harm is a result of broader structural issues as well as rapidly changing technologies and regulatory landscapes.

The existing literature underscores the need for proactive policymaking involving government, industry and advocacy groups working together to better understand renters' needs, identify the impacts of PropTech and develop new ways of governing it. Of course, discrimination, negative experiences and poor data security were characteristic of the rental sector before its digitisation, and it could be that PropTech can also bring benefits to tenants and the rental sector. It is important therefore, to resist narratives that frame the current issues purely as technological problems. We must remember this when considering the design of regulatory solutions and considering 'human-in-the-loop' interventions: harms can equally result from human decision-making, algorithmic decision-making and systems that combine both (Crootof et al. 2023).

3. Rental PropTech mapping

The growing rental PropTech market is characterised by five key trends:

- **service integration and coordination;**
- **market consolidation and scaling;**
- **the minimisation of touchpoints and creation of data points;**
- **distinctions between 'good' and 'bad' renters; and**
- **the sweating of rental assets.**

In this section we identify trends in rental PropTech based on a document and website analysis, as described in section 1.3. This begins to answer the questions in phase 1, which are primarily aimed at understanding the data landscape. To explore the trends, we created a database of digital rental technology products and companies that were headquartered and operating in Australia (as at February 2025). Our mapping identified 57 entries, each being a different rental PropTech product. We included information on the product name, website link, company name, the address of the business's headquarters or primary office, product type (e.g. tenant application technology), a short description of product features, the primary users (e.g. renters, agents, or landlords), the type of data collected (if applicable or available), marketing language from the website, plus additional notes for each entry. It was not possible to fill in all fields for some of the entries.

Because of the large scope of the PropTech sector, we limited analysis to products and services that directly interact with the rental cycle. This includes processes to do with entering into a rental agreement (listing, searching and applying for rental properties, plus tenant assessment), living in a rental home (rent payment, property management, communications and maintenance), and ending a tenancy (moving and utility transfer services, vacancy management). We included products and services whose primary users are the renters, such as web portals and apps for tenants, as well as systems designed to be primarily used by real estate agents and landlords; the renter may never directly interact with these services or be aware of them.

We have identified five key trends: (1) service integration and coordination; (2) market consolidation and scaling; (3) the minimisation of touchpoints and creation of data points; (4) distinctions between 'good' and 'bad' renters; and (5) the sweating of rental assets. We elaborate on these below.

3.1 Service integration and coordination

Contrary to typical narratives of disruption in the tech sector, where the business models of tech start-ups are based on displacing incumbents via software innovation and aggressive expansion, the rental PropTech market in Australia is better characterised by integration and coordination. Instead of digital platforms that seek to undermine major real estate agencies, for example, what we see at present is myriad smaller vendors selling a multitude of digital services to big agency players in the rental market, with each service focused on improving specific parts of the rental business. We find rental PropTech start-ups attempting to create innovations at every step of the rental market—from property listing and tenant assessment to portfolio management—often with the goal of partnering with larger companies that operate across the value chain.

Established real estate companies in the industry are integrating services from many different tech start-ups into their operations. Tech start-ups are more likely to be in competition with each other than with major incumbents in the rental market. At the same time, these smaller vendors have also partnered and integrated with each other—rather than with products owned by PropTech giants like REA Group or Reapit—as a strategy to be more competitive in a market dominated by high levels of consolidation.

This process of integration is not always seamless, especially in cases where a company contracts with multiple vendors that are providing services at different parts of their operations. These services may not fit neatly together. This dynamic has given rise to companies like Bricks+Agent and PropertyMe, which seek to coordinate a range of services together on one platform, addressing the problems of interoperability and usability that can arise from working with too many vendors.

Bricks+Agent and PropertyMe both boast that they have partnered with dozens of other service providers—or, in industry parlance, they have 'deep integration' with other services. These coordinators emphasise their value-add as a one-stop shop for any solution to any problem, while also representing their goal of capturing more of the rental value chain and bringing it onto their platforms.

The primary customers of these platforms are other businesses. A typical marketing message can be seen in the following quote from AgentBox (owned by Reapit), a client relations management software suite for real estate agents: 'Experience the power of a complete solution, right out of the box. Supercharge your agency with cutting-edge automation, unrivalled client engagement and advanced prospecting tools—the trifecta for industry excellence' (AgentBox n.d.)

For renters, agents and landlords, these coordinating platforms are marketed as more convenient because you only need one app or portal to seamlessly access every other service and bring disparate flows of data into one dashboard. The integration of services into incumbent operations and coordination of services on unified platforms raise serious questions (with unclear answers) about data collection and sharing agreements between different companies.

3.2 Market consolidation and scaling

As the rental market in Australia grows, its largest companies are also getting even larger. Rental PropTech plays an important role in how the real estate industry is consolidating and how companies are scaling their portfolios of rental properties under management. In terms of consolidation, large companies like REA Group (majority owned by News Corp) and Reapit (backed by private equity firm Accel-KKR)—as well as smaller companies like PropTech Labs and Rent.com.au—have been rapidly growing by either acquiring companies or creating services that operate in different areas of the market. At the same time, the types of coordination platforms that have emerged as a result of the previous trend are helping to consolidate the market by bringing various services into one vertically integrated interface.

In terms of scaling, tech start-ups have financial imperatives to scale their businesses rapidly, in a way that vastly exceeds the normal capitalist demands for growth. Those imperatives are baked into the design and deployment of their software systems. Software is cheap and easy to scale; it also tends to generate far more effective technical outputs and far greater financial value at larger scales. As well as being driven by their own imperative to grow, tech start-ups often cast themselves as enablers of growth for other industries. The core value proposition behind many software systems is a promise of increased efficiency, productivity and growth.

Through tools and logics provided by the rental PropTech market, the real estate industry is pushing to scale how many properties a single firm can own or manage. It is also also increasing the amount of value (in money and data) that can be captured from each property and the whole value chain. Rental PropTech firms seek to facilitate scaling by offering solutions that minimise effort and maximise returns for both agents and landlords. Typically, this involves allowing firms to manage more properties with less staff time by reducing inefficiencies and automating as much as possible.

For example, SimpleRent, a leading property management package, claims to help agents 'Turbocharge your growth while minimising your workload with our easy to use property management lease and payment software' (SimpleRent n.d.). Meanwhile companies like Property Tree, Bricks+Agent, Maintenance Plus and many others claim, in the words of Inspect Real Estate (n.d.), to 'take the hassle out of tenant communications' by automating processes like inspection scheduling, maintenance requests, rent payments and much more.

Unlike markets such as the US, Australia's real estate market is not yet dominated by financial institutions and institutional investors that buy, build and manage massive portfolios of rental properties. However, existing trends in the Australian rental market suggest that PropTech is laying the groundwork for this kind of hyper-growth by providing digital infrastructure and financial incentives that facilitate the acquisition and management of larger portfolios of assets. One sign of this shift, as we discuss in Section 3.5, is the growing importance of the 'rent roll' as an asset offering a form of stable revenue for real estate agencies (Hulse et al. 2018: 67).

It's worth noting that many rental PropTech firms have pricing on a sliding scale with options that extend to thousands of properties under management. This probably exceeds the needs of their current customers, but it shows that they are ready to service large institutional landlords when the time comes.

3.3 The minimisation of touchpoints and creation of data points

Many Australian rental PropTech offerings seek to automate and minimise interactions or 'touchpoints' between agents, landlords, tenants and other contractors, while at the same time transforming each interaction into a data collection point. In doing so, rental PropTech is systematising the generation, collection and analysis of data on renters, workers and properties in ways that have previously been difficult to analyse and operationalise.

For example, Bricks+Agent, a property maintenance platform that uses a cloud-based marketplace to connect agents with tradespeople, claims that each property maintenance request involves 20 touchpoints on average, and each property averages more than two maintenance requests annually. By inserting itself as the coordinating digital intermediary, Bricks+Agent can transform these touchpoints into previously unrealised opportunities for data collection, while also claiming to streamline the workload for both agents and tradespeople (Bricks+Agent 2024). Such systems also enable more granular oversight and control of tradespeople and real estate industry workers through features such as GPS tracking, recording and logging the time it takes for tradespeople to complete maintenance tasks, and optimising and mapping routes between properties.

The transformation of touchpoints into data points is particularly evident in companies that sell all-in-one platforms that aim to capture the entire rental cycle such as PropertyMe ('automate your work like magic') and Sorted ('streamlines the entire property lifecycle'). In addition to automating communications with tenants, some rental PropTech firms also market GPT-based AI assistants to 'free up your team from the mundane and focus on the high value tasks such as growing your business and building stronger relationships with your landlords' (Propic.ai 2024).

Interacting with tenants is routinely positioned as a lower-value, labour-intensive but necessary task that lends itself to being automated or 'streamlined'. This complements the promotional rhetoric aimed at real estate agencies, which combines the reduction of labour for agents, who are presented as overworked, with the desire to increase scale.

While significant public attention has been directed toward renter data collected at the start of the renting cycle through online rental application platforms and algorithmic tenant assessment, there are also many rental PropTech companies seeking to enhance datafication of the processes associated with ongoing property management. Data generated throughout the duration of a lease, such as from repair requests, rent arrears, or other indicators of tenant behaviour, are of value to rental PropTech companies, real estate agents and landlords.

While the valorisation of rental PropTech data in Australia has not yet reached the same level of sophistication as its counterparts overseas or some other areas of the tech sector, it appears that the groundwork is being laid for the extraction of value from renter data. The data generated through ongoing property management is currently presented as valuable because it enables data-driven insights into the property as a financial asset, increases the visibility and control of the property for the owner (see Trend 5 below), creates avenues for operational gains such as increasing efficiency and productivity for real estate agencies, and ultimately has the potential to contribute to a bigger-picture view of the of the market.

3.4 'Good' and 'bad' renters

While the practice of categorising renters according to notions of morality and risk is long established (Power and Gillon 2020; Bate 2020), rental PropTech is further entrenching, expanding and exploiting the distinction between 'good' and 'bad' tenants through the application of digital technologies.

A dominant throughline in Australian rental PropTech marketing language frames renters in terms of both moral and market worth. Promotional material directed towards landlords and real estate agents explicitly asserts the need to identify and sort 'good' renters from 'bad' ones in order to maximise rental payment returns and minimise risk to the investor's asset. For example, Cubbi, a platform designed to enable landlords to manage their rental properties, overtly classifies applicants as 'Good Tenants vs. Bad Tenants' and claims to be able to 'reduce the chance of a bad tenant by 9x' while also assisting landlords to 'optimise rent' and 'help you get the best renters at the highest rent possible' (Cubbi 2024).

Even rental PropTech directed at renters, as opposed to that designed for landlords and agents, reflects this moral economy. Rent.com.au—whose stated mission is to empower renters through technology—asks: 'are you shown as a good tenant?' and prompts renters to pay for their own identity and National Tenancy Database checks, which it claims will 'present you as a trusted, quality tenant' (RentCheck 2024). Similarly, 2Apply encourages applicants to pay for a database check to 'show you're a great tenant' (2Apply 2024).

In this way, rental PropTech companies are entrenching and profiting from the moral economy of renting, which in turn shores up their ongoing market value proposition. This is particularly notable in the context of Australia's ongoing housing crisis, which increases the pressure for renters to present themselves as Good Tenants in order to gain an advantage in access to private rental housing.

3.5 The sweating of rental assets

Real estate is a highly financialised and professionalised industry. As well as the imperative to capture as much value as possible from each property, there are constantly evolving systems in place for making, squeezing, growing, managing and engineering value from real estate. Crucial to this process is what the industry terms 'sweating the asset'—which means extracting more value from assets that are already in place (e.g. buildings, infrastructure, labour) by exploiting them to a greater degree and/or reducing the cost of owning and operating them, while also minimising additional investment into improving them.

Rental housing is now subject to the processes of financialisation and assetisation by a professional class of managers (Adkins et al. 2020; Fields 2022; Nethercote 2023). Some rental PropTech products aim to enable and intensify these logics by helping investors, agents and landlords maximise the value of their rent-bearing assets while also turning their rent rolls into valuable assets.

A rent roll is a list of all the rental properties under management by an agent or landlord. It includes information about tenants, lease agreements, rental income and annual increases. The rent roll is used to forecast income, manage risk, buy/sell properties and securitise rent flows. Rent rolls are increasingly treated as tradeable commodities that can be bought or sold by different agencies (Rogers et al. 2024). The platformisation of the rent roll means that managing properties on the rent roll can be made more efficient, growing the asset value of the rent roll in the process.

Other rental PropTech products aim to sweat rental assets by lowering the cost of managing and scaling the rent roll. Console Cloud, for example, exhorts agents to 'drive rent roll growth through smart automation' and 'streamline your day with automated workflows'. We have also found rental PropTech products that play into tensions between agents and landlords, with landlords distrusting agents' management of their property.

Such a premise is behind the rise of landlord self-management platforms like Cubbi and RentingSmart: 'Real estate agents are often too busy to manage your property as closely as you can. When you self-manage, you'll have all the information at your fingertips' (RentingSmart, July 2024). In addition to increasing a landlord's direct control over their asset—which may also be a home they have emotional attachments to and thus want to have more control over—the ability to self-manage via rental PropTech also removes the costs associated with engaging property managers.

4. Australian laws and regulation

- Five key legislative frameworks regulate data use in residential tenancies: Residential Tenancies Acts, privacy legislation, anti-discrimination legislation, legislation specifically regulating real estate agents, and competition and consumer legislation.
- Recent reforms in Queensland, South Australia, New South Wales, Victoria and the Northern Territory limit the amount of information that can be collected as part of a rental application.
- National Cabinet's 'Better Deal for Renters' calls for application forms to be standardised, tenants' data to be protected and the information collected to be limited. Progress has been uneven.
- Data collection is not just an issue at the application phase; data can be collected during and after tenancies.
- There are significant gaps in the regulation of residential tenancy databases (RTDs). For example, it is not clear whether regulations applying to traditional RTDs are applicable to newer technologies like application portals.
- There is no AI-specific regulation in Australia, but existing regulation can have some limited influence over the use of AI and automated decision-making technologies in the residential tenancies sector.
- For regulation to be effective, there needs to be better monitoring and enforcement.

This chapter reviews Australian laws and regulations relating to the collection, use, storage and destruction of data in connection with residential tenancies. It begins with an overview of the main sources of regulation. These are:

- Residential tenancies legislation
- Privacy legislation
- Anti-discrimination legislation
- Legislation regulating real estate agents
- Competition and consumer legislation

The chapter then reviews applicable regulations and gaps in the following topic areas:

- Tenancy applications
- Residential tenancy databases
- Rental application decisions, including those made using artificial intelligence (AI) and automated decision-making (ADM) technologies
- Data collection and privacy protections before, during, and after tenancies

The review is focused on the regulation of data issues that affect consumers of private rental housing. Consequently, several issues are excluded from the scope of this analysis, including the collection and use of data on buildings and appliances, the use of facial recognition technology in apartment buildings, and tenants' use of community-based social media apps.

4.1 Sources of regulation: overview

Five sets of legislation that are relevant to the use of data in residential tenancies are reviewed here.

Residential tenancies legislation and **privacy legislation** are arguably the most effective tools for protecting tenants from data-related harms, in the sense that they deal directly with issues arising before, during and after a tenancy. Consequently, many of the issues outlined in this chapter are likely to be addressed by filling in gaps in residential tenancies and privacy legislation.

Anti-discrimination legislation is also important, particularly in instances when data relates to protected factors such as race, gender and disability. In saying this, the remedies provided by anti-discrimination legislation are harder for consumers to access, particularly when their data has been processed by 'black box' systems that offer no explanation of how a decision is made (Pasquale 2015: 17).

Legislation regulating real estate agents is relevant, though less important, because obligations and remedies relating to their data use are mostly set by other legislation.

Competition and consumer legislation is potentially important. **Australian consumer law** can, for example, be used to protect consumers from unfair contract terms, while provisions relating to the **Consumer Data Right** govern how consumers' data can be shared between service providers.[3] **Competition law**—including prohibitions on 'concerted practices' that reduce competition or are likely to do so—may prevent the systematic coordination of rental pricing. As noted in Chapter 1, algorithmic rental price setting is currently the subject of antitrust prosecutions in the US (U.S. Department of Justice 2024).

3 At the time of writing, the Consumer Data Right is not active in the real estate sector, but evidence from the UK suggests that similar schemes have enabled banking data to be used as part of the tenant assessment process (Ciocănel, A. et al. 2024).

4.1.1 Residential tenancies legislation

Each Australian state and territory has its own residential tenancies legislation, titled the Residential Tenancies Act (RT Act) or similar. Although there are many differences in the Acts' provisions, they are based on a broadly common model, the main outlines of which were put forward by Ronald Sackville in his 1975 report for the Poverty Commission (Sackville 1975; Martin et al. 2022). Over the subsequent quarter-century, all states and territories enacted RT Acts, beginning with South Australia in 1978 and culminating with the Northern Territory in 1999.

The broadly common features are provisions for:

- application to almost all private and social housing tenancies;[4]
- standard forms of residential tenancy agreements;
- market rents;[5]
- ready but orderly termination processes; and
- relatively quick, accessible dispute resolution through tribunals.

Another common feature, at least to begin with, was the absence of provisions directly addressing data issues.

The RT Acts operate through a combination of provisions affecting the contractual rights and obligations of landlords and tenants, and obligations imposed directly on persons. The former are actionable by landlords and tenants as breaches of contract; the latter are actionable by state agencies as breaches of the RT Act with civil or criminal penalties. There are differences between the RT Acts in the scope of the obligations directly imposed: some apply to 'persons' generally, while others apply narrowly to landlords and agents.[6] This difference in construction has implications for the regulation of rental PropTech and other third-party intermediaries, which probably were not foreseen when the provisions were drafted.

Since the RT Acts were first enacted, states and territories have occasionally reviewed and amended—and in some cases, repealed and replaced—their legislation. These processes have mostly been conducted without coordination across jurisdictions. As a result, the RT Acts now diverge on many details.

All RT Acts now have provisions dealing specifically with RTDs. These are unusually consistent (but not uniform) provisions, reflecting a singularly coordinated process of development in the 2000s under the Ministerial Council on Consumer Affairs and the Standing Committee of Attorneys-General (Australian Law Reform Commission 2010).

Other data issues are addressed less consistently. In particular, the issue of what information is collected during the application process is the subject of recent and ongoing reforms in several jurisdictions. National Cabinet's 'Better Deal for Renters' agenda, announced in August 2023, includes a commitment to law reform on this issue, reflecting reforms underway in Queensland and South Australia.

4 Each RT Act excludes some specific types of agreements (e.g. for boarding and lodging) and some types of premises (e.g. accommodation provided by educational institutions). Each RT Act also contains some provisions that apply specifically to social housing tenancies, but mostly the legislation applies to private and social housing tenancies alike.

5 Including social housing. The income-related rents that most social housing tenants actually pay are the product of a rebate system, which is separate to the RT Acts.

6 For example, under the RT Acts in NSW, South Australia and Tasmania, 'persons' are prohibited from receiving payments in relation to tenancy applications, while the equivalent prohibition in RT Acts of Queensland, the Australian Capital Territory and the Northern Territory applies to landlords and agents. The Victorian RT Act is different again, narrowly prohibiting 'bonuses, premiums, commissions and key money' rather than the wider 'payments'.

4.1.2 Privacy legislation

The federal Privacy Act 1988 is relevant to data issues in tenancies for two reasons: its regulation of credit reporting and its institution of the Australian Privacy Principles (APPs), the wider set of principles for private sector agencies' collection and use of personal information.

The credit reporting provisions, introduced in 1991, restrict credit reporting to credit providers. Landlords and real estate agents are not permitted to access credit reports about prospective and current tenants, nor can they provide data directly to credit reporting agencies. This is an important privacy protection, but its introduction spurred the unregulated development of the residential tenancy database (RTD) sector in the early 1990s.

In 2000, the Privacy Act was amended to include a set of National Privacy Principles (NPPs) with wider application. The NPPs established broad rules for the collection, use and disclosure of personal information by private sector agencies, and for individuals to access and correct their information. For a time, the NPPs were the main form of regulation for RTDs.

In an early test of the principles, the Privacy Commissioner determined that the RTD operator TICA was in breach of the NPPs in numerous respects, yet the commissioner did not have the power to make orders specifying how RTDs had to conduct themselves to comply with the broadly stated NPPs. When the more specific provisions of the RT Acts were introduced, the principles were largely superseded, but they continue to apply to RTDs.

In 2014, the NPPs were reformulated as the 13 Australian Privacy Principles (APPs). Like their predecessors, the APPs apply to private sector agencies that trade in personal information, and to other private sector organisations with an annual turnover of more than $3 million. Businesses that do not trade in personal information and have an annual turnover of $3 million or less are not covered by the Privacy Act due to the small business exemption.

Because RTD operators trade in personal information, they are covered by the APPs, but it is less clear whether other rental PropTech providers are covered. Some real estate agencies (i.e. those with less than $3 million turnover) and most landlords are not bound by the APPs. The existence of the small business exemption creates uncertainty for consumers, who often cannot tell whether the organisation that they are dealing with is covered by the Privacy Act. Consequently, it is difficult for consumers to know whether they can seek redress in situations where they suspect that the APPs have been breached.

It should be noted that even if the small business exemption was removed, consumers would likely still have trouble reaping the benefits of the APPs. For example, APP13 provides individuals with the opportunity to request the correction of personal information. The APP entity is required to respond to this request within a reasonable timeframe (a reasonable response time is generally not considered to exceed 30 days).

But several issues with the design of this protection prevent it from offering adequate protections for rental applicants. First, renters are not granted a right to an explanation, meaning that they may not know what information has been held about them and used to inform a decision. Secondly, even if a renter was provided with an explanation of the types of information used to inform an algorithmic decision and how this information was used, current rental laws do not prescribe *how* a landlord or landlord's agent should select a tenant. Therefore, it is plausible that an unfair algorithmic decision could be used to inform tenant selection, but a tenant may not be provided with an explanation that reflects this—for example, they might simply be told that another applicant was more qualified.

It is also worth noting that privacy legislation (or privacy protections in residential tenancy legislation) could address certain industry practices (such as looking at applicants' social media profiles). This would likely be effective in changing the practices of PropTech platforms but would be extremely difficult to monitor and enforce if practised by real estate agents without the use of formal platforms.

States and territories (except South Australia) also have privacy legislation,[7] but coverage is mostly confined to public sector agencies.[8] Accordingly, the legislation has little impact on rental housing practices, except in relation to public housing. The legislation regulates the collection and sharing of information by state and territory housing authorities and affords public housing tenants and applicants rights to access information held by the authorities.

4.1.3 Anti-discrimination legislation

All states and territories and the Commonwealth have anti-discrimination legislation that generally prohibits less favourable treatment on grounds such as race, gender or disability in certain areas of life, such as the provision of goods and services, including rental housing. Before the advent of anti-discrimination legislation in the 1970s, some jurisdictions had prohibitions on discrimination against families with children in rental housing, and these remain in the Victorian and South Australia RT Acts. Following recent reforms, the Victorian RT Act further provides that a landlord or agent must not refuse to let premises to persons based on any of the attributes in section 6 of that state's anti-discrimination legislation (s 30A). Victorian social housing landlords are exempt from the provision.

4.1.4 Regulation of real estate agents

Each state and territory has legislation that regulates real estate agents through licensing requirements and other professional obligations.[9] Some types of data misuse may be framed as a breach of these obligations: for example, the NSW regime includes duties to act honestly, fairly and professionally, with skill, care and diligence, and to maintain confidentiality (Property Stock and Business Agents Regulation 2022 (NSW) Schedule 1 cl (3), (4) and (7)); any of these could be used to prosecute negligent or deliberate disclosure of tenants' personal information.

For a time, the NSW regime included specific obligations relating to agents' use of RTDs, before these measures were superseded by the RTD provisions of the RT Act.

4.1.5 Competition and consumer legislation

The federal Competition and Consumer Act 2010 is not currently a prominent source of regulation in relation to tenancy data issues, but it is potentially important in two respects.

The first relates to rental price setting and the potential for tenancy data to be used in ways that undermine competition and coordinate higher rents. Such a scenario is alleged to have been engineered in the US by RealPage Inc, a rental PropTech company that uses tenancy data shared by landlords to produce rental pricing recommendations using algorithmic pricing software.

Were such a scenario to play out in Australia, it might engage s 45 of the Competition and Consumer Act 2010, which prohibits 'concerted practices' that have the purpose or likely effect of substantially lessening competition. The concerted practice provisions are relatively recent inclusions in the Act (introduced in 2017), intended to operate less narrowly than the previous provisions relating to cartels and price signalling. However, some commentators have queried whether the provisions adequately address algorithmic pricing (Nichols and Fisse 2018; Chan 2021).

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7 Privacy and Personal Information Protection Act 1998 (NSW), Information Privacy Act 2009 (Qld), Personal Information and Protection Act 2004 (Tas), Privacy and Data Protection Act 2014 (Vic), Freedom of Information Act 1992 (WA), Information Privacy Act 2014 (ACT), Information Act 2002 (NT). South Australian public sector agencies are subject to the 'Information Privacy Principles Instruction' issued by the South Australian Department of Premier and Cabinet.

8 In some jurisdictions, private sector health service providers are also covered by provisions relating to health information.

9 Property Stock and Business Agents Act 2002 (NSW), Property Occupations Act 2014 (Qld), Land Agents Act 1994 (SA), Property Agents and Land Transactions Act 2016 (Tas), Estate Agents Act 1980 (Vic), Real Estate and Business Agents Act 1978 (WA), Agents Act 2003 (ACT), Agents Licensing Act 1979 (NT).

The second potentially relevant aspect of the legislation is its framework for the Consumer Data Right, a regime covering the sharing of consumer data among designated businesses. The regime is intended to improve competition by making it easier for consumers to shop around for services. Participating businesses are accredited by the Australian Competition and Consumer Commission (ACCC).

Currently the Consumer Data Right operates in the banking and energy sectors, but it is likely to expand into new sectors in future. Consumer Data Right information is held by an accredited data recipient or Consumer Data Right representative under the scheme, but consumers can consent to having it disclosed to non-accredited parties. This process is designed to enable Consumer Data Right insights to be used to verify consumers' identities, account balances, or details of credits and debits from their accounts. Consumer consent is required.

4.2 Regulation by topic areas

4.2.1 Tenancy applications

Tenancy application processes involve a landlord or agent collecting information about a prospective tenant from that person (directly, or via third-party intermediaries) or often from an RTD. (These are discussed separately in the next section.)

Until recently, the only restrictions on the collection of information in the tenancy application process were imposed by the federal Privacy Act. In particular:

- Real estate agents were excluded from organisations permitted to access credit information (s 6G(5)(a)); and
- No entity could collect personal information 'unless the information is reasonably necessary for one of more of the entity's functions or activities' (APP 3.2).

The limit of what is 'reasonably necessary' for tenancy applications has not been determined formally in proceedings under the Privacy Act.

Four jurisdictions (Queensland, South Australia, Victoria and the Northern Territory) have recently amended their RT Acts to limit the information being asked of applicants and to regulate its use by landlords and agents.[10] Each proscribes requests for specific types of information in tenancy applications, as summarised in Table 4. All but the Northern Territory expressly exclude applications for social housing.

10 The Queensland provisions are yet to become active; they are currently at *Residential Tenancies and Rooming Accommodation and Other Legislation Amendment Act 2024* (Qld) s 50. On commencement they will be at the *Residential Tenancies and Rooming Accommodation Act 2008* (Qld) s 57B-D. See also RT Act (Vic) s 30C and Residential Tenancies Regulations 2021 (Vic) cl 15; RT Act (SA) and Residential Tenancies Regulations 2010 (SA) cl 6A; RT Act 1999 (NT) s 18A and 'Approved information and documents for rental applications', statement by the Commissioner of Tenancies, 28 June 2024.

Table 4: Proscribed information in tenancy applications (QLD, SA, VIC and NT)

	Qld	SA	Vic	NT
Legal action or disputes relating to tenancies[11]	■	■	■	
Bond history	■	■	■	
Whether bond will be paid with housing assistance		■		
Attributes protected by anti-discrimination legislation		■	■	■
Public housing history		■		
Financial statements that include information about outgoing transactions	■	■	■	■
Financial information, including bankruptcy, not directly related to financial capacity		■		
Employment information, beyond confirmation of employment		■		
Social media information		■		
Medical information		■		■
Vehicle registration number		■		
Pet microchip number		■		
Arrest and criminal record information				■

Source: Authors.

Note: Red indicates that the matter is accounted for.

As well as proscribing certain questions, the Queensland RT Act also provides for a prescribed application form. This has yet to be finalised but will limit information to the applicant's name and contact details, details of previous tenancies, current employment, income, referees, the intended term of the tenancy and other information that may be prescribed by regulation.

The Queensland, South Australian and Northern Territory rules also impose quantitative limits on the documents required in tenancy applications, according to three purposes: verifying the applicant's identity, assessing their ability to pay the rent and assessing their suitability (Table 5).

Table 5: Quantitative limits on tenancy application information (QLD, SA and NT)

	Qld	SA	NT
Identity	2 documents	2 documents	1 'primary' document (e.g. driver's licence, passport) or 2 'secondary' documents (e.g. Medicare card, tax assessment notice, utility bill)
Ability to pay	2 documents	2 documents	2 'primary' documents (e.g. payslips, Centrelink income statements)
Suitability	2 documents	2 documents	A reference

Source: Authors.

Queensland's RT Act will also require landlords and agents to provide at least two ways of applying, at least one of which must not be a 'restricted way'—that is, an online platform (s 57B (5)-(7)).

11 For SA: Except information as to whether a tenancy was terminated on grounds of breach.

Each of the four jurisdictions has also introduced data protection provisions. The Victorian RT Act prohibits landlords and agents from using applicants' information for purposes other than assessing their suitability as renters or fulfilling other requirements of the Act (s 30B), but it is silent on whether the data must be destroyed. The South Australian and Northern Territory RT Acts require applicants' information to be protected from 'misuse, interference or loss' and permit only 'authorised access, modification or disclosure' (s 76B(1) RT Act SA; s 18B(1) RT Act NT); where the parties do not subsequently enter into a tenancy agreement, the information must be destroyed within prescribed timeframes (30 days or 6 months in SA if the applicant agrees; 10 days in the NT). Where they do enter into a tenancy agreement, both jurisdictions require destruction of information within three years of the termination of the tenancy, except where it is required in legal proceedings.

Queensland similarly requires 'safe storage' of data, which is to be used only for assessing the applicant's suitability and destroyed within three months if no tenancy is entered into, or seven years from the termination of the tenancy where one is entered into (s 457D and E).

Aside from differences in their details, the new provisions present several other issues and questions.

The provisions about the retention of data from applicants who become tenants raise an issue about the three 'purposes' of data collection acknowledged by the Queensland, South Australian and Northern Territory rules: data is in fact also collected for the purpose of enforcing tenants' obligations and liabilities under the tenancy agreement and for provision to RTDs. It is not clear whether these uses of the data are permitted on a strict reading of the rules.

In all four jurisdictions, the restrictions on requests for information are directed at landlords and agents: they are the parties who must not request the proscribed information.[12] This leaves open the question of whether other persons—for example, intermediaries such as application platform operators—are also covered by the restrictions.

In Victoria and the NT, the restrictions apply specifically to requests for information from applicants, while the SA restrictions apply to requests made by 'a prospective tenant or any other person', and the Queensland provisions do not specify who is making the request. This leaves open the question of whether the Victorian and NT restrictions apply to requests made by persons other than the applicant—e.g. by application portal operators or other third-party information providers.

As noted above, RTDs are one source of information whose use is expressly regulated by all the RT Acts. There is also a question about whether landlords and agents may collect information by methods other than by 'request' or make use of proscribed application forms, such as conducting their own searches of applicants' social media posts and online presence.

In Victoria, Queensland and the Northern Territory, the obligations regarding the safe use (and destruction) of data apply to landlords and agents; in South Australia, the obligations apply more widely to 'persons' holding such information.

Tasmania, Western Australia and the ACT have no provisions about application questions, information requests or the destruction of applicants' information.

12 The NT restrictions apply to landlords and are silent about agents. Arguably the usual principles of agency would make a landlord liable for their agent's breach of the restrictions.

The NSW government has been consulting with sector stakeholders on proposed reforms to prescribe a standard application form that limits the questions asked and documents required of applicants (this was a pre-election commitment) and requires the safe storage and disposal of tenants' data. In June 2025, the Residential Tenancies Amendment Protection of Personal Information Bill was introduced to parliament to create greater privacy protections and transparency in the rental market (NSW government 2025). If implemented, this would supersede the previous non-binding guidance issued by the NSW Fair Trading Commissioner to landlords and agents about tenancy application assessment practice (NSW government 2023).

National Cabinet's 'Better Deal for Renters' agenda comprises nine points, the seventh of which is about tenancy data and reflects features of the Queensland and South Australian reforms:

> 7. Make rental applications easier and protect renters' personal information:
>
> I. Prescribe a rental application form in each jurisdiction, with required documents limited to two in each of the following categories: identity, financial ability to pay rent, suitability;
>
> II. Require the destruction of renters' personal information three years after a tenancy ends and three months after tenancy begins for an unsuccessful applicant;
>
> III. Require tenants' personal information to be provided and corrected within 30 days of a request by a tenant or prospective tenant; and
>
> IV. Specify information not allowed to be collected from a tenant or more generally (e.g. disputes with landlords). (Prime Minister of Australia 2023)

It is now up to the states and territories to determine if and how they will implement these reforms. There appears to be no ongoing coordination of reforms through National Cabinet or its subsidiary forums.

4.2.2 Residential tenancy databases

RTDs collect personal information about individual tenants from subscriber agents and landlords and make this information available to other subscribers for the purpose of vetting tenancy applications.

The proliferation of RTDs, widely known as 'tenancy blacklists', has gathered considerable public attention since real estate agencies began using them in the 1990s (Martin 2020). Designed to 'enable real estate agents to assess "business risk" on behalf of the property owner' (Australian Law Reform Commission 2010: 629), these databases work by collecting personal information about individual tenants from subscriber agents and landlords. Information collected and stored by RTDs can then be accessed nationally by other agents, who subscribe to the database for the purposes of vetting tenancy applications.

As discussed in Section 2.3 above, some RTD operators also supply prospective tenants with 'background checks' for a fee, showing whether the applicant is listed on the RTD; the prospective tenant can then include this statement in a tenancy application. Some application portals have arranged with RTDs to integrate this service offer in the application process.

There are provisions regulating RTDs in each of the RT Acts and in the federal Privacy Act. The former are more consistent across jurisdictions than many other aspects of the RT Acts, being the product of a working group in the 2000s involving the Ministerial Council on Consumer Affairs and the Standing Council of Attorneys-General.

They provide a uniform definition of an RTD as 'a database … containing personal information … relating to, or arising from, the occupation of residential premises under a residential tenancy agreement … or entered into the database for reasons relating to, or arising from, the occupation of residential premises under a residential tenancy agreement'.

They go on to specify that the RTD is used 'by landlords or agents of landlords for checking a person's tenancy history to decide whether a residential tenancy agreement should be entered into with the person'.[13]

Using the NSW RT Act as an example, the provisions impose several restrictions on RTDs. They

- restrict the circumstances in which a tenant's information may be listed on an RTD to situations where the tenancy has ended, and the tenant owes money to the landlord;
- require agents and landlords to notify a tenant of a proposed listing, and to inform a tenancy applicant if an RTD search has revealed a listing;
- limit the duration of listings to three years;
- require RTD operators to provide listed persons a fee-free method of accessing information listed; and
- provide that tenants may apply to the tribunal for orders removing a listing that is inaccurate, out of date or unfair.

This amounts to a fairly strong regime of protection, and it has been little changed in the RT Act reviews and amendments over the past few years. The NSW and Victorian jurisdictions have recently added a further restriction against tenants being listed when they are subject to FDV, and NSW has increased penalties for breach of the provisions by RTD operators and users.

There are, however, some gaps and areas where the provisions have not matched developments in practice. One issue is whether the RTD provisions apply to application portal operators. The common definition of RTDs used across the RT Acts specifies that RTDs contain information relating to the occupation of residential premises under a residential tenancy agreement. The question is whether this applies to information entered by a prospective tenant into an online application portal, such as rent records and references from previous tenancies, and whether these portals are in fact RTDs. They currently operate as if they are not, suggesting this is an area for regulatory attention.

There is also a question about the 'enquiries database' operated by the RTD operator TICA. This database collects the personal information of applicants and is used by agents to supply search terms in their searches of TICA's tenancy history database. The enquiry database is also searchable by agents and other TICA members, presumably for the purpose of checking how many tenancy applications a person has made and using that information to draw inferences about their suitability. While the default tenancy database contains information relating to the occupation of residential premises under a residential tenancy agreement, it is not clear that the information in the enquiry database does. (For example, it contains information from persons who do not currently have, and have never had, a residential tenancy.)

Another issue arises from the common definition, which is narrower than it seems. It specifies that RTDs are used to decide whether a landlord or agent should enter into a tenancy agreement with an applicant. This aspect of the definition appears to exclude tenancy management databases, which only appear after the commencement of a tenancy. The RTD provisions also do not apply to databases kept by entities for use only by that entity or its staff. 'Entities' expressly include government departments such as state and territory public housing landlords, and also include individual community housing organisations and real estate agencies.

The emerging class of large Build to Rent corporate landlords raises a question about whether their internal databases should be subject to the RTD provisions. In a 2024 determination by the Australian Information Commissioner and Privacy Commissioner regarding TICA's 'Virtual Manager', which purports to be internal office software but also integrates with TICA's RTD, the commissioner was satisfied that the 'Virtual Manager' is an RTD under Queensland's RT Act.[14] We discuss data collection and use during a tenancy in Section 4.4 below.

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13 Residential Tenancies Act 2010 dll, Part 11, Div 1, Section 209.
14 *AHL and TICA Default Tenancy Control Pty Ltd* (Privacy) [2024] AICmr 26 (9 February 2024).

4.3 Regulation of artificial intelligence and automated decision-making

General-purpose technologies such as AI and ADM have recently become commonplace in the sector. The common rental PropTech functions powered by AI and ADM include listing and search services, leasing management software, marketing and virtual viewing of properties (Baum 2017: 8). Although there are variations in the extent to which AI and ADM are used in the residential tenancy sector, these technologies present unique regulatory challenges. AI systems can produce complex, opaque data practices, making it more difficult to detect consumer harms (Przhedetsky 2024: 1827). Furthermore, the efficiencies introduced by AI and ADM allow for certain operations to be rapidly scaled, meaning that undesirable effects (e.g. discrimination or data leaks) can cause widespread harm.

The RT Acts contain certain limited provisions that outline how data can be collected, used and stored. These provisions typically address a very narrow range of the data-related practices that are commonplace in the residential tenancy sector (including, for example, the regulation of residential tenancy databases). This approach reflects Australia's historical approach towards regulating emerging technologies, which has prioritised technology neutrality and asssumed that in most cases new technologies can be implemented within the bounds of existing legal frameworks (Department of Industry, Science, Energy and Resources 2023: 26).

Consequently, many practices that were previously analog but have now been augmented by new technologies are still governed by legislation that does not address the challenges catalysed or exacerbated by the use and circulation of digital data relating to residential tenancies.

In October 2024, the federal government launched a public consultation on its proposed mandatory guardrails for the use of AI in high-risk settings. It had decided to regulate the development and deployment of AI after acknowledging that current regulatory frameworks may not be sufficient to prevent harms arising from the use of AI systems in legitimate but high-risk contexts (Department of Industry, Science, Energy and Resources 2023: 4). This legislation will sit alongside existing federal initiatives to govern the use of AI, including the current voluntary AI Ethics Principles (Department of Industry, Science, Energy and Resources 2019) and the AI Safety Standard (Department of Industry, Science, Energy and Resources 2024).

There have been calls for private-sector actors involved in the delivery of essential services to be held to higher standards than other businesses in the use of AI (Weatherall et al. 2023: 32–33). This includes instances where large scale data collection combined with AI and automation generate new capacities around surveillance and social scoring (Weatherall et al. 2023: 19). It is unclear when the federal government plans to introduce these mandatory guardrails.

4.4 Data issues during tenancies

All the RT Acts except Victoria's mandate that every residential tenancy agreement should specify that the landlord must not interfere in the tenant's 'reasonable peace, comfort and privacy'.[15] In practice, this is at issue mostly in cases involving an infringement of physical privacy, such as the landlord or agent visiting the dwelling or failing to provide curtains, rather than data privacy.

As noted above, South Australia, the NT and Queensland have recently amended their RT Acts to oblige landlords and agents to safeguard the information tenants originally provided in the application process. None of the jurisdictions have made this obligation a term of the agreement. This means a landlord or agent in breach of the obligation is liable to prosecution by the government and a fine but may not be sued by the tenant, though it is arguable that the tenant could sue for failure to provide 'reasonable peace, comfort and privacy' instead.

15 The NT RT Act omits the word 'comfort' from the term. The Victorian RT Act provides 'reasonable peace, comfort and privacy' as a prescribed term for rooming house and caravan park agreements, but not for mainstream residential tenancies in either private or social housing.

4.4.1 Identification of images

Most jurisdictions (NSW, Queensland, Tasmania, Victoria and the NT) have amended their RT Acts to address the issue of landlords and agents producing photos and other images of the tenanted premises—particularly where personal belongings are in the image and may be used to identify the tenant.

In NSW, Victoria and the NT, the RT Acts expressly give landlords and agents the right of entry to premises for the purpose of producing images used to advertise the premises, provided reasonable notice is given. The Victorian and NT RT Acts prohibit publication without the tenant's consent of images that may

- identify the tenant
- identify another occupant who has experienced domestic violence
- include the tenant's belongings
- reveal sensitive information or
- increase the risk of theft.

The Victorian and NT RT Acts provide tenants with a right to review images before publication (s 89A Vic, s 74A NT). NSW takes a more general approach, prohibiting publication without the tenant's consent, but also providing that the tenant cannot unreasonably withhold consent, with an additional proviso that it is not unreasonable to withhold consent because of domestic violence (s 55A). In all three jurisdictions, the onus is on the tenant to put the landlord or agent on notice of the reasons why images should not be published. The NSW RT Act, S 55A(5) contemplates photos being disseminated (not published) between the landlord and the agent for inspection and maintenance purposes. Both the NSW and Victorian provisions also mention the production of images for purposes other than advertising (NSW gives the examples of inspections, repairs and maintenance) without establishing regimes for those purposes.

Queensland and Tasmania do not provide an express right of entry to make images but do contemplate images being made; presumably this can be done when the landlord is attending for another prescribed purpose (e.g. to inspect the premises or show them to prospective buyers). The Tasmanian RT Act prohibits the publication of images with identifying belongings without the tenants' consent; in Queensland, the prohibition includes images of any belongings, identifying or not (s 203).

The RT Acts in South Australia, Western Australia and the ACT contain no specific provisions about the production of images.

4.4.2 Misuses of data during tenancies

Some RTD operators have developed database applications to be used by agents in tenancy management. These applications operate under the assumption that they are exempt from the RTD provisions of the RT Acts because they are ostensibly for internal use by an agency and its staff, and are only used to monitor current tenants rather than checking applicants' previous rental history. The problem is that these applications in fact are in communication with other RTD databases.

An example of this is TICA's 'Virtual Manager' service. 'Virtual Manager' allows subscriber agents to be notified when TICA's main database is searched for individuals whose names they have logged in the system. The service enables agents to track renters' activities—in particular, their applications to other agents for tenancies—during a tenancy and for years afterwards. This provides an opportunity for agents to proactively contact one another to discuss tenants' suitability outside the formal application processes.

In 2024, the Privacy Commissioner made findings about the Virtual Manager in response to a complaint.[16] The complainant claimed that TICA had 'improperly disclosed their personal information' to another estate agent and also 'held information about the complainant in its database for longer than it needed, and therefore failed to take reasonable steps to destroy or de-identify the personal information it held' (Truu 2024).

The commissioner held that the Virtual Manager was an RTD controlled by TICA, not an internal database for each subscriber. The commissioner did not find that the disclosure of information via the Virtual Manager's 'notification' function was itself a breach of privacy principles, because providing information to agents to 'locate and trace' tenants was a primary purpose of TICA's database. On the other hand, allowing information to be held in the Virtual Manager for use past the three-year time limit on RTD listings was not a legitimate purpose, and TICA's failure to delete this information was a breach of APP11.2. TICA's Virtual Manager nevertheless remains in operation, including its notification function.

4.5 Data issues when tenancies end

The two main data issues that arise at the end of tenancies relate to data being 'listed' on an RTD, and data being retained by landlords and agents.

4.5.1 Residential tenancy databases

The RTD provisions in all states' RT Acts limit the circumstances in which a landlord or agent may 'list' personal information about a tenant on an RTD. There are two preconditions for listing:

- that the tenancy is terminated; and
- that the landlord or agent has given the former tenant a copy of the proposed listing and allowed them 14 days to review and make submissions on the information—although this requirement does not apply if the former tenant cannot be located by reasonable inquiries.

A person may only be listed for the following reasons:

- the former tenant breached the tenancy agreement and owes an amount of money greater than the bond; or
- there has been a breach of the tenancy agreement and the tenancy has been terminated by the tribunal.

'Money owed' plus a breach of tenancy means a tenant can be listed without a tribunal order. Other 'breach' listings (e.g. the tenant caused a nuisance) require a termination order (and no money may be owed). In both sets of circumstances, the nature of the breach must be accurately stated in the listing.

Only information about a tenant or co-tenant—not other household members or associates—may be listed. Also, information can be listed only at the request of a landlord or agent; an RTD cannot list information if a landlord or agent has instructed them not to, or list information based on the RTD owner's research.

Both listers (landlords and agents) and RTDs have obligations to ensure listed information is accurate. Where they become aware that information is inaccurate, incomplete or out of date, they must notify the RTD within seven days that the information needs to be amended or removed, and the RTD is required to do so within 14 days.

In all events, information must be removed within three years of being listed, or less if the APPs require it. (Queensland lacks this APP proviso.)

16 *AHL and TICA Default Tenancy Control Pty Ltd* (Privacy) [2024] AICmr 26 (9 February 2024).

4.5.2 Data retention and disposal

As indicated above under 'Tenancy applications', recent amendments in Queensland, South Australia, Victoria and the Northern Territory require landlords and agents (and possibly third parties in South Australia) to protect data from the termination of a tenancy until its destruction (after three years in SA and NT or seven years in Queensland).

The NSW, Queensland and WA RT Acts contain specific provisions to protect the information of tenants who have notified the landlord to terminate a tenancy in circumstances of domestic and family violence.

4.6 Data needs for effective regulation

For residential tenancy legislation to be effective—both in its regulation of data issues and in other respects—regulators must carry out monitoring and enforcement actions. In interviews for this project, stakeholders expressed concern that industry compliance with new provisions could not be monitored because regulators did not have access to the necessary data.

For example, several states and territories have outlawed 'rent bidding', but to monitor this, regulators would need to compare the price at which a property was advertised against the price for which it was leased. Similar challenges were noted in relation to monitoring no-grounds evictions, as it continues to be difficult for regulators to align data about when a tenancy ends, why it was ended and what rent was charged when the property was readvertised.

It is more challenging to monitor compliance with regulations relating to the use of data in tenancy applications, both during and at the conclusion of a tenancy. Infringements are most likely to be identified by consumers who have personally been affected by unlawful data practices. For this reason, it is vital to ensure that renters have access to effective complaints mechanisms and dispute resolution schemes. This must be complemented by increased regulator capacity to ensures consumers receive meaningful resolutions to data issues relating to residential tenancies.

5. Minimising harm: international lessons in regulation and compliance

- **International regulatory frameworks offer important lessons in regulation and compliance relating to privacy, data, artificial intelligence and automated decision-making.**
- **Overarching regulatory frameworks such as the EU's General Data Protection Regulation are not sector-specific.**
- **Privacy and data protection regulations are geared towards reducing the risk of a large-scale data breach, rather than protecting individuals' rights to safe and secure housing.**
- **Artificial intelligence-related regulations emphasise process-based requirements such as conducting data audits and ongoing monitoring for bias and unintended consequences. Except for the prohibition of social scoring under the EU's AI Act, most AI regulations provide little guidance on which AI applications are acceptable, particularly in the context of housing.**
- **Internationally, there is a need for regulation and guidance addressing the use of technologies in the private rental sector.**

This section presents a concise review of major international regulatory frameworks from the European Union (EU), US and Singapore, which have been chosen for their proactive approaches to regulation. Two broad categories of legislation are covered: privacy and data protection legislation; and legislation on the use of artificial intelligence.

Privacy and data protection legislation focuses primarily on the collection, storage and management of personal data. Its main objectives are to give individuals greater control of their personal data, to prohibit specific uses of that data and to ensure the data is stored securely.

By contrast, AI legislation addresses how data is used in ADM systems and attends to how these systems operate. Following an overview of each region, the discussion identifies general trends, commonalities and differences, and how aspects of international approaches could be adapted to improve the management of tenant data in Australia.

5.1 Background to case study regions

Internationally and locally, the rapid development of technology often outpaces regulatory controls. Governments and regulators have mainly prioritised updating and responding to these new challenges through privacy laws.

The UK, EU and US have all responded to the threats of digital technology-enabled data collection by introducing new laws or strengthening existing ones. The UK and EU have similar standards, with the UK updating theirs after its exit from the EU.

It is important to note that these regulations are not sector-specific but pertain to all sectors that collect data, including the rental housing sector. We outline some of the key regulations and Acts below.

5.1.1 European Union

The European Union is recognised as one of the most proactive jurisdictions in regulating the collection and use of consumer data and AI technology. Over the past decade, the EU has delivered several landmark pieces of legislation, including its General Data Protection Regulation (GDPR) (2016) and its AI Act (2024). Early regulatory action by the EU on these topics spurred the development of similar regulations internationally (Cervi 2022; Gunst and De Ville 2021). The EU is also seen as one of the few jurisdictions with enough market power to influence the behaviour of large multinational technology companies (Cervi 2022)

Although the EU has an interest in supporting the provision of safe and affordable housing, it does not currently have a unified hosing policy or comprehensive housing legislation (Kucharska-Stasiak et al. 2021). A wide variety of housing systems operate in the member countries. These differences influence how housing is financed, regulated and distributed. Some countries such as the Netherlands, Austria and Demark prioritise social housing, while others like Italy, Latvia and Spain rely more heavily on private markets (OECD 2024). To date, the EU's role has been primarily to enshrine basic rights to adequate, safe and affordable housing in high-level policy documents and agreements, and to support national initiatives through various funding mechanisms (Kucharska-Stasiak et al. 2021).

5.1.2 United States[17]

To date, individuals' rights in the US regarding the collection and use of data have been determined on a state-by-state basis. A patchwork of legislation at various stages of adoption applies across the country (NCSL 2024). This review addresses three states, California, Virginia and Colorado, which are known to be at the forefront of implementing consumer data protection legislation: in California the California Consumer Privacy Act 2018 (Cal) (CCPA), in Virginia the Virginia Consumer Data Protection Act 2021 (Va) (VCDPA) and in Colorado the Colorado Privacy Act 2021 (Colo) (CPA).At the time of writing, only Colorado has introduced additional legislation specifically targeting consumer protections for artificial intelligence; this legislation is known as the Colorado AI Act 2024 (Colo) and is the first of its kind in the USA (Jariwala 2024).

Virginia, on the other hand, has implemented measures regulating the use of AI by public-sector bodies (Commonwealth of Virginia 2024), while California has enacted a diverse range of regulations with a particular focus on enhancing transparency in the use of AI-generated content and combating misinformation (Newsom 2024).

17 We write this knowing that this landscape is likely to shift with the changes brought by the Trump presidency.

The proportion of public and private housing varies by state, but in the US, like Australia, most housing is allocated through private real estate markets (OECD 2024). AI and data collection are regulated on a state-by-state basis, but the Fair Housing Act 1968 establishes federal anti-discrimination laws. Enacted as part of the broader civil rights movement (Squires 2017), the Act prohibits discrimination in housing-related activities such as renting, accessing mortgages, or obtaining housing assistance, based on race, colour, religion, sex, national origin, familial status or disability. Although predating current debates around AI and digital data, the provisions of the act remain relevant to the application of contemporary technologies.

In 2024, the Office of Fair Housing and Equal Opportunity at the US Department of Housing and Urban Development (HUD) issued guidance on how to ensure AI technologies comply with the Act's provisions. It focused on tenant screening processes and targeted advertising on online platforms. This guidance provides important direction, but it is not legally binding. The recommendations were reversed by the Trump administration in 2025, but we continue to refer to them as a useful example of how the use of tenant screening technologies can be guided to avoid potential discrimination.

5.1.3 Singapore

Singapore has adopted a Personal Data Protection Act 2012 (PDPA), which outlines several consumer rights relating to the collection and use of data. It is centred on nine key principles that guide consumer data protection, including access, consumer-led correction and limits on the length of time data may be retained.

In 2020, updates to the PDPA tightened its provisions by mandating the reporting of data breaches and introducing criminal offenses for serious breaches. While Singapore has been notably ahead of the curve in implementing privacy and data protection legislation, it does not currently have legislation specifically targeting the use of AI. Instead, Singapore has implemented a Model AI Governance Framework with eleven principles and detailed guidance on how these may be implemented in the design of new AI systems. This was first released in 2019, with a second edition in 2020.

A separate Governance Framework for Generative AI developed by the non-profit AI Verify Foundation was published in 2024. The Verify Foundation is a wholly owned subsidiary of the Media Development Authority of Singapore. Its membership includes global tech companies such as AWS, Dell, Google, Microsoft, Red Hat, IBM and Salesforce (AI Verify Foundation 2024).

Singapore has a unique and highly regulated housing system. The government's Housing and Development Board (HDB) has developed three-quarters of the housing stock on the island, with the remainder accounted for by private real estate and the rental market (Phang and Helble 2016).

HDB properties are on 99-year leases and are sold with subsidies and grants based on household income and configuration. Singapore's system strongly promotes home ownership, which exceeds 90 per cent of the population (Phang and Helble 2016).

Singapore has a long-standing Ethnic Integration Policy (EIP) which is applied to the allocation and rental of HBD housing (Government of Singapore 2020). The EIP, implemented in 1989, imposes ethnic quotas for each block and neighbourhood to promote integration, and restricts buyers or renters from specific ethnic groups once quotas are met.

The private rental market, on the other hand, is largely unregulated. While codes of practice published by the Council for Estate Agencies prohibit racial preferences from appearing in advertisements except under EIP quotas (CEA 2020) private tenancy agreements are subject to minimal oversight (Ministry of National Development 2022).

5.2 Overview of the legislation

5.2.1 Privacy and data protection provisions

Consumer privacy and data protection laws across the jurisdictions share significant similarities, with the influence of the European Union's GDPR evident in the laws of the other jurisdictions; it has also influenced Australia's Privacy Act, which was substantially revised in 2024. While the jurisdictions differ in their scope of application, these laws typically require companies to collect, use and store data securely. Key principles include obtaining consent, limiting data collection to what is necessary, allowing consumers to access or delete their data and ensuring accountability through enforcement mechanisms.

5.2.2 Artificial intelligence legislation

While non-statutory ethical principles and guidance documents for the use of AI are widespread (Fjeld et al. 2020), dedicated laws and regulations are relatively new and are rapidly evolving. At the time of writing, only the EU and Colorado among the selected jurisdictions had enacted AI legislation focused on individual and consumer protection. With evidence of EU influence, both regulations apply a 'risk-based' approach, with most provisions applicable only to 'high-risk' systems (Jariwala 2024).

Each has a slightly different definition of a high-risk system. In the EU's AI Act, a high-risk system involves 'access to and enjoyment of essential private services and essential public services and benefits' (Annex III, section 2). Under Article 6, section 3(d), even AI systems designed to carry out preparatory tasks are deemed 'high-risk' in this context if they involve the 'profiling of natural persons'. (Public housing would be covered by further specifications to this definition as 'essential public assistance benefits and services', but privately provided housing is not specifically addressed.)

Colorado's AI Act, on the other hand, defines a high-risk system as 'one that makes, or is a substantial factor in making, a consequential decision'. In the Colorado Act, unlike the EU's, housing is explicitly included in the list of categories where decisions are deemed consequential, defined as those that 'have a material, legal, or similarly significant effect on the provision, denial, cost, or terms of services or opportunities' (6-1-170, section 9 (II)).

Article 5, section 1(c) of the EU AI Act nevertheless prohibits social scoring, defined as 'classification of natural persons or groups of persons over a certain period of time based on their social behaviour or known, inferred or predicted personal or personality characteristics' where this leads to:

> (i) detrimental or unfavourable treatment of certain natural persons or groups of persons in social contexts that are unrelated to the contexts in which the data was originally generated or collected;
>
> (ii) detrimental or unfavourable treatment of certain natural persons or groups of persons that is unjustified or disproportionate to their social behaviour or its gravity. (Article 5, section 1(c) (i– ii))

Although the EU's AI Act does not explicitly link its prohibition on social scoring to housing or tenant screening, the provision could nevertheless effectively ban algorithmic systems that generate predictions about a person's behaviour or personality for decision-making purposes from social media and population-level data. These predictive algorithms are increasingly common internationally (Ferreri and Sanyal 2022; Hauen 2020; McElroy et al. 2020), but they are currently less common in the Australian context (Przhedetsky 2024). At this stage, adopting regulatory safeguards could help prevent their emergence and protect renters from potentially discriminatory or opaque decision-making.

Both the EU and Colorado Acts impose several procedural requirements to reduce risk in AI systems, including monitoring for bias and maintaining detailed documentation of system functions and input data. Both Acts also establish rights for individuals to be notified when AI is used and to challenge the outcomes of AI decisions.

There are nevertheless differences between the two Acts. A key difference is that the EU Act has a greater focus on the providers of AI, while Colorado's places more of the risk management requirements on with the deployer of an AI system.

5.3 Comparative observations and recommendations

5.3.1 Risk of excluding small organisations in the housing context

Privacy and data protection regulations are geared towards reducing the risk of a large-scale data breach rather than protecting individuals' rights to safe, secure housing. US jurisdictions, like Australia's, provide exemptions for businesses under a certain size, based on factors like income, number of transactions or number of customers. As discussed in the previous chapter, Australia's regime excludes individuals and most organisations with an annual turnover of less than $3 million. This threshold may exclude some real estate agents, property managers and PropTech providers (OAIC 2023).

While individuals still have the right to correct information that is likely to follow them for a long time and across tenancies, a broader framework like the EU's GDPR, which does not contain such exemptions, could better ensure that privacy protections extend to all activities by property managers. This is particularly important given their role in maintaining rental records and providing references for future tenants.

5.3.2 Long lead-in times

Both legislative domains—data privacy and AI—are undergoing rapid change in Australia and in the selected international jurisdictions. Two years is the typical minimum lead-in time for most of the legislation reviewed here, so many of the privacy and data protection regulations reviewed have been in effect for just over a year. In both the EU and Colorado, the AI Acts are yet to come into effect. Colorado's AI legislation will come into effect in February 2026, and the EU will phase in prohibitions and regulations on a timeline from 2025 to 2030, starting with prohibited systems.

The long lead-in times also highlight the fact that the practical effects of these international frameworks will likely take years to materialise, leaving limited opportunity to directly evaluate and learn from their outcomes in the short term. Delaying action would present its own challenges. A more proactive approach is recommended for Australian states, drawing on general principles from international frameworks with ongoing resources, anticipating a need for updates in the years ahead.

5.3.3 The need for more specific guidance and provisions

The obligations in the reviewed privacy and data protection laws revolved around a set of general principles such as 'data minimisation', which involves collecting only data necessary for the purpose it is intended to serve. Because these laws are designed to apply broadly, they do not define what constitutes 'necessary data' (or any equivalent concept) in the context of deciding tenancy applications and other housing matters. Similarly, AI-related regulations emphasise process-based requirements, such as conducting data audits and monitoring for bias and unintended consequences, but except for the prohibition of social scoring under the EU's AI Act, they provide little guidance on which AI applications are acceptable or unacceptable, particularly in the context of housing.

A more effective approach could be to design data privacy and AI regulations that respond specifically to current and potential discriminatory processes in the provision of housing. The US Department of Housing and Urban Development (HUD) provides a good example with its guidance on ensuring that applications of AI comply with the Fair Housing Act. Although the guidance was rescinded by the Trump administration in 2025, it provides an example of how to deploy tenant screening technologies in a way that minimises discrimination. In particular, it provides practical advice on applying privacy, data protection and non-discrimination principles to tenant assessment. Key examples are listed in Table 6 below.

Table 6: Examples from 'Guidance on Application of the Fair Housing Act to the Screening of Applicants for Rental Housing' (HUD 2024) categorised against general privacy data protection and AI usage principles

General principles	Summary of an example provided in HUD guidance
Data minimisation	• Avoid using past actions unrelated to tenancy or incidents unlikely to recur (e.g. eviction due to job loss) as reasons for denial. (V.B.1) • Waive irrelevant screening criteria for specific applicants (e.g. minimum income for applicants where rent is paid by a third party). (V.B.1) • Disregard records without negative outcomes (e.g. eviction proceedings where the tenant prevailed). (V.B.1) • Consider all types of relevant financial resources (e.g. Housing Choice Vouchers, SSDI) in assessments. (V.B.1) • Limit reliance on eviction data, as they are often unreliable, discriminatory, or incomplete. (V.C.1) • Limit reliance on credit history as it has no direct correspondence to ability to pay rent (V.C.2). • Differentiate criminal records by relevance, excluding old or unrelated offenses. (V.C.3)
Transparency	• Make tenant screening policies publicly available and easily accessible to applicants. (V.B.4) • Provide applicants with clear processes for submitting evidence of mitigating circumstances, requesting accommodations for disabilities and disputing inaccurate or irrelevant records. (V.B.4) • Include detailed denial letters specifying all reasons for denial and the specific standards the applicant did not meet. (V.B.4)
Bias mitigation	• Allow housing providers to customise screening criteria, standards and weights without providing default settings or set defaults to 'least exclusionary'. (V.A.1)
Timely corrections	• Process screening information quickly to prevent delays that force housing providers to choose between holding a unit or unfairly rejecting an applicant. (V.A.2)

Source: Authors, adapted from 'Guidance on Application of the Fair Housing Act to the Screening of Applicants for Rental Housing' (HUD 2024).

Importantly, the HUD guidance clarifies that third-party screening companies, including those using AI or advanced technologies, are required to comply with the Fair Housing Act. This highlights the importance of ensuring that RTAs are adjusted to explicitly target harms resulting from screening tools.

The HUD statements about tenant screening and AI applications serve as non-binding recommendations rather than enforceable laws. While this guidance is imperfect, not legally enforceable and relies on voluntary compliance by housing providers and screening companies (Tech Equity 2024), it could still serve as a useful starting model for future regulatory frameworks with review and adaption to suit the local regulatory and housing context.

5.3.4 Recognising non-technological sources of discrimination

Discrimination in housing is a persistent issue worldwide, shaped by each country's unique historical, social and ethnic contexts. Different approaches to housing discrimination between jurisdictions add layers of complexity when considering the transferability of approaches to the regulation of AI in this domain. For example, the Fair Housing Act (FHA) in the US was enacted during the civil rights movement, led by figures like Martin Luther King Jr, which set out to tackle systemic racial segregation and discriminatory practices in housing markets (Squires 2017).

The guidance for AI issued under the FHA goes to some lengths to ensure race is excluded from direct and indirect consideration in decision-making algorithms. Despite small improvements over the decades since the FHA was passed, however, racial discrimination and segregation in housing remain prevalent in the US (Rugh and Massey 2014). Addressing this issue would require broader societal and policy-level changes that extend far beyond the capabilities of AI systems, which at best can hope not to exacerbate existing problems.

In contrast, Singapore's approach reflects its unique history and politics. The Ethnic Integration Policy (EIP) seeks to promote racial harmony and integration by enforcing quotas for housing allocation based on ethnic groups, ensuring an even geographic distribution of Chinese, Malay and Indian residents. This policy relies on the use of ethnic data, which is also displayed on local identification cards.

Singaporean leaders have reportedly acknowledged that the EIP is 'the most intrusive policy in Singapore', but they view it as a necessary measure to address the nation's specific social challenges (Chen 2019). As a policy specific to Singapore's unique historical, geographical and political context, it is not recommended but rather serves as an example in direct conflict with privacy regulations that explicitly prevent the processing of ethnic data in the EU, US and Australia.

Ethnic discrimination also remains prevalent in Singapore, particularly in private housing markets (Institute of Policy Studies and CNA 2021). In addition, Singapore's system of housing allocation and subsidy is widely recognised as structurally favouring traditional family households, prioritising heterosexual couples over single people or those in the LGBTQIA+ community (Oswin 2019: 2010). Again, addressing these issues would require broader societal and policy-level changes outside the scope of AI solutions.

Each jurisdiction highlights the challenges of balancing anti-discrimination objectives with effective regulation. In the US, strict measures to exclude ethnicity from housing decisions may inadvertently limit targeted interventions, such as programs addressing Indigenous housing needs or ensuring equitable access for minority groups (Larkin 2007). These issues are also relevant given Australia's context as a colonial nation.

When applying AI in housing, systemic issues should be carefully considered to avoid exacerbating existing inequalities. AI systems should be designed and regulated to account for local contexts, and their implementation should be accompanied by systemic review of any structural discrimination embedded in housing systems. It is important to remember that technology is not the cause of discrimination per se. It arises from broader structural conditions in the society where it is developed and applied.

6. Social housing and data collection

- A significant volume of personal information, much of it highly sensitive, is collected about social housing tenants, particularly in the application process but also through the management of tenancies.
- Data collected through social housing applications is used to triage and sort tenants in the context of the extreme scarcity of available lettings. Whereas in the private rental sector, data is used to select the 'best tenant', for social housing it is used identify the most vulnerable.
- Data collected through the tenancy management process is used to continuously recalibrate rental subsidies to changing household circumstances, and to identify and respond to—and in some cases anticipate—tenancy problems, to prevent tenancy failures.
- Data collection and use is enabled by a variety of digital platform technologies, including a range of commercial tenancy management platforms marketed to community housing providers.
- The expanded reliance on data-driven digital technologies has generated a range of data governance imperatives and challenges for social housing providers related to data quality, stewardship, sharing and linking, regulating access and privacy considerations.
- Emerging data technology trends in the sector include increasing digitisation of provider–tenant transactions, with a growing use of client-end technologies, and increasing automation of administration, including through the embrace of AI technologies.

This chapter presents the findings of our analysis of PropTech-mediated data collection in the social housing sector. These findings are based on qualitative case studies carried out in NSW and Victoria involving a review of relevant policy documents and interviews with key stakeholders (both government and non-government). Our focus here is on 'social housing', understood as including public housing owned and administered by government and community housing, which is managed and sometimes owned by community housing providers.

Rents in social housing are set as a proportion of tenants' income, and tenancies are not time limited. Our analysis does not include 'affordable housing' (where rents are based on a proportion of the market price) or transitional housing (where tenancies are time limited).

While much of the scholarly and policy attention on data proliferation in housing has focused on the PRS, there is also a growing reliance on data-driven technologies and automation in the administration of social rental housing, albeit to different degrees in different jurisdictions and segments of the sector. Drawing on our case studies, we examine the types of data collected about social housing tenants (actual and prospective); how this data is used; and the digital systems/platforms that facilitate this. We also examine the data governance practices that exist in the sector, and conclude with an overview of data collection and technology trends in social housing and its implications.

6.1 What data is collected and how is it used?

Social housing providers collect a significant volume of personal information about tenants. Much of this information is collected during the application phase, but personal information continues to be collected from tenants after they are housed and from third parties as part of the tenancy management process. We consider each of these processes in turn.

6.1.1 Social housing applications

What data is collected in the application process?

Data collected through the application process serves two primary purposes: to determine applicants' eligibility for social housing and to determine the order in which those deemed eligible are allocated available tenancies. Eligibility assessments determine whether an applicant will be admitted to the 'social housing register', the waiting list (or more accurately, database) from which tenants are selected when a social housing tenancy becomes available.

The order in which allocations are made is based on the triaging/prioritisation of eligible applicants based on the urgency and/or acuity of their housing need. In NSW, the housing register is divided into 'general' and 'priority' lists, with applicants admitted to the latter being offered first refusal of available tenancies that match their requirements in terms of location, number of bedrooms etc. In Victoria, applicants apply to be admitted to a specific priority category; each of these has its own eligibility criteria, which are reproduced in Appendix 1. In Victoria, therefore, eligibility and prioritisation processes are combined, and each priority category includes its own eligibility criteria.

As Pawson and Lilley (2022: 41) show, eligibility criteria are broadly similar across Australian states and territories. All include income and asset limits (albeit of varying stringency), citizenship or permanent residency requirements, proof of residence in the state and proof of identity. Some states also include additional eligibility criteria. For instance, the NSW government requires that applicants:

- be able to sustain a successful tenancy, without support or with appropriate support in place and
- if applicable, make repayments of any former debts to a social housing provider and
- in general, be at least 18 years of age. (NSW Department of Communities and Justice [DCJ] 2023: n.p.)

As with eligibility criteria, prioritisation decisions are also made using similar modes of assessment across jurisdictions (Clarke et al. 2024). These typically entail an assessment of applicants' needs and vulnerabilities, with priority given to cohorts deemed in greatest need. For example, the Victorian Department of Families, Fairness and Housing (DFFH 2024a: n.p.) lists the following groups as most likely to be given priority access to a social housing tenancy:

> Priority Access: in broad terms, this might be reserved for people:
>
> - who are homeless and receiving support
> - who are escaping or have escaped family violence
> - who have a disability or significant support needs
> - who need to move for health reasons.

A similar if somewhat more detailed list is provided by the NSW government (see NSW DCJ 2024a). These categories determine the kinds of information applicants are required to provide.

The information used to determine eligibility and priority is collected through the social housing application form. How the application is completed varies between states. Both of our case study jurisdictions encourage applicants to submit their applications via an online portal. Victoria also accepts paper applications, but these have been phased out in NSW. NSW applicants unable to complete the form online have the option of completing it over the phone. In Victoria, people applying for the 'homeless with support' priority category must apply 'through a support agency' such as a social housing provider or women's refuge, whose staff will complete the application on their behalf.

In addition to responding to the questions contained in the form, applicants are required to provide officially recognised 'evidence' to substantiate the circumstances and needs they report there. State governments typically provide applicants with an official list of acceptable forms of evidence for each question or criterion (for example, see NSW DCJ 2024b or Victorian Department of Health and Human Services 2020). For standard eligibility criteria like income/asset limits and citizenship/residency requirements, common forms of evidence include:

- identity documents (birth certificate, passport or driver's licence) to verify identity, citizenship and/or residency;
- financial documents (bank statements, Centrelink income statements or payslips from an employer) to verify income, financial assets and/or residency; and
- letters of support from a government or community service provider to verify that applicants have access to support to sustain a tenancy.

These broad requirements typically apply to everyone, meaning all applicants provide similar types and amounts of information to meet them. When it comes to determining priority, however, the volume and types of evidence required can increase significantly. As one interviewee put it,

> Applicants have to fill out a whole range of data about eligibility … The more priority application you fill out, the more information you disclose about yourself. (NGO participant 1, Victoria)

The reason for this is that applicants seeking priority status are required to verify the vulnerabilities or risk factors that underpin their claims of urgent or exceptional need. The form this evidence takes varies depending on the vulnerabilities/risk factors being substantiated. The lists compiled by state housing providers are extensive and cannot be reproduced in full here (see NSW DCJ 2024b; DFFH 2024b). Some common examples of the evidence options include:

- a letter from a support provider, such as a specialist homelessness service (to verify homelessness) or health professional (to verify illness, disability or health impacts of a person's current accommodation).
- a medical assessment 'detailing [a] disability or ongoing medical condition and the impact it has on housing need' (NSW DCJ 2024: 7).
- a police report or Apprehended Violence Order to verify experience or risk of domestic/family violence.

Once an application is submitted and eligibility and priority established, applicants wait on the housing register for a social housing offer. Given that many applicants wait for extended periods (see Pawson and Lilley 2022), they are required to update their personal information regularly to verify their ongoing eligibility and relative priority. To facilitate this, housing providers conduct periodic reviews in which applicants are sent a form to complete to confirm their ongoing need for social housing and inform the provider if their circumstances have changed. These reviews are conducted, at a minimum, every 12 months in NSW and every 24 months in Victoria (DCJ 2025; DHHF 2024c).

Failure to respond to review correspondence will typically result in an application being deemed 'inactive' and removed from the housing register. Apart from these periodic reviews, applicants are encouraged to report any changes in their circumstances as they occur. An additional review is conducted when an applicant is offered a social housing property, as a final check to ensure eligibility.

How is social housing application data used?

Data collected through the application process is used to 'sort' (Clarke et al. 2025) applicants in ways that assists with the rationed allocation of scarce social housing lettings.

As noted above, housing providers have responded to the severe shortages of social housing in Australia by intensified targeting of available lettings to those households in 'greatest need' (Clarke et al. 2024). One of the core uses of tenant data is therefore to determine the relative neediness of applicants. The general eligibility assessments described above contribute to this by determining whether an applicant has a sufficiently low income and asset holdings to warrant them receiving social housing, with its heavily discounted, affordable rents.

> I would say most of most of the [housing assistance] products that we make available is based on income eligibility... [L]ike the whole idea of social housing is to provide rental to low-income households, right? (Government participant 1, NSW)

However, given that there are significantly more low-income households who apply for social housing than there are available properties (as manifest in the long waiting lists across the country), priority assessments have become increasingly important to ensure that those with greatest needs are housed first.

> Of course, just because you're eligible doesn't mean that you're going to ... be allocated housing straight away, because obviously the waiting list itself is ... close to 60,000 households as of now ... Priority [is given to] those that are in ... greatest need. They are either homeless or at risk of homelessness, come for domestic violence or from [a] refuge. And their housing need is really pressing ... so they are given priority. (Government participant 1, NSW)

The personal information provided by applicants during the application process is thus vital to determining the likelihood that they will be allocated a social housing property and when this is likely to occur.

In NSW, the processing of tenant data to determine eligibility and priority is a largely automated process. Data from the application process is entered into the state's database, called 'HOMES' (Housing Operations Management Extended Services), which assesses a household's eligibility for social housing and a range of other housing assistance 'products' (e.g. private rental assistance). It then sorts those deemed eligible for social housing into the 'priority' and 'general' categories, based on an algorithm that calculates the relative acuity of their need.

> It is an automated process … I think that was the whole idea [of HOMES]. (Government participant 1, NSW)

The Victorian system is much less automated. Here, applicants are required to self-sort by applying to one of the lists of hierarchically organised priority categories provided in Appendix 1. The information provided by applicants is then used to determine whether they should be admitted to the priority category to which they have applied.

> So there is like quite a lot of information collected. That information's used to rank—well, not rank—but prioritize households … Well, it's used to put you in a priority category in which you sit in a date order. (NGO participant 1, Victoria)

As explained by a Victorian government interviewee, these determinations remain a largely manual process, supported by the categories used to capture applicant information through the application forms.

> It's all done by someone who assesses the application … [T]he way we capture the information is based on eligibility and … there is a certain priority that we give for certain combinations of data that [is organised by] the way we capture the data … But there's nothing that's automated in terms of assessing that application and processing it. We still require someone to make that decision. (Government participant 2, Victoria)

While Victorian housing workers make decisions based on the eligibility criteria for each priority category, this quote suggests that there is greater space for human discretion in these decisions than in NSW's more automated system.

When a social housing property becomes available to let, a further sorting process is conducted to find a tenant whose needs profile matches the property's features. In the following quote, an interviewee explains how this process works from the perspective of a Victorian community housing provider looking to allocate an available tenancy:

> Community housing organisations have access to [the housing register] in order to pull tenant information down about appropriate vacancies … They'll determine the type of housing you need … So, if you've got mobility issues and you need a ground floor, a step-in shower or any of those property exemptions … And area preferences. And if you need, for mental health reasons, to have a standalone dwelling, those kinds of things … [Applicant information is] used by providers to essentially filter—like I've got a vacancy in Preston that's on the third floor, and it's a two-bedroom: who's eligible and who's at the top of the list and what's their income source and what's their household type? (NGO participant 1, Victoria)

As described by this participant, this matching process starts with the features of a property that has become available to let and then uses applicants' data to 'filter' them based on their property requirements. This matching process works in concert with prioritisation: among those applicants whose needs match the property, preference is given to those in the highest priority categories. The allocation of public housing follows a broadly similar process.

The findings presented in this section suggest there is an important distinction to be made between how applicant data is used in the SRS and PRS. As Chapter 7 shows, private rental applications are used to identify who the landlord and/or property manager views as the 'best tenant', in terms of their capacity to pay rent and maintain the property. By contrast, the social housing application is primarily focused on determining who is in 'greatest need' based on a range of financial and non-financial vulnerabilities.

Importantly, assessments of applicant need are determined based on the extent to which their identified vulnerabilities inhibit them from accessing and/or sustaining a property in the PRS. For instance, the Victorian government states that its housing agency, Homes Victoria, 'owns and manages public housing for people on low incomes who have difficulty affording and securing housing in the private market' (DHHF 2024c).

In NSW, inability to access private rental housing is built into how eligibility and priority criteria are defined. For example, the NSW government states:

> To ensure that social housing assists clients who are most in need, the eligibility criteria for social housing concentrates on assisting:
>
> - clients on low income that need support to help them live independently, and
> - clients on low income that have problems finding affordable housing in the private market that is suited to their needs. (DCJ 2023: n.p.)

Priority applicants are required to prove that, in addition to being 'in urgent need of housing', they are 'unable to resolve that need themselves in the private market':

> A social housing provider will assess an applicant's ability to resolve their urgent housing need in the private rental market by considering a number of factors that may make it difficult to rent privately. Examples include the applicant's housing requirements, availability and affordability of private rental accommodation, and the applicant's personal or medical circumstances. (DCJ 2023: n.p.)

This suggests that applicant data serves an inverse function to that collected in private rental applications. Rather than identifying the 'best tenant', in terms of capacity to pay rent and maintain the property, social housing applicant data is used to identify who is the most vulnerable to exclusion and instability in the private market. Considering the two processes together, it is clear that applicant data plays an important role in structuring the housing pathways of Australian renters.

6.1.2 Tenancy management

What data is collected and how is it used?

While not as 'data hungry' as the application process, the management of social housing tenancies also involves the collection of significant personal information about tenants. This information is collected for various purposes, many of which are peculiar to the administration of social housing tenancies.

First, tenants are subject to periodic rent reviews to assess their ongoing eligibility for rental subsidies and to ensure that these are calibrated to their current circumstances. In Australia, social housing rents are set at market levels, with tenants receiving a subsidy to reduce the rent they pay to a level that is deemed affordable. This is typically 25 per cent of household income, with community housing tenants also contributing any Commonwealth Rent Assistance payments they are entitled to.

The level of subsidy provided is based on tenants' household income and household composition; rent reviews seek to monitor any changes in these circumstances to ensure the correct rents are being charged. This is done every 6 to 12 months, with some variation between providers.

The data collected from tenants to enable rent reviews was described by an interviewee as 'very comprehensive' (Government participant 1, NSW). It concerns various aspects of tenants' lives, as outlined in the quote below:

> [W]e need to work the rents out [and] collect correctly … So, for those reasons, you need quite a lot of detail about [income], about household complement, ages, children, even a little bit about living arrangements. Because, you know, you might have two individuals living at a property, but you might need to calculate their rent as two individuals or a family group and there's slightly different rules about that. So you need all of that information. (NGO participant 2, NSW)

How this data is collected varies. Information about household composition is generally collected directly from tenants themselves. Income data may also be acquired directly from tenants, but interviewees report that it is increasingly collected via data linkage with the federal social security agency, Centrelink.

> In order to get the subsidy, you need to show what you earn. [Tenants] usually sign something that allows you to get the Centrelink [data] directly from Centrelink … So that means … [tenants] either providing consent to get that information from Centrelink or providing Centrelink statements themselves. (NGO participant 3, Victoria)

Given that most social housing tenants are recipients of government income support payments, it is likely that a significant portion make use of this system.

Beyond setting and reviewing rents, data is also collected on rent payments through the providers' tenancy management systems (discussed in more detail below). This information enables providers to identify and respond to households who fall into rent arrears, including by seeking to evict non-paying tenants through the states' Civil and Administrative Tribunals. The interviewee we identify as Tenancy management software provider 1 said that the system 'manages the arrears process', but the decision about whether tenants were taken to the tribunal depended on the provider's arrears policy.

Information about arrears remains in the system even if tenants are evicted. It is recorded as a rental debt, as are maintenance costs related to property damage. In NSW, former tenants are required to clear these debts before they can be allocated another social housing property:

> One of the requirements if somebody is evicted and then goes back on the list is that they need to clear any debts to the social housing provider if they're asking to be rehoused. (NGO participant 2, NSW)

In Victoria, those with debts can be allocated housing again, but the debt record remains in place and tenants are expected to enter a payment plan to repay it if they get another social housing tenancy.

Tenant data may thus result in detrimental outcomes for SRS tenants who are identified as failing to meet their tenancy obligations, but this is not the only way that tenant data is used in tenancy management. Indeed, there are many cases where it is used to mitigate the risk of negative tenancy outcomes.

Interviewees reported that eviction was treated as a last resort in the social housing sector, as the sector's mission is to assist those who struggle to sustain housing. In this context, data on arrears and other tenancy issues (such as conflict with neighbours) is used to flag tenancies that may be at risk and to prompt early supportive interventions.

> Everybody's working really, really hard to try and avoid [eviction] and to do the early interventions, put the support around that tenancy. We don't want to lose tenants ever, really. [Eviction is] very much a last resort if it has to go to that. (NGO participant 2, NSW)

Most of the information used to identify tenant support needs and/or tenancies at risk is collected manually by tenancy managers and recorded as case notes on the organisation's tenancy management software, but there are also emerging efforts to automate some aspects of this process. One tenancy management database, which is widely used in the community housing sector, now records regular information on tenant wellbeing, which it uses to generate a set of 'wellbeing indicators'.

> It has indicators on wellbeing levels of a tenant. So, are they safe? Are they connected? Are they financially secure? Are they, you know, depressed—whatever. And it gives the traffic light system: 3, 2, 1; green, amber red. As to those, [it] highlights people that happen to need more care than others. (Tenancy management software provider 1)

These indicators are intended to signal whether a tenant requires support to maintain and thrive in their tenancy. When tenancy managers enter the information, it is recorded against pre-set criteria and used by the software to calculate an automated wellbeing score. While this tool is not universally used, a representative of the company that developed it described it as 'pretty popular', particularly among newer community housing providers (Tenancy management software provider 1).

While most interviewees recognised that supporting tenants to sustain their social housing tenancies was important, some were sceptical of the value of such data-driven targeting approaches. One interviewee questioned whether technologies that flag or 'predict' at-risk tenancies are useful in a social housing sector where public housing is in critically short supply and tenancies are allocated to those with the greatest need or vulnerability.

> All the evidence I've seen is that predictive models—the only reliable predictors are poverty. And that's sort of universal in the tenant group. (NGO participant 1, Victoria)

In recognition of this, the interviewee advocated a more 'universal' approach to supporting tenants:

> What we know is that it's the establishment phase of tenancies that are the hardest for households … And if you set the tenancy up right, make sure people are comfortable and connected, you're gonna have better likelihood of a successful tenancy … So what we would like to see more of is—in that initial six-week period—that there are support services around people to help them with the establishment thing … So I would like to see more of that in a universal way than this idea of predictive [data]. (NGO participant 1, Victoria)

6.2 What technologies are used to collect and store tenant data?

In this section, we outline the digital technologies used to collect, store and process tenant information in the social housing sector. Various commercial digital platforms are used in social housing to support the allocation of housing and management of tenancies. Some platforms are partially developed and managed in house by government services, such as the Housing Integrated Information Program (HiiP) system, the core housing IT system used by the Victorian government to deliver housing services from the Victorian Housing Register (VHR).

In NSW, as previously discussed, the Department of Communities and Justice (DCJ) utilises a system called HOMES to manage clients' housing pathways and interactions with the department. HOMES is also used for reporting purposes alongside the Enterprise Data Warehouse (EDW), a repository of information that is uploaded from HOMES. HiiP in Victoria and HOMES in NSW host their respective states' housing registers, which contain the lists of households waiting for a social housing allocation and data about their needs and relative priority.

Community housing service providers submit tenancy management data to a system called CHIMES to meet government reporting requirements. In NSW and Victoria, various commercial housing management software products are used by community housing providers to manage tenancies. The community housing industry representative we spoke to identified at least five vendors in the housing management software market, many of whom are international, and said that had 'different price points and capacities' (NGO participant 2, NSW). Based on supplementary material provided, we found there are currently six companies that supply integrated tenancy and asset management systems to the community housing industry in NSW: Civica, EMS, MDB Consulting, MRI Software, SDM Housing Software and Zavanti.

Housing management software in social housing is a subset of the wider suite of real estate management software, with some companies servicing both the private and public housing sectors. These products conform to the definition of 'platform real estate', in that they allow services and features to be 'pulled together into temporary higher-order aggregations, adding value to both the things and the platform in the process' (Shaw 2018: 1046). Platforms do this by utilising existing and new sources and types of data collected across the whole tenancy journey.

In the community housing sector, there are no mandated platforms, and individual providers make decisions about the platforms they adopt to suit their needs and budgets. The providers weigh up the platform features based on their priority concerns. For example, some housing providers might have a focus on tenant portal and mobile access, whereas others might want a fully featured asset management system. Many community housing providers utilise multiple systems to deliver the range of system services they need:

> It's complex and as I said, there isn't a perfect solution out there, or not at the kind of price point that can be achieved by some of the community housing providers. (NGO participant 2, NSW)

6.3 Data governance

The increasingly use of digital technologies to collect, use and store data relating to tenancy allocation and management in social housing has meant that community housing organisations and government agencies have moved to establish frameworks and practices of data governance, defined as 'a process that determines who can take what actions with what data, when, under what circumstances, using what methods' (Luisi 2014). Abraham et al. offer an alternative definition drawn from a systematic review of the literature, that data governance specifies a 'cross-functional framework for managing data as a strategic enterprise asset … [that] specifies decision rights and accountabilities for organizations' decision-making about its data and … formalizes data policies, standards, and procedures and monitors compliance' (2019: 426).

Some key areas of data governance emerged in our interviews, where participants canvassed a range of data governance challenges. These areas included data quality, data responsibilities/stewardship, sharing and linking, limits and restrictions, and security and privacy.

6.3.1 Data quality

The accuracy of data entry and access to timely data were identified as ongoing issues across numerous platforms and information systems. Different definitions and measurements across states and jurisdictions make data less useful:

> We're all measuring different stuff, and even the definition behind what an eviction is, is different in each of those contexts, which is really silly. (NGO participant 3, Victoria).

These inconsistencies and inaccuracies between systems and datasets were seen as affecting data reporting at the sector-wide level, making it unreliable for making comparisons and predictions or informing decision-making. The desired outcome is to have consistent definitions and performance measures:

> Like ideally, there should be shared definitions, shared counting roles, shared key performance measures, even if the performance standards are different. (NGO participant 3, Victoria)

6.3.2 Data responsibilities/stewardship

It is a responsibility of government departments to ensure that data collected is up to date and relevant for the assessment and allocation of social housing:

> I think as part of the department's work, there's always kind of ongoing review and assessment of, you know, are these settings still current? Do they require refresh? Are there amendments that need to be made? So that's definitely something that's, I think, a constant part of managing the social housing system. (Government participant 3, Victoria)

Other responsibilities for data governance identified in the relevant government departments included reporting and application management, privacy management, data security and audits.

In general, there is some confusion about the privacy and data regulations that government agencies are obliged to follow, although there is a general awareness that there are frameworks and laws in place. Data governance expertise appeared to reside in technical ICT units and data reporting sections rather than in the policy and operations areas, where staff had only a general awareness of these laws and regulations:

> I'm not someone who's … I don't have to manage that side of things. But there's whole teams who are managing that intersection with privacy legislation in Victoria. Umm yes, so I'm not entirely sure. (Government participant 3, Victoria)

6.3.3 Sharing and linking

The linking and sharing of administrative data are on the rise across government and community housing. One of the main government data programs in the NSW DCJ is the Human Services Data Set (HSDS), which collects de-identified and combined data 'through the administration of different NSW government services and some Commonwealth government supports (i.e. welfare and medical benefits)', according to the HSDS website (NSW government 2024d). For the DCJ staff member interviewed, this did pose some questions and 'pause for thought':

> So you know, this is a personal thing, but just that kind of linked administrative data is an area that does sort of give me a little bit of a pause, pause for thought. (Government participant 1, NSW)

He felt that the application of this data in decision-making did not always result in relevant or useful outcomes:

> There was obviously such a huge pool of stuff out there that the evaluation was sort of trying to find, you know, pull some threads together that just really weren't all that relevant. (Government participant 1, NSW)

Yet he also expressed a degree of faith in government processes in response to questions about who has access to data and the existing privacy and security measures:

> I think they must have, you know, some really, really good privacy and data governance policies in place. (Government participant 1, NSW)

6.3.4 Limits and restrictions

There is extensive collection, sharing and linking of personal information across agencies and third parties for the application process. On the one hand, social housing departments recognise the value of having data from a wide range of sources to inform effective decision-making and generate insights. On the other hand, there are limits and restrictions placed on the amount and type of information collected.

A government interviewee from Victoria explained that the collection of personal data was limited according to the rationale for needing it and staff were aware that there would be public scrutiny if information wasn't strictly used for its intended purpose:

> I think government would probably err on the side of, there's probably a lot more that we could collect that we don't, but we don't have a clear rationale for collecting it, so I think we … legally, probably wouldn't. It wouldn't hold up, and we would be subject to greater scrutiny if we were collecting a lot more information from people that wasn't actually relevant to that service that they were seeking. (Government participant 3, Victoria)

One key challenge identified by a business systems analyst in a social housing department is the continual need to tighten systems to secure them against data breaches and attempted hacks. This is also an issue with cloud services, as data is stored remotely:

> It just means that we have to have really tight system IT controls on the security and cyber side. It's a bit of a challenge. With that comes the fact that we lose that robustness as well. Because we do start to tighten things up and validate and more validation, which means less robust, less flexibility. (Government participant 2, Victoria)

6.3.5 Privacy and data regulations

At present, state government entities comply with obligations under a range of state and federal Privacy Acts; the ones mentioned by interviewees included the Privacy and Data Protection Act 2014 (Vic) and the Health Records Act 2001 (Vic). In NSW, the Human Services Data Set website refers to 41(1) of the Privacy and Personal Information Protection Act 1998 and section 62(1) of the Health Records and Information Privacy Act 2002.

The websites of the Department of Families, Fairness and Housing (DFFH) in Victoria and DCJ in NSW provide privacy and security statements about how and how far personal information collected on the site can be used. DFFH refers to obligations under the Privacy and Data Protection Act (Vic) and the Health Records Act 2001 (Vic). In NSW, the DCJ's Privacy and Information Sharing Policy refers to privacy obligations under the Privacy and Personal Information Protection Act 1998, the Health Records and Information Privacy Act 2002, the Government Information (Public Access) Act 2009, the Spam Act and the State Records Act 1998.

The Australian government is in the process of developing a national data governance framework for its departments and agencies (Australian government 2025).

6.4 Emerging trends and challenges

6.4.1 Growth in client-end technologies and digitisation of client–provider transactions

One of the trends in data collection and technology in social housing is the growth and takeup of client-end technologies, such as online portals for tenants to lodge a maintenance claim and then 'see in real time whether it's been accepted and what it's been allocated to and when they're going to come … that kind of thing' (Government participant 2, Victoria). In Victoria, existing tenants can also amend personal information via HousingVic, DFFH's online service, which can be accessed and linked to user accounts via the MyGov website or app:

> Where the renter can actually amend their address or request their account balance or, you know, look at whether there's rental arrears, that kind of thing—or any information in relation to the property. (Government participant 2, Victoria)

The shift to more digitised self-service options is seen as a future trend by government department staff interviewed and those in community housing:

> I think that you know that move to more digital self-service … particularly for maintenance, is going to accelerate because [it] … makes more sense for tenants, makes more sense for providers. (NGO participant 1, Victoria).

Participants viewed the growing use of client-end technologies and digitised self-service options as part of a broader trend towards the digitisation of client–provider transactions, driven by a general expansion of technologies and the means to collect data via online sites, apps and portals:

> So it's sort of going, you know, more online, first of all, and then the emergence of the apps and the tenant portal side of things, the increasing use of SMS for example. With our survey work when we started it was pretty much 100 per cent paper and … it's now probably no more than 30 per cent paper. (NGO participant 2, NSW)

This creates a competitive environment for social housing software platform providers, who respond with offerings of new services and applications:

> We're getting some … new entrants coming into the country with some sort of best-of-breeds technology solutions for particular needs. (NGO participant 2, NSW)

Some believe this is accompanied by more sophisticated ways to integrate data and offer new services and/or applications using data. For example, some platform providers are offering integrated services for managing the operation of smoke alarms through the Internet of Things (IoT), with back-to-base notification when they break or batteries need to be replaced.

One tenancy management software provider wanted to see more direct communication with clients through SMS and other chat apps and well as more data integration with other agencies through access to application programming interfaces (APIs).

> We talked about SMS. But really… I want to use a lot more chat with tenants. So tenancy managers can chat with the tenants telephonically, where they can record calls etc. where they want to. Integration with other systems. There's a lot of other systems that we do integrate with and specialty … facilities, management systems for properties and things that we're starting to integrate with. So more of that enables larger organisations to pull our data via our APIs. (Tenancy management software provider 1)

While there was significant enthusiasm for these developments among some of our interviewees, they also identified the digital divide as an important barrier to technology uptake:

> The challenge is the digital divide … Like, you know, increasingly social housing tenants have phones—if they don't have a computer, they've got a phone that is basically a computer … and all that stuff can happen. But you know, do you have access to the Internet? (NGO participant 1, Victoria)

Participants saw a need to retain non-digital options for those who did not have the means or skills to access the technologies needed to interact in a digital/online environment:

> It's still important to offer that option to people … it's very onerous on our side in terms of collecting … scanning, posting, printing and all those kinds of things. (NGO participant 2, NSW)

Another government interviewee noted concerns over access barriers experienced by social housing tenants as a reason for the uneven uptake of new technologies:

> We've got some people that don't even have a mobile or they're not able to access. So I do know that [redacted department name] is doing some kind of digital inclusion strategy, and they're aware that it's about education and maybe giving devices to these people if we're going to push digitisation—but there is a big push to make sure that all of our manual forms are available online. (Government participant 2, Victoria)

6.4.2 Increasing automation and the emergence of artificial intelligence

A related trend identified by interviewees is the increasing automation of social housing administration, which is part of a larger pattern of automation across welfare sectors and services within whole-of-government digital transformation programs (Park and Humphry 2019).

For some, this was a positive development to be encouraged. The tenant management software provider we interviewed embraced the promise of new technology for improving processes through enhanced automation and self-service options:

> From the point of view of the system, I'd like more automation and more [of] the system doing work that the tenancy manager doesn't need to do. So a lot more automated processes, a lot more self-serve. (Tenancy management software developer 1)

This includes using technology to automate aspects of the monitoring of system performance and the identification of problems. For example, dashboards could be used on computers or mobile phones to show when something in a house is defective or conversely reassure the agent that it's under control.

> You know that sort of business intelligence … Regardless of whether they're a worker, the third level down, or whether they're the operations manager or the managing group, or whatever. So getting to providing better tools with … better ways of using current technology as technology develops.

Others saw AI on the near horizon as an extension of the existing automated housing pathway systems. For one government interviewee, this kind of new technology adoption is an inevitable aspect of digitisation:

> The digitisation is here to stay … and it's only going to get bigger and better, I think. [T]here is no going back. There's no, you know, other way. It is the future. (Government participant 1, NSW)

Another government interviewee spoke of the uneven ways that new technologies are taken up, but similarly saw AI as the next big wave of technological change referring to an AI trial of a knowledge management system used to provide policy resources for call centre staff:

> Just recently we did an innovation project for the call centre in housing, which was embracing, you know, digital and AI. So there's appetite for it, but it's quite slow.

Nevertheless, the same interviewee noted how the AI trial resulted in significant time savings:

> So it's all online and … it reduces the amount of time that they're on the phone, like substantially. It used to take them, you know, possibly 30 minutes to flick through stuff, whereas now takes only two minutes. (Government participant 2, Victoria)

6.5 Conclusion

This chapter has shown that data collection is as significant a feature of the social housing sector as it is the PRS, if not more so. This intensive data collection is in many ways driven and shaped by the residualised status of social housing in Australia. The imperative to ration the scarce supply of available lettings to households with the greatest needs means that prospective tenants are required to supply significant amounts of personal information to demonstrate their neediness.

Once tenants are housed, sensitive data continues to be collected from them to recalibrate rental subsidies and monitor, respond to and in some cases anticipate problems that may place their tenancies at risk. The collection, storage and processing of this data is enabled by digital technologies that in many ways resemble the 'platform real estate' seen in the private market.

The growing reliance on data and digital technologies requires social housing providers to grapple with new data governance imperatives and challenges. This includes the need for stronger risk mitigation measures related to data security, particularly considering the sensitive nature of the data held and the increased linking and integration of data across systems and government entities. While regulations and protections are in place, knowledge of their requirements is often concentrated in the ICT units in government and non-government agencies, with policy and operational staff having only a vague understanding of them. These imperatives and challenges are set to intensify in the future, as stakeholders predict and in many cases look to embrace—a growing digitisation of tenant-provider transactions and automation of administrative practices.

7. Practices in the private rental sector

- **Data security and privacy are key concerns of all stakeholders in the private rental sector.**
- **Privacy is not a one-size-fits-all concept. The requirements to secure an appropriate flow of personal information depend on the individual and the context.**
- **Transparency is a critical safeguard. Applicants should understand how their information is used and what criteria are being applied. They should also have opportunities to explain or contest decisions that could unfairly impact their housing prospects.**
- **Human judgement remains essential. While algorithms and digital platforms can streamline processes, they cannot replace human nuance, empathy and the ability to understand complex individual circumstances.**
- **Innovation must be balanced with appropriate protections; technological solutions in housing should be evaluated not just for their efficiency but also for their potential to create or reduce systemic barriers and protect fundamental rights.**

This chapter draws on findings from interviews and previous research to examine different perspectives on how the application of technology in the PRS impacts privacy, data security and discrimination. As technology continues to shape rental processes, understanding these perspectives is essential for developing policies and practices that protect tenant rights while supporting responsible property management.

We begin with a recurring theme that emerged in many interviews: a general awareness and concern about the risks associated with collecting and managing data. To reflect on this, we have situated this chapter in Van den Hoven's (2007) framework of 'informational wrongdoings'. This is not to say that different stakeholders are enacting these wrongdoings but acts as a useful device to think through potential harms and how they can be mitigated.

7.1 Refining 'privacy'

Privacy is a vast and complex subject, encompassing a myriad of different meanings depending on its use in media, law, computer science or other domains. Nissenbaum (2010: 127) defines privacy as a 'right to appropriate flow of personal information' that can only be meaningfully understood and evaluated within the prevailing context.

All our interview participants were aware that the greater the collection of personal data, the greater the risks. These risks can be framed in legal and regulatory contexts.

7.2 Informational injustice

The previous chapters have established the role of rental PropTech in tenant application, screening and sorting processes. In the following sections we draw on interview material from various stakeholders to gain a better understanding of the collection, use, application and management of this data in practice. The chapter addresses the role of rental PropTech across application, screening and sorting processes, then looks at the implications of data inequalities and data security risks. The final sections of the chapter look at how these risks can be mitigated and highlight the need for transparency while maintaining focus on the broader systemic challenges of the housing market.

7.3 Application screening and sorting

Rental application platforms mediate access to housing by assisting property managers and landlords with tenancy decisions. Key functions include identity verification and assessment of applicants' capacity to pay rent and look after the property. A host of documentation is required as evidence that the prospective tenant can meet these criteria, including bank statements, rental ledgers, references and passports.

In our sample survey of rental application forms, we found that 2apply forms showed approximately fifty fields for data entry that could be activated. These extended beyond verification of identity and employment to include lifestyle questions: applicants might be asked if they were smokers, whether they had pets and how many people would live in the property (along with their ages).

The property managers interviewed reported that digital application software was of significant assistance in identifying suitable tenants, and more rigorous than paper processes.

> When it's done electronically it's actually far more regulated … It's a lot more obvious that someone doesn't fit as a tenant on the portal platforms than it would be on a plain paper platform. (Property manager 1)

7.3.1 Completeness criteria

While a ranking system based on income is often assumed to be the primary determinant of rental approval, interviews suggest that the completeness of application documentation is also important and is often the first criterion checked.

> So each application has a score. The score is based on how much content that tenant has given in the application ... So let's say ten tenants apply. And … 24 hours after they complete their application, software can actually rank those applications based on quality of content. (Property manager 2)

Property managers prioritise minimising vacancy periods and favour applicants who promptly submit all required information over those whose documentation is missing.

> If there are three strong applications already out of ten, generally we won't bother chasing the other seven because it's so time-consuming. And it's also delaying the quality applications being approved. (Property manager 2)

Regulators interviewed favoured this approach compared to subjective assessments of tenant suitability with little transparency as to how they are being assessed.

> I've less issues with that .. That's the kind of administrative assistant to me. That's like these ten people; you might want to email them or have an automatic email that goes to them. Says 'Finish your application by Tuesday to be considered' … I'm more concerned about—is it ranked? That's what I have an issue with. (Policymaker 1)

Completeness appears an uncontentious selection criterion, but the need to submit complete documentation may still present challenges to some applicants. Renters do not always have control over obtaining necessary documents and references, particularly if they have had a bad relationship with a property manager, or if the property manager has simply moved on. In the context of the PRS, the concept of 'informational injustice' could be expanded to include situations where a lack of information is given undue weight in tenancy decisions. Missing documentation can affect an applicant's chances unfairly, particularly if they are given no opportunity to explain or provide substitute documentation.

7.3.2 Income-to-rent ratio

After the completeness of the application, interviews suggest that the income-to-rent ratio is the next most important criterion in rental decision-making. Most interviewees indicated that its role in decision-making processes is more as a screening measure than to produce a ranked list. This was reflected in platform design, which used green, orange and red icons.

Rental affordability calculations are often based on the rent amounting to 30 per cent of income, but interviewees indicated that in practice they have slightly higher thresholds, allowing up to 35 or 40 per cent of income.

> As a company we kind of set it at 35. That kind of means that we're giving people a bit more of a go and taking a bit more of a risk. There is a bit of a challenge [in] … getting that exact ratio correct … There is a certain number of fields, so you get a bit of a guide by what they declare, what you double check. (Property manager 1)

There are currently no requirements for property listings to disclose the income-to-rent ratios used in screening. This lack of transparency may make it difficult for applicants to determine whether they meet affordability criteria, which could lead them to waste effort applying for rentals they are unlikely to qualify for or miss opportunities for properties they could afford.

Interviewees agreed that the ability to pay rent is a reasonable criterion for screening applications, but both the interviews and previous studies highlight potential issues with how income is assessed. In theory, platforms could improve the communication of non-traditional income streams, for example by helping applicants compile and present supporting documentation such as invoices, bank statements or earnings from gig work in a clear, standardised format, but property managers reported that not all the software they worked with achieved the necessary level of flexibility.

> Interviewer: Do you find the platforms give enough flexibility …?
>
> Interviewee: I can't speak for the other platforms. [Name redacted] certainly did not, and that was so we would often not have that customability. (Property manager 2)

7.3.3 References

References were the main source of information used by property managers and landlords to assess how well a prospective tenant was likely to look after a property. One of the key benefits of rental application management software reported by property managers was that it streamlined the collection of references.

> I love the automation of the rental references that happen. So, for example, one of my tenants is applying for a property and they put my email address down … as the rental reference. People send me an email saying 'Can you provide this information?' So we give them the rental ledger. We answer a bunch of questions. And that's pretty stock standard. I think that's really good. (Property manager 1)

The handling of rental references in platform-based application systems nevertheless requires careful consideration. In contrast to traditional practices, where a property manager would call a referee for a short conversation, digital referencing includes quantitative survey questions that could directly contribute to screening and scoring. These practices also raise questions about the transparency of reference information and the longevity of references in digital systems. These issues are further discussed in Section 7.6.2 below.

As already mentioned in Section 1.2.1, Wallace et al. found that those most at risk of failing algorithmically generated tenant reference reports were already disadvantaged people 'such as younger people and migrants, older people reliant on savings and people on benefits' (2024: 45).

7.3.4 Discretion in algorithmic screening and sorting

While default settings were optimised to screen and sort applicants by completeness measures and income ratio, property managers indicated they had a high degree of flexibility in choosing the attributes to be used to sort and screen potential tenants.

> You can trigger and tailor things nowadays to your liking. But when you get the software it will give you the general default settings, and then there are probably over 50 settings. … Income is one of the things. There are many others—pets, moving dates, length of lease. (Property manager 2)

This adaptability enhances the software's utility by allowing property managers to tailor their evaluations to specific needs, but it does create risks of proxy discrimination or unfair treatment. It also challenges transparency, as the criteria used can vary widely and may not be clearly communicated to applicants.

7.3.5 Human judgement vs. algorithms

Despite the increasing use of rental PropTech and automated scoring systems, human judgement remains a significant factor in the rental application process. Interviews with property managers and real estate agents suggest that while technology plays a role in applicant assessment, final decisions often involve subjective judgement and professional discretion.

Interviewees described a filtering process, where once several applicants pass a basic 'good enough' threshold—such as meeting income and documentation requirements—real estate agents present them as options to landlords. One property manager reported that landlords tended to delegate tenant selection:

> I'd say the more modern landlord really delegates that to the to the agent. The old landlords, the racist ones, they're kind of few and far between, but they still exist (Property manager 1)

By contrast, the other property manager interviewed preferred landlords to make the final decision.

> The tricky part is, let's say we have multiple applications on one property, which is very common in a tight rental market. They kind of want us to recommend what we think is best. But from our point of view, we don't like making that final decision … 'Here are the choices. Here's the rankings or credentials. You've got to make a decision, Mr. and Mrs. Landlord, which one you think is right for you.' (Property manager 2)

These remarks highlight the persistent role of human discretion in rental decisions. Technological tools may assist in narrowing the pool of applicants, but the final choice often reflects judgement, risk assessment and, at times, personal biases.

7.3.6 Third-party data use

In Australia, rental applications primarily contain information provided by applicants. Despite this, a commonly cited concern is that third-party data may be used by decision-makers—for example, by property managers searching for applicants' social media profiles. The two property managers interviewed had different practices in this regard. One believed internet searches were useful for verifying applicant information, particularly when something appeared inconsistent.

> Just googling can bring up a lot, and Facebook search and those sort of things if you're ever in doubt ... You know, property managers use their gut a lot, especially if they're experienced. If something smells suspicious, you'll have it checked out (Property manager 2)

The other, while avoiding social media searches, would make use of a third-party service to verify applicant contact details.

> [Name redacted] is a company that basically can … search and find your name and details. And we'll say, 'Wow, OK, you lived here and you had a phone number here and you had a subscription here.' And it consolidates that. So us real estate agents like it, because … it helps us to verify, not ID, but contact details. (Property manager 1)

Advocates, on the other hand, argued that such information should not be considered when assessing a prospective tenant's suitability. They also noted that information available online may not always be relevant, accurate or related to the applicant in question.

While property managers are discouraged from searching for additional information in various guidance documents, residential tenancies legislation does not explicitly prohibit this activity.

7.3.7 Blacklists and tenancy databases

Residential Tenant Databases (RTDs) play a significant role in the rental application process, but interviewees expressed contrasting views on their use and fairness. While one property manager emphasised the necessity of these databases as an industry standard, another raised concerns about their lack of transparency and potential for misuse.

For Property Manager 2, checking RTDs such as TICA and Trading Reference Australia was a routine expectation from landlords and provided an additional layer of applicant screening.

> So you can integrate another app into your application and have companies like TRA and TICA. It's an expectation from our clients that we search the blacklist just in case anything comes up … and those searches are done based on driver's licence and passport numbers and birthdates. So all that data is really important in the application process … because it does do a data match. (Property manager 2)

By contrast, the other interviewee expressed strong opposition to third-party tenancy databases, particularly those that allow real estate agents to leave subjective or unverified reviews about tenants.

> I've got a bit of an issue with … things like TICA, so third-party portals where it's like a review platform for real estate agents to put posts up about tenants. I think they should be shut down … I hate reviews. I hate the concept of them. (Property manager 1)

Nevertheless, RTDs remain a common tool in the rental market. Even if rental application portals do not directly incorporate third-party RTD data into their automated sorting and screening criteria, they often provide links to external services such as the national tenant database TICA, which generate detailed reports on applicants. Links may also be provided to tenancy applicants in states that have not prohibited charging tenants for background checks (see Section 4.2.2).

These databases can create significant barriers for renters, particularly for vulnerable groups, including those on income support—who may already face long waits for social housing—and individuals with insecure or irregular employment, who are a growing demographic in the gig economy (Troy et al. 2023). As Choice (2023: 22) has highlighted, the increasing automation of creditworthiness checks combined with opaque tenancy databases and income verification processes can disproportionately disadvantage these applicants, further entrenching housing insecurity.

7.3.8 Digital divides

While property managers often view online applications as more efficient and permitting better data diligence, the reliance on tech platforms raises equity and accessibility concerns. It was apparent in interviews that not all applicants are comfortable using online application platforms and that there is an uneven spread across different geographic areas.

> I would get 18 or 19 out of 20 applications done through the online portals in the inner west. In Bankstown I would say one in five (Property manager 1)

A relatively high proportion of the population of western Sydney consists of recent migrants and people whose first language is not English (Benson and Hatos 2018, 17). Applicants with limited digital literacy, lower English proficiency or a lack of access to online tools may face significant barriers in the rental process. If rental platforms and agencies move entirely to digital submissions, these groups risk being excluded or disadvantaged. Moreover, even when non-digital applications are accepted, there is a risk that they will not be processed with the same efficiency or priority as online applications, particularly in high-demand rental markets where digital applications benefit from automated filtering and faster processing.

7.3.9 Emerging trends in artificial intelligence

Recent work in the UK has posited that the increasing use of digital platforms in the context of tenant risk profiling in rental housing could 'signal a major shift in access and opportunities, especially as tenants are increasingly assessed based on their digital data traces and through automated systems' (Burrows et al. 2025: 2). While automation is becoming more common in Australian rental application processes, evidence from this study suggests that fully AI-driven scoring systems without human oversight are not yet widespread in the industry.

One rental PropTech provider interviewed noted that AI is being tested to streamline document verification, helping to identify incomplete or inconsistent applications. The primary goal is to speed up the application review process, ensuring that documents are accurate and complete. Importantly, these systems also allow applicants to clarify inconsistencies, which may arise from legitimate circumstances such as a name change, career break or outdated information.

> There are a range of concerns that the public legitimately might have around AI and its wide discourse across all industries … We're not using it for any type [of] decisioning or assessment. It's quantitative information on verification comparison. Is number A the same as number B? Tick it or flag it. So we're not using it in any way to make any predictive or assessment decisions. (PropTech provider 2)

The use of predictive AI models in rental markets is nevertheless an emerging trend. An example of its application comes from Gridizen, a UK-based platform, which integrates machine learning into its property management software to generate insights into tenant behaviour (Ferreri and Sanyal 2022). In a recent survey undertaken in the US, 20 per cent of landlords reported receiving predictive information about applicants, including assessments of the likelihood that they would pay rent late, break a lease or damage property (Tech Equity 2024).

These models draw on generalised data such as aggregate renter outcomes to formulate predictions, which elevates the risk of bias when assessing an individual's circumstances (Tech Equity 2024). Work by Ferreri and Sanyal (2022) shows how the development of predictive analytics in digital rental platforms is often framed as 'inevitable and desirable', but a critical concern with these systems is their opacity: because the decision-making processes remain hidden, it is not clear how various characteristics are included and weighted in AI-driven assessments. In recognition of these concerns, the EU AI Act explicitly bans the use of AI to predict personal or personality characteristics in tenant assessment. Australia, however, has yet to introduce comparable protections.

7.3.10 Informational inequality

Increased digitisation of the PRS creates several opportunities for asymmetrical information flows to benefit property managers and landlords. Van den Hoven (2007) refers to this as informational inequality, defined as asymmetrical information flows that benefit some parties disproportionately over others. An example is the collection and exploitation of consumer data without the consumer's knowledge or consent.

The application process is characterised by an imbalance between the amount of data asked of tenants and the lack of reciprocal information about the property manager or landlord.

Market insights from aggregated application data can also be used to create new revenue streams. For example, applicants' data may be used to target them with advertising for services such as moving, insurance and utilities.

Concerns about informational inequality also extend beyond the application into the tenancy phase. In interviews, tenant advocates brought up concerns that devices such as security cameras, swipe cards that track tenants' movements and IoT sensors could place tenants under continual surveillance.

One advocate cited the example of a firm that was keen to install amphetamine trackers:

> There was going to be a sensor in your home, just kind of constantly on, and … if it ever picked up traces of meth in the property it would send off an alert … We have issues just with that, but you could easily see how that could quickly expand to just be looking at everything that you're doing. (Advocate 1)

While constant monitoring is not currently a widespread practice, if implemented it would significantly compromise the peaceful enjoyment of a tenant's home, eroding the trust essential for a secure, dignified living environment. As McElroy et al. (2020) report in the US context, such tools apply additional de facto requirements for renting a property by making it 'contingent on factors well beyond the payment of monthly rents'. In the US, the requirements have extended to the collection of biometric data, with technology companies offering surveillance and the integration of data-driven tracking.

7.3.11 Encroachment on moral autonomy

In the rental context, moral autonomy relates to tenants' right to control how their personal histories are portrayed and interpreted. Here again, we refer to Van den Hoven (2007) who identifies encroachment on moral autonomy as an instance of informational wrongdoing. For Van den Hoven (2007) encroachment on moral autonomy means subjecting someone to the critical gaze and interference of others and taking away their capacity to shape their own moral biography without pressure to conform.

Questions of moral autonomy emerged in various elements of the application processes where tenants might not have an opportunity to explain or contextualise the information used to decide their application. This is particularly a concern with third-party information such as social media contributions and other online traces, but it also extends to references, which are kept hidden from potential tenants. One property manager interviewed expressed concern about the potential for a poor reference to become a permanent stain:

> If an agent asks me about the review of that tenant, I should be able to give unfettered review or feedback if they're a good or bad tenant. That's fair enough, but it shouldn't go as a scar against that tenancy profile permanently … that choice is really up to the tenant, because that's their CV. That's the way that I look at it. (Property manager 1)

A bad reference has a significant impact on a tenant's ability to secure housing. Under the Privacy Act, tenants have a legal right to be notified when they are listed on a residential tenancy database, but references collected and shared through rental platforms remain a regulatory grey area. This raises important questions about whether tenants should have a right to access the content of these references, and how much control they should have over when the information is shared and with whom.

7.4 Data security risks

Third-party exploitation of data via activities such as identity theft and fraud is also a concern in the PRS. In general, data privacy and security is a critical concern in Australia, and the amount of data collected in the real estate sector makes it an attractive target for hackers. This has led to several high-profile data breaches, as discussed in Section 2.2 above.

The risk of data breaches was a recurrent theme in our interviews. Interviewees recognised the risk of data breaches given the large amount of personal data collected through rental applications.

> We see that there are bad actors in terms of identity theft and fraud, who target businesses and people who they can get identification from. And if you look at the volume of ID that real estate agents hold … with an average of six applications for every property, and most people providing two forms of ID in their application … that's an enormous amount of ID (Policymaker 1)

While rental application processes have always involved the collection of significant personal data, the digitisation of these processes is seen as exacerbating the risk of data breaches by centralising personal information in digital storage, whether on work devices or in the cloud, creating opportunities for unauthorised remote access.

Interviewees reported significant variation in data security practices across real estate agencies.

> We've heard stories from really sophisticated cybersecurity-aware schmick organisations, managing data really well, to those holding it on their desk or holding it on their W drive. It's really diverse. (Policymaker 1)

Tenant advocates also raised concerns about data proliferation across multiple rental PropTech platforms. As prospective tenants submit applications to different real estate agents, each using a different portal, sensitive information is often duplicated across numerous systems. This redundancy increases inefficiencies and heightens the risk of data breaches, even when security measures are in place. Furthermore, increasing integration across different software platforms involves third-party actors, increasing the risk of data misuse and breaches (Sadowski 2019, 2020).

7.5 Risk mitigation measures

One of the key regulatory frameworks relevant to rental application data is the Privacy Act, but many operators fall below the threshold size for compliance, meaning they are not legally required to adhere to its provisions.

> Most all of the landlords, many of the agents, and probably some of the platforms aren't big enough. They don't have the revenue to fall under the privacy principles. And so there are exclusions there. (Advocate 1)

Interviewees acknowledged this gap, and also noted broader issues with privacy protections, particularly the lack of specificity in applying general privacy principles to rental applications. This is beginning to change, however, with measures under consideration by various state governments, such as standardised application forms and formal regulations on data storage and sharing.

In interviews, participants described various risk management approaches already used in practice. These approaches fall into seven broad categories of action:

- Secure storage and encryption: access verification (such as two-factor authentication) and encryption methods are employed to protect stored and transmitted data, making unauthorised access more difficult.
- Automated data deletion: automatic deletion of outdated data after a set period, reducing the risk of long-term data exposure.
- Data sharing controls: mechanisms to allow renters, property managers and landlords to limit the sharing of data, allowing access to necessary information while keeping sensitive details protected.
- Data minimisation: mechanisms limiting the amount of personal data collected in the first place.
- Transparency: facilities providing information about what data and criteria are used in decision-making.
- Offering non-digital pathways: measures to maintain non-digital access to housing services
- Restricting and overseeing algorithms: specific controls on the form and function of algorithms used to make decisions.

To address these mitigation strategies, it is useful to elaborate on Van den Hoven's (2007) framework of informational wrongdoings. In addition to the informational inequalities and encroachment on moral autonomy identified above, Van den Hoven emphasises the significance of informational harm and informational injustice.

Informational harm is harm done to persons by making use of personal information about them, for example when financial and physical damage are incurred by identity fraud.

Informational injustice arises when information from one sphere of life (e.g. medical records) is used to discriminate against people in another sphere (e.g. employment) (Van den Hoven 2007).

Crucially, different mitigation strategies address different informational wrongdoings. Discussions around privacy risks in rental platforms, for example, often centre on mitigating data breaches and associated informational harms, but do not fully account for how collected data can compromise justice in tenant selection, reinforce information inequalities and affect a renter's moral autonomy (Table 7).

Table 7: Risks addressed by different mitigation measures

		Informational Wrongdoings			
		Harms	Injustice	Inequality	Moral Autonomy
Risk Mitigation Approaches	Secure storage and encryption				
	Automated data deletion				
	Data sharing controls				
	Data minimisation				
	Transparency				
	Non-digital service pathways				
	Algorithmic restrictions				

Source: Authors.

Note: Red = accounted for, pink = partially accounted for, grey = unaccounted for

Each approach is discussed further below in the context of the PRS, including perspectives of interviewees on the benefits or downsides of current and proposed approaches to mitigate risks.

7.5.1 Secure storage and encryption

Good cybersecurity is particularly important in the context of the PRS given the large amount of sensitive information included in rental applications. In one case, lack of confidence in the ability to store digital information securely had led a property manager to revert to storing only paper copies of sensitive information.

> I've regressed [my business] deliberately because of that liability. I don't like holding PDFs of that sort of information, so we don't scan … We print those out and have a hard copy of that information because I need it. But I don't have that saved in my property management software. So if I got [hacked] … they couldn't see, it's just not there. (Property manager 1)

Some property managers described relying on rental PropTech providers who were more skilled at implementing strong cybersecurity measures.

> We remove sensitive data and sensitive documents, any information such aa a driver's licence or a date of birth gets hashed and so can't be read (PropTech provider 2)

> I think it's unfair to real estate agents to be the gamekeepers of such important privacy information. So I think that hopefully that the applications companies are very well regulated and have the IT security [in hand] (Property manager 1)

So accountability for data security increasingly falls on rental PropTech providers. While they are relatively skilled at implementing encryption and other cybersecurity measures, any failure on their part could expose large amounts of personal information. As a result, it is crucial to ensure strong regulatory standards and clear accountability frameworks apply to rental PropTech providers to maintain data security and minimise risks for tenants, landlords and property managers alike.

7.5.2 Data deletion

Another common risk mitigation measure is deleting data once it is no longer needed. Many interviewees highlighted unsuccessful applications as a key example. Advocates and regulators expressed support for prompt deletion of data from unsuccessful applicants.

> So a rule that says, whatever is in your application, it has to shred that data within, you know, one week of the closing of letting the property … it has to have something in it so that data is automatically gone. (Advocate 2)

A PropTech provider interviewed had already integrated automated data deletion as a core sales feature of their software design. The provider reported relief at the change: 'We went from the industry feeling like they needed to keep everything' to a situation where the PropTech provider was 'deleting about 99.2 per cent of all documents, apart from those that are current in the application approval process'. (PropTech provider 2)

Practices varied, however. One of the property managers interviewed reported being able to retrieve all past applications. Australian states and territories have varying rules on data retention in the rental application process (see Section 4.2.1 above). While jurisdictions such as South Australia and the Northern Territory have clear legal obligations regarding the deletion of declined applicants' data, NSW has no legislated timeframes. Instead, NSW Fair Trading only provides guidance recommending that such data be deleted. This inconsistency creates uncertainty for renters, and also for platform providers operating across multiple jurisdictions.

7.5.3 Tenant benefits from data retention

While stricter regulations on data deletion could align with privacy principles, they may also unintentionally disadvantage renters, because there are practical benefits of data retention. Tenants often rely on records of their rental histories, references and other documentation to secure future housing, yet these records are typically controlled by property managers and landlords, who may leave their jobs, become uncontactable, or otherwise fail to provide documentation when needed.

One tenant advocate envisaged how digital technologies could be redeployed to remedy this situation:

> You know the concept of having to put your information into a single portal and then applying for many properties from that … that's a genuine thing that could be useful. It's hampered by [the fact] that the service providers, the agents and landlords, don't necessarily engage with it, and they are choosing which of those platforms you can put your information into, not you. (Advocate 1)

Caution is also required when seeking to retrieve information from digital platforms. Some platforms are beginning to charge tenants for access to their own records.

Special care is also required to ensure that renters without funds for additional services can still apply for properties on an equal footing, and that third-party data sharing is limited. This is discussed further in Section 7.5.5 below.

7.5.4 Conflict between data minimisation and record-keeping for insurance

Another tension in rental data management arises from the conflict between data minimisation principles and the perceived need to keep records for future reference, especially in insurance matters. In interviews, property managers said they needed to keep application data to deal with potential liabilities and future claims.

Property managers felt compelled to keep records in case of rental payment disputes, property damage claims or other legal issues. There is a concern that insurance providers could reject claims if sufficient documentation is not available.

> One of the get-out-of-jail-free cards that the insurance companies like to play is 'Did the agent do their due diligence in putting that said tenant in the first place?' ... They get really judgy on that and defining that. A big part of that is the application form obviously ... Is [the tenant's income] validated by employment records, bank statements, pay slips? (Real estate agent 1)

Interviewees also suggested that personal information is sometimes retained in case it is required in police incidents, family violence matters or legal disputes, where landlords or agents might need to assist police or courts locate a former tenant.

A practical approach to resolving this tension could involve clearer guidance for property managers on handling exceptional cases without requiring extensive long-term data storage. Insurance companies could also benefit from standardised guidelines on what constitutes reasonable documentation, ensuring that their policies align with privacy and security best practices.

> So when we spoke to the Insurance Council … I think the idea that there is a significant retention of information required should there be substantial insurance issues, that's not substantiated. I think there is a role for the regulator and the Insurance Council and others to make sure that industry have good education around what's needed for them to be compliant. (Policymaker 1)

Addressing these concerns would reduce unnecessary data retention while still allowing landlords and agents to meet their professional obligations.

7.5.5 Data sharing controls

Minimising data sharing is a good way to reduce the risk of data breaches. Interviewees across different sectors were in favour of digital verification services that would allow landlords and property managers to check aspects of identity or income without raw data changing hands, though this is not yet widespread practice.

> Whether it is the government or a third party who has checked both the income and the rent and can just say 'Tick, this person can sustain this tenancy'. You don't need … anything more than that. (Advocate 1)

Controls on data sharing can also help to prevent discrimination. One PropTech provider described how they could achieve greater equity by weighting income thresholds so they would simply focus on whether the applicant could afford the property, not how much they could afford the property by; this would avoid weighting the decision toward people with higher incomes. They also suggested redacting the last names of potential applicants in a bid to reduce ethnic discrimination; this could also reduce the risks around sharing data.

Who controls the data is nevertheless a key consideration. Property managers are gatekeepers of the information generated in application and tenancy management platforms.

> Who has access to that? Well, I have as an operator. My landlord has, if I let them. The tenant has whatever I let them [do] in their portal. (Property manager 2)

Interviewees identified several benefits in allowing renters to have greater control. For example, tenancy management portals could enable tenants to download key documents such as rental ledgers and inspection reports as their defaults. One property manager described how these records serve as essential evidence when applying for other rental properties.

> Even though it isn't the opinion of the agent, facts are better. Like, 'Look at this. This is a copy of the inspection that was done on my tenancy when I moved out. It's beautiful. Look at it.' (Property manager 1)

Yet renters currently have little control over the technology used in the application process. Tenant advocates and PropTech representatives alike highlighted the potential benefits of having a personalised profile or 'data wallet' that could be used across applications, allowing for verification without excessive data sharing.

> Who knows, in the future, if you might say, 'Well, when it comes to housing, I keep my preferences, my history and my applications and whatever in [company redacted] and they use it as a wallet. So … if I move with that agency, that agency or that agency, and they use property management software one, two or three, I can take my [company redacted] housing wallet … of my information that I want to use just for housing.' (PropTech provider 2)

However, as outlined above, care is required in implementing such a system to ensure that there are still free and equal non-digital pathways for people to apply.

The data-sharing practices of services using third parties also require careful oversight. Tenant data includes a large amount of personal information, raising concerns about potential misuse and the risk of increased discrimination. Given that these technologies mediate access to housing—a fundamental right—it is worth conducting further research into whether such services should be publicly funded or provided by private companies.

7.5.6 Data minimisation

Aside from providing cybersecurity arrangements for secure data storage and sharing, a key risk mitigation measure is to reduce the amount of data collected in the first place. As well as reducing the potential for informational harms, minimising the amount of data collected from and about renters also helps to address concerns about justice and equality in a digitalised PRS. In the interviews, one PropTech provider argued that reducing the amount of data collected was a key marker of efficiency and showed potential customers the firm's credentials in data handling.

> We've been systematically reducing the data that's either collected by or visible to property managers to transition the industry to … lower data collection, storage, handling et cetera. (PropTech provider 2)

Data minimisation is also the principle behind proposed regulatory reforms in NSW, which include a standardised tenancy application form prescribing what can be asked of tenants during the application process.

> So knowing that you can only collect certain information for particular purposes generates a standard [in] which you have consistency around what you ask at the beginning of tenancy, because that sets you up for how much [data] you collect (Policymaker 1)

7.5.7 Restricting the use of third-party data

Restricting the use of third-party data, including that from social media, helps to maintain a fair and transparent rental application process. Government guidelines in NSW recommend against the use of social media in rental applications but lack the force of law. More detailed regulations, like those issued by HUD in the United States, could help clarify what information is permissible in the rental application process (see Chapter 5 on international guidance). Examples include explicit restrictions on the use of court records, particularly where no conviction was recorded, or where the matter is unrelated to a tenant's ability to pay rent or maintain a property.

However, policing these practices is difficult. While formal restrictions can be implemented, there is little to prevent property managers from conducting independent online searches. Ongoing scrutiny is also needed for platforms like TICA, which compile tenant data and may contribute to discriminatory assessment practices.

7.5.8 Potential adverse effects of data minimisation

Restricting autonomy in self-representation

The idea of a standard tenancy application form has broad support from tenant advocates and regulators, but implementation is not straightforward. As a policymaker involved in rental reform put it in an interview, some applicants may choose to provide additional information voluntarily, to explain their circumstances and strengthen their applications.

> In theory you might rule things out like a cover letter. But then also recognising that you're in a context of a housing crisis with very low rental supply and availability. And should you really be prescribing that a person can't tell you that they're fleeing domestic violence, and they're a single mum, and they can pay their rent, but they've been through a horrendous time, to help them to be competitive … So there's lots of considerations here. (Policymaker 1)

In considering reforms, it is important not to restrict tenant autonomy unintentionally. When tenants voluntarily share information, it can help them present their situation in a way that a standardised form may not capture. Research warns against the use of a limited number of metrics for the assessment of individuals. Iveson and Maalsen (2019) have conceptualised 'datafied dividuals', fragments of data that are able to be assembled to create a partial representation or profile of an individual. Nethercote (2023: 13) explains how algorithmic technologies dehumanise people by 'reducing renters and their need for home to operational metrics'.

Furthermore, enforcing limits on additional information is difficult, as details may still be communicated informally during property inspections or other interactions with landlords and agents. Nevertheless, it is crucial that any additional information remains genuinely voluntary and focused on contextualising standard application data, rather than becoming a loophole for the owner or agent to request excessive documents or personal details from prospective tenants.

Balancing innovation and regulation

PropTech companies raised concerns that data limitations could hinder innovation and restrict the creation of digital services that may benefit renters. This issue was discussed in the context of recent NSW government bans on charging applicants for additional services during the application process.

PropTech representatives argued that limiting data collection could similarly restrict the development of innovative features by start-ups, such as supplementary tools to match renters with properties based on specific preferences.

> But if you want to understand 'Where is this property located? Is it near the schools that I want my kids to go to? Who's the landlord? What's the track record of that landlord?' We are turning off the rental market as a market that can be served by tech, which means the only people who will be able to afford to serve that market will be big tech. (PropTech provider 1)

PropTech providers also argued that, with access to more data, digital services could play a role in facilitating long-term leases by providing landlords with assessments that offered more assurance when considering longer tenancy agreements. In the view of one PropTech provider:

> Imagine if renters could say 'Well, actually, if I can share twelve months of income or my savings balance, or my two rental addresses, then I could secure a longer term lease'… and one of the areas that the reforms are going down is to exclude any bond claim history, or dispute history or whatever it might be. (PropTech provider 2)

However, it is important to consider the limitations of technological solutions in solving systemic issues when weighing up the benefits and potential downsides of reforms. For example, the prevalence of short-term leases is not merely a result of the limited availability of tenant data. Research has linked it to the dominance of family landlords in Australia's property market.

7.6 Transparency

Transparency in the criteria used to make tenancy decisions and the information employed can improve aspects of justice and equality in rental processes. In interviews, three areas were raised as issues: screening and sorting criteria; the use of external and third-party data sources; and the role of references.

7.6.1 Screening and sorting criteria

Improving transparency in rental screening and sorting criteria and increasing the flexibility of affordability assessments could help ensure fairer access to housing. In interviews, one PropTech developer discussed how they had integrated two-way transparency into their scoring system, with the effect of encouraging applicants to submit complete applications.

> It's just focused on completing the information up front. It's transparent, so both sides see it. And what it was also aimed at doing was to move the bias away from those with the highest income getting the property first (PropTech 2)

Further details regarding the default scoring and screening criteria used in rental application software would be beneficial. Although the software can be used to customise these criteria, research from the US suggests that a large proportion of users make decisions based on the default settings (Tech Equity 2024). Greater transparency would also assist regulators to understand current and evolving practices in algorithmic assessment of rental applications.

7.6.2 Disclosure of third-party data and references

If external or third-party sources are used in assessing rental applications, these data sources should be disclosed to applicants. This transparency allows applicants the opportunity to rectify any inaccuracies or provide context by telling their side of the story.

A related issue is the handling of references. Current software systems often prevent tenants from accessing references if the referee chooses not to share them.

While this setup can encourage candid feedback, it becomes problematic when a reference forms part of a tenant's long-term rental profile and official record. There are currently no requirements for references to be disclosed. At the very least, applicants should be able to choose which referees are integrated into their online profiles. This had already been implemented by one PropTech provider interviewed.

> So the renter initiates the reference. The renter sees that the reference has been sent and completed. And the property manager has the option to make the reference visible or not visible and the renter can choose at any time to remove that referee from their profile. (PropTech provider 2)

When references are held for long periods, it is particularly important that renters should be able to provide evidence against a negative review to ensure that their rental history accurately reflects their current experience. At the very least, more transparency about which questions have been asked, or the implementation of a standard reference form would be helpful when references are sought to support a tenant's application.

7.6.3 Non-digital service pathways

As discussed in Section 6.4.1, some applicants still prefer to engage with real estate agents and tenancy processes through non-digital means. To ensure digital divides do not prevent access to housing, real estate agents suggested that landlords should be required to provide non-digital options for sharing information. Also, applications submitted through non-digital channels should receive equal consideration in decision-making processes.

This will become increasingly important as the shift toward digital systems places pressure on applicants to use online platforms, potentially disadvantaging those who are unable or unwilling to do so.

7.6.4 Algorithmic restrictions and oversight

A final mitigation measure considered in this section is restricting the types of algorithms used in rental applications and specifying how information is presented. This goes beyond regulating what data can be collected to addressing how applications are sorted and scored.

Regulators interviewed suggested that it might be less problematic to filter applications rather than ranking them, and to limit algorithmic assessment of individuals to the data provided in a standard application form rather than basing it on broader datasets.

While some rental application software is designed with these considerations in mind, there is currently no formal guidance on this issue. One tenant advocate expressed scepticism about whether such restrictions on the use of algorithms would be realistic or enforceable.

> Obviously, there'd be a part of you that would say, 'Well, the simple solution to this is, there has to be some approval process for the algorithms to make sure they're not discriminatory, and presumably you have competent people to have a look at them, and you can only use the thing that's approved.' But in practice, how would that work? … Applications come and go at the drop of a hat. Good ones last a little while, but even those ones are constantly evolving … I feel like you'd be chasing your tail. (Advocate 2)

On the other hand, the rental application market is highly concentrated, with a few key players dominating the sector, so effective oversight of a small number of companies could have a significant impact on improving transparency and fairness in the use of algorithmic decision-making.

7.7 Systemic forces

While the risk mitigation measures discussed above can help to redress imbalances, they cannot entirely resolve the underlying systemic issues shaping the housing market. Over the past three decades, residential property has become an investor-dominated asset class (Adkins et al. 2020; Goldstein and Tian 2022), transforming from an essential service into a commodity. Its economic significance has grown over this period, and residential real estate now underpins the polarisation of wealth in Australia; employment income has diminished in significance as the importance of asset ownership has risen (Troy et al. 2023).

Many of the issues outlined here stem from existing power imbalances in the rental sector. Landlords and real estate agents prioritise protecting property assets, which often represent a substantial share of the owners' wealth, particularly in Australia, where small landlords dominate the rental market. Digitisation has further shifted these dynamics by making tenant information easier to access. Operations that once required significant time and effort—such as verifying rental histories or assessing creditworthiness—can now be done quickly and at low cost. This increased efficiency consolidates the power of landlords and property managers as gatekeepers to housing, while tenants have little power or incentive to push back on data demands.

A highly competitive real estate market, driven by housing shortages and low vacancy rates, underpins many of the concerns raised in this report. A competitive market allows landlords to pick and choose, only opening their doors to renters with higher incomes and untarnished records (Reosti 2020). If there were an abundance of well-located, affordable rental properties, some of the pressures on tenants—such as application competition and detailed assessment processes—might be significantly reduced. Property managers and landlords have a vested interest in maintaining competition in the rental market, as it increases demand for their properties.

Given these dynamics, policy measures are needed to rebalance the system, ensuring that digitisation does not exacerbate existing inequalities. These efforts nevertheless should not replace initiatives addressing broader structural issues in the housing market, as these initiatives will be essential to creating a fairer and more accessible rental system.

7.8 Conclusion

This section has examined the risks of digitisation in the PRS across a number of dimensions of privacy, particularly concerning protecting personal data from bad actors, preventing discrimination or informational inequalities and supporting renter autonomy. While the property managers and PropTech providers interviewed demonstrated awareness of these risks and provided examples of good practice, the sector currently operates with minimal formal guidelines. Practices were shown to vary substantially even between the few property managers interviewed. The power imbalance between landlords and renters is reflected in how technology is applied, with renters having little ability to challenge the data collected about them or the use of technology in rental processes. Given that access to housing is a fundamental human right and that much of Australia's accommodation is provided through the private sector, stronger regulatory oversight is necessary to ensure fairness and accountability in an increasingly digitised rental market.

8. Policy development options

The digital transformation of rental housing markets has introduced efficiencies in property management and expanded access to housing information, but it has also raised critical policy debates about tenants' privacy, data security and equitable access to housing.

The integration of digital platforms into rental processes is 'data hungry'; it involves the collection and analysis of much personal data, sometimes without tenants' explicit consent or awareness. These practices have raised concerns about potential identity theft and fraud in the case of data breaches.

Another emerging concern is that the use of algorithmic tenant assessment tools will embed discriminatory practices. Popular AI systems are often trained on data sources that reflect historical inequities, resulting in outcomes that mirror past discriminatory practices and disproportionately affect marginalised communities.

The dominance of major digital rental platforms has led to concerns about the concentration of market power and potential anti-competitive behaviour.

This concluding chapter reviews our key findings about PropTech-mediated data collection in both the private rental and social housing sectors in Australia and outlines the key areas where policy developments are needed.

8.1 Questions and findings

8.1.1 Issues in the collection of tenant data

The digitisation of property management processes in both the private and social housing sectors has resulted in the routine collection of large amounts of data about tenants. While rental applications have long required extensive personal information, digitised data can be shared and repurposed in ways not previously possible.

The fact that sensitive data is collected in a context where applicants need to obtain access to housing makes this an area of heightened concern, especially among tenants and their advocates. While there has been a rapid expansion of digital platforms, little is known about what data is being collected and how, especially in the social housing sector.

Private rental sector

The application phase in the private rental sector (PRS) typically involves landlords and property managers collecting information to verify applicants' identity, assess their ability to pay the rent and their ability to care for the property.

Rental applications are now primarily managed online. Where references used to rely on phone calls, they are now largely automated through online forms, with a mix of closed and open questions that can be customised by the property manager. While this streamlines the process, it also results in the collection and storage of more extensive personal data on renters.

A few companies specialising in digital application management service the bulk of the market. Practices around data storage and use of external sources of information about tenants vary considerably, reflecting different priorities arising from diverse business structures and variable tolerance for risk. Among our interviewees, for instance, one property manager working inside a larger franchise preferred to minimise the amount of personal data stored. Another kept all application data, trusting in the cybersecurity measures of the agency's chosen platform and anticipating that future disputes might require documentation such as insurance claims or legal agreements. The two managers' choice of application management services reflected and enabled these differing approaches to data management.

The services that manage tenancy applications are part of a broader digitised property management workflow in which various companies focus on providing services to real estate agents for specific stages of the rental process, including listings, inspections, applications and tenancy management. During each tenancy, data on repairs, inspections and rental payments is recorded on tenancy management portals such as PropertyMe. Over time, this contributes to a more detailed digital tenant profile.

In our research interviews, advocates raised concerns about the possibility of more intrusive data collection during the tenancy phase, with property managers and landlords able to track tenant movements using security swipe card data and the relatively inexpensive installation of sensors and cameras. Although this is not yet widespread practice in Australia, it has been reported in some other countries.

While the industry in Australia is still characterised by a number of start-ups, a gradual process of consolidation is evident, with companies forming partnerships to allow integration of services and data across different stages. Listing platforms such as realestate.com.au (REA Group) and Domain.com.au play a dominant role as gateways to the majority of property transactions in Australia.

Leveraging their platform power, these companies have expanded their reach by acquiring various products and services related to the rental application process. Their growing influence has raised concerns among industry regulators and others about the potential for market coordination and reduced competition in the rental sector.

Social housing sector

In the social housing sector, data collected during the application phase initially focuses on establishing whether a prospective tenant meets eligibility criteria; it then determines what priority they will be assigned in the waitlist. Eligibility criteria are broadly similar across Australian states and territories, with the primary one being a limit on income and assets. There are also citizenship and residency requirements.

Information used to establish eligibility involves similar documentation about ID and finances to that used in the PRS, but establishing priority requires more extensive personal data. Priority is given to cohorts with greater needs and vulnerabilities, such as people escaping family violence, those with disabilities and those who require significant support. The evidence elicited includes letters from support providers, medical assessments and police reports in the case of domestic violence.

Social rental sector (SRS) providers collect more personal data than private landlords or agents and they do so in an ongoing fashion. The allocation of social housing can take years, and even after applicants have secured housing they are subject to periodic reviews to assess their eligibility and calibrate their rental subsidies. Rental payments are tracked closely and information about arrears is held in the system, along with information about incidents, support needs and wellbeing. This process is also increasingly digitised.

Both NSW and Victoria encourage people to apply through online portals, and there are also portals for tenants to lodge maintenance claims. As is the case in the private sector, the take-up of client-end technologies is growing in the SRS.

Various digital platforms are used in the social housing sector, including some partially developed and managed in-house, such as Victoria's Housing Integrated Information Program (HiiP). Different commercial platforms are also used by community housing providers. In NSW, at least six companies provide integrated tenancy and asset management systems, some of which service both the private and social rental sectors.

A key feature of the social housing sector is the increasing linkage of personal data about social housing tenants across different agencies and support services. On the one hand, this trend may reduce data duplication, ease tenants' administrative burdens and assist with the provision of more holistic support. On the other, it potentially gives agency workers access to a lot of personal information, not all of which may be relevant or up to date.

8.1.2 Application platforms as gatekeepers of housing

Application platforms in both the private and social sectors act as intermediaries in the collection of data as well as in sorting and scoring applications and presenting them to landlords, real estate agents and social housing managers.

Private Rental Sector

In the PRS, systems commonly filter applications initially based on completeness, prioritising fully submitted applications to improve efficiency. Particularly in competitive markets, property managers will rely on these indicators rather than chasing missing documentation. A second key criterion is the income-to-rent ratio, where applicants are flagged if rent exceeds an income threshold.

While the above provides a summary of the default settings described by the property managers and PropTech representatives interviewed, details on how applications are sorted and scored remain opaque, with varying levels of transparency in the criteria used. Furthermore, use of the application platforms is not restricted to default settings. Property managers and landlords can adjust criteria to filter applications based on any provided information, including data provided by referees in standardised and readily ingestible forms.

Interviewees reported that these platforms enabled them to quickly and clearly assess which applicants met the required criteria, streamlining the selection process. However, while application platforms assisted with decision-making process, human judgement still played a large role in the process, particularly in cases where multiple applicants met threshold criteria.

Artificial intelligence is beginning to be integrated into the rental application process in the private sector. Some platforms use AI to check for missing or inconsistent documentation and notify applicants, allowing them to address gaps before submission.

More problematic is the use of AI to predict tenant attributes. This emerging issue raises ethical concerns, particularly when applied to housing access. AI systems trained on data from the general public but then used in tenant assessment could unfairly disadvantage applicants by judging them on general trends rather than taking individual circumstances into account. Research from the US shows that predictive tools inferring behavioural traits are already in use there, with traits assessed including the risk of late rent payments, property damage and early vacancy (Tech Equity 2024).

Social housing sector

Interviews with representatives from the social housing sector suggested that digital systems for housing allocation are more automated, but also more transparent. Unlike the PRS, where property managers exercise discretion to select the best tenant, the social housing system is structured to prioritise the most vulnerable applicants. Application data is used to categorise applicants into priority cohorts based on vulnerability criteria.

In NSW this process is largely automated, based on submitted information. In Victoria, applicants are required to self-sort and are then manually assessed to determine if they meet the criteria for the priority category they have nominated. Interviewees indicated no evidence of predictive AI being used in social housing allocation at this stage. However, as digital systems continue to evolve, the potential for AI-driven decision-making in this space warrants further scrutiny.

Privacy risk dimensions

Privacy is itself a nebulous term used to describe the mitigation of risks across several dimensions. Context is crucial to meaningfully assess and address privacy risks, and for housing it is particularly important that measures are taken to improve cybersecurity and reduce discrimination. The risks involved can be summarised as:

- Harms from bad actors: the volume of personal data collected—especially in social housing applications, which include financial records, medical information and support letters—makes these records an attractive target for bad actors who would exploit such data to commit fraud or other harms.
- Discrimination in housing processes: where information about a tenant is used to unfairly discriminate against them in access to housing, or in how they are treated as a tenant (e.g. race or disability).
- Loss of moral autonomy: where renters' ability to control their own narrative is compromised. This is a particular risk where renters are not given an opportunity to contextualise information they have provided, or where external sources of information are used without renters' knowledge.
- Information asymmetries: these occur when landlords and property managers collect extensive data on tenants while renters have little access to information about landlords or property conditions. The rise of Internet of Things devices increases surveillance risks, and the concentration of rental data in major listing platforms raises concerns about market power and control.

While these risks are relatively well documented in this report and previous research on the PRS, more research is required on the potential risks in the unique context of the social housing sector.

There are several different risk mitigation measures that are undertaken in practice, or were proposed by interviewees:

- Secure storage and encryption: Access verification (such as two-factor authentication) and encryption are employed to protect stored and transmitted data, ensuring that unauthorised access is more difficult.
- Automated data deletion: Automatic deletion of outdated data after a set period reduces the risk of long-term data exposure.
- Data sharing controls: Mechanisms to allow renters, property managers and landlords to filter and selectively share data allows access to necessary information while keeping sensitive details protected.
- Data minimisation: This involves limiting the amount of personal data collected or accessed in the first place.
- Transparency: Landlords and agents provide information about what data and criteria are used in decision-making.
- Non-digital pathways: Providers maintain non digital means for access to housing services
- Algorithmic restrictions and oversight: Specific controls are placed on the form and function of algorithms used to make decisions.

It is important to consider all dimensions when designing policy and other mitigation measures. Cybersecurity measures such as encryption only address reducing the risk of harms from bad actors. Reducing the amount of data collected, on the other hand, not only makes it harder for bad actors to steal personal information but also prevents it from being used to discriminate in the rental process.

8.1.3 The regulatory and compliance landscape

The regulatory framework governing rental data practices spans multiple areas of law. The key legislative frameworks relevant to this space include:

- residential tenancies legislation
- privacy legislation
- anti-discrimination laws
- real estate agent regulations
- competition and consumer protection laws.

Among these, residential tenancies and privacy legislation are the most effective tools for regulating rental data practices, making them the primary focus of this review.

Privacy legislation and its gaps

Privacy regulation in Australia is primarily governed at the Commonwealth level through the Privacy Act (Cth), which establishes a set of general Australian Privacy Principles (APPs). These principles outline obligations regarding the collection, use and disclosure of personal information, as well as governance, accountability and correction mechanisms.

Residential tenancy databases are expressly regulated under the Privacy Act, permitting listings only where a tenancy has been terminated due to non-payment of rent exceeding the bond or a tribunal order.

Although protections under the Privacy Act have been significantly enhanced over the decades to account for new technological capabilities, there are critical gaps in its application to rental data.

First is the small business exemption, which applies to businesses with an annual turnover of less than $3 million. This means that many real estate agencies and some PropTech providers fall outside the Act's jurisdiction. A significant proportion of the rental market thus operates without clear privacy obligations.

Second, while the Privacy Act includes provisions that limit the collection of data to what is relevant for a stated purpose, these provisions are vague. For example, the Privacy Commissioner found that TICA, an 'enquiries database' that allows subscribers to look up tenant histories, had collected data in line with its stated purpose, despite holding extensive amounts of personal information. Cohen (2024) identifies this weakness as stemming from the Act's consumer data protection focus, which assumes that individuals have meaningful choices about which providers they engage with. However, housing is an essential service (and human right), and renters often have limited agency in choosing how their data is handled, especially in competitive rental markets or social housing.

Residential tenancies legislation and emerging reforms

Each state and territory has its own residential tenancies legislation, which sets out the rights and obligations of landlords and tenants. However, residential tenancy laws were not designed for a digital rental market, and their regulatory scope is often limited to direct interactions between tenants and landlords or agents, leaving rental PropTech providers in a legal grey area.

Addressing gaps in privacy legislation in the context of housing, the states have begun introducing amendments to limit the type of information rental applicants can be asked to provide and regulate its use.

National Cabinet has also agreed on 'A Better Deal for Renters' to harmonise and strengthen renters' rights across Australia. Each state and territory agreed to:

- a prescribed rental application form to ensure consistency and fairness
- mandatory data retention limits, requiring the destruction of tenant information three months after an unsuccessful application and three years after a tenancy ends
- a requirement for personal information to be corrected within 30 days on request
- restrictions on the types of information landlords and agents can request from tenants.

Implementation of these reforms is ongoing, with each state and territory at a different stage.

Reforms to date have also typically been oriented toward restricting the data collection practices of landlords and property managers, leaving their applicability to PropTech providers an open question.

Anti-discrimination laws and enforcement challenges

Anti-discrimination laws prohibit unfair treatment on grounds such as race, gender and disability in the provision of goods and services, including housing. These protections apply at both state/territory and federal levels. However, enforcement remains difficult, as renters must prove that they were discriminated against, which is challenging given the opaque nature of many rental application processes.

Discrimination can also be embedded in rental algorithms and automated decision-making. If digital rental platforms use biased criteria, whether intentionally or through flawed machine-learning models, this could perpetuate housing inequities. Unlike the EU, Australia has yet to implement consumer AI protections, and residential tenancy laws do not directly regulate algorithmic decision-making.

Regulation of real estate agents

Each state regulates real estate agents through licensing and professional conduct requirements. These laws impose obligations such as maintaining confidentiality of client information. A data breach by an agent could potentially be considered a breach of these professional obligations, but these regulations do not extend to third-party rental platforms that process or store rental data.

Competition and consumer legislation

Competition and consumer laws may offer a pathway to addressing concerns about market coordination and rental price setting with the growing dominance of major real estate platforms.

This legislation also contains provisions for data sharing between businesses to allow consumers to switch between services that rely on individual data. The application of these provisions in the context of rental housing, however, is largely untested.

Further scrutiny is needed to assess whether PropTech companies' control over rental data and decision-making processes raises competition concerns.

8.1.4 Lessons from overseas

Consumer data protection laws across the three overseas jurisdictions studied in this project share significant similarities, with the EU's General Data Protection Regulation (GDPR) influencing many frameworks. Consumer data protections laws globally tend to focus on preventing large-scale data breaches rather than addressing discrimination.

A key distinction is that the GDPR and Singapore's privacy laws do not exempt small businesses, unlike Australia and the US, where exemptions create significant regulatory gaps in tenant data protection. Closing this gap would help address privacy risks in the Australian rental market, ensuring that all property managers and rental platforms were subject to privacy regulations

Housing and risk-based approaches to AI regulation

Unlike consumer data protection laws, AI-specific legislation remains in its early stages. Among the jurisdictions reviewed, only the EU and the US state of Colorado have enacted AI regulations focused on consumer protection. Both take a risk-based approach, applying stricter provisions to high-risk AI systems.

In the EU framework, housing is not explicitly addressed in the discussion of 'high-risk' systems, although protections for essential public services may cover social housing.

The EU also prohibits AI from being used in scoring based on personal characteristics. This could prevent certain predictive AI applications being used in tenant assessment. Colorado takes a more direct approach, explicitly recognising housing-related AI decisions as consequential and high-risk.

Context-specific guidance

As with Australia's Privacy Act, most of the laws reviewed in international jurisdictions operate through general principles such as data minimisation and lack housing-specific provisions. The US Department of Housing and Urban Development (HUD) is an exception to this; it has provided targeted guidance with respect to how AI applications in rental assessment should comply with fair housing laws. HUD's guidance includes that decision-makers should:

- disregard eviction records where tenants won their case
- exclude old or unrelated criminal offences from screening processes
- ensure that tenant screening and sorting policies are transparent and accessible.

These guidelines do not have legal weight, however they provide a strong foundation for developing enforceable housing-specific protections in Australia.

Building review processes and resources

International consumer data and AI protection laws typically have long implementation timelines, often two years or more. Their real-world impact is not yet fully understood, as many of the AI provisions are yet to come into force. This underscores the need for Australia to build review mechanisms into its policies, allowing for adaptation as more evidence emerges.

Considering cultural and structural context

When assessing international regulatory models, it is essential to consider local legal, historical and social contexts. The US Fair Housing Act, for example, was a major civil rights reform from 1968, yet racial discrimination and housing segregation persist despite decades of enforcement. Singapore, with its large stock of public housing, enforces an explicit ethnic integration policy, requiring the collection of racial data to manage residential diversity, an approach shaped by its unique political and geographic context. At the same time, racial discrimination remains widespread in Singapore's PRS due to weak tenant protections.

Strict measures to exclude race from AI-driven rental decisions, such as those in the US, can also have unintended consequences. For example, they may inadvertently limit targeted interventions for Indigenous housing needs or programs to ensure equitable access for minority groups, an issue that is also relevant in Australia's postcolonial housing landscape.

Housing technology and regulation must be designed with these broader structural inequalities in mind, rather than assuming that technology itself is the root cause of discrimination. Any reforms should be accompanied by systematic reviews of structural bias in the housing system to prevent new forms of exclusion.

8.2 Policy options

The digitisation of rental processes has introduced significant efficiencies and conveniences for both landlords and tenants, such as streamlined application processes and information sharing. These advances, however, have outpaced existing regulatory frameworks, leading to potential gaps in privacy protection, tenant rights and data security.

Recent reforms such as the 'Better Deal for Renters' initiative aims to address some of these concerns, however further action is necessary to balance technological benefits with robust safeguards. The following options focus on strengthening legal protections, enhancing oversight of rental technologies in both the private and social housing sectors.

Strengthen privacy protections

- Extend the Privacy Act to cover small businesses: Close the exemption for small businesses, including many real estate agencies and rental PropTech providers, from legislative privacy obligations.
- Strengthen privacy protections and frame them in the context of housing as a necessity and human right:
    - Tighten restrictions on what constitutes 'reasonable' data collection, taking into account the power imbalance between renters and landlords.
    - Implement stronger regulation of tenancy databases and their associated services to ensure that platforms collecting and storing rental history data are subject to stricter oversight and must implement transparency and accountability measures.

Reform residential tenancies legislation

- Implement 'Better Deal for Renters': Ensure that all states and territories follow through on agreements to standardise rental application forms, impose data retention limits and regulate data collection practices.
- Allow tenants to contextualise their data: In consultation with industry, rental advocates, social housing providers and renters, explore options to provide tenants with opportunities to contextualise their data in standardised application forms. These sections of application forms should be designed and tested to ensure that they achieve the intended purpose and do not incentivise the sharing of excess personal information. This information should not be assessed algorithmically.
- Ensure PropTech platforms fall under residential tenancy legislation: Clarify that rental platforms and PropTech intermediaries must comply with tenant protection laws, not just consumer data privacy and AI laws.
- Maintain non-digital pathways for rental applications and housing services: Ensure that both the private and social housing sectors retain accessible, offline alternatives to prevent digital exclusion and ensure that non-digital applications are given equal weight in decision-making processes.
- Develop frameworks for greater renter control over technology and data: Explore mechanisms that would allow renters to access, correct and control how their rental histories and personal data are used.

Regulate algorithmic decision-making

- Establish oversight of algorithmic decision-making and AI in rental application assessment: Introduce specific governance for the use of algorithms in tenant screening and sorting, whether through AI regulation frameworks or updates to residential tenancies laws.
- Limit the use of third-party data in scoring and sorting applications: Ensure that rental platforms use only information from standardised application forms and do not integrate external credit scores, social media data or general population data into algorithmic decision-making.
- Restrict AI ranking models in tenant selection: Limit automated systems to filtering based on objective criteria (e.g. income verification) rather than ranking tenants using opaque AI models.
- Recognise housing as a special category requiring increased oversight: Ensure that any future AI regulation frameworks classify rental housing as a 'high-risk' domain to reflect its status as a necessity and human right.
- Improve data accuracy in the social housing sector: Establish clear guidelines on data verification, correction processes and ensuring up-to-date information in social housing records.

Ensure fair competition in rental technology

- Monitor digital market coordination in rental pricing: Increase scrutiny of real estate listing platforms and algorithmic pricing models to prevent rent inflation through data-driven market coordination.
- Encourage competition through data portability: Investigate mechanisms that allow tenants to transfer rental application data between platforms, preventing dominant players from controlling rental market access.

Implement industry guidance and best practices

- Define reasonable 'due diligence' standards for data use: Establish clear guidelines aligned with privacy and tenancy laws for how rental data can be used in insurance claims, legal disputes and law enforcement checks.

Ensure future-proofing and research priorities

- Ensure regulations remain adaptable: Require periodic review of rental data protections and emerging risks, recognising that rental technology is evolving rapidly.
- Expand research into risks of data and technology in social housing: Conduct dedicated studies on how digitisation is affecting social housing tenants, particularly when it involves data-sharing between government agencies and housing providers.
- Build and maintain good stakeholder relationships: Ensure that all stakeholders, including regulatory and research bodies, property managers and PropTech companies, develop strong relationships and engage directly with each other to better understand evolving data practices and compliance gaps.

Address broader systemic issues

- Recognise that data and technology regulation cannot fix underlying housing problems: Continue addressing broader issues such as the commodification of housing, supply constraints and tenant protections beyond digital rights.
- Ensure that there is collaboration between regulators, PropTech providers, the real estate industry and tenant advocates: Establish regular forums to canvass opportunities and challenges in monitoring compliance and detecting emerging risks and industry practices.
- Leverage opportunities for developing more progressive rental PropTech: Stakeholders in various parts of the rental housing sector are keen to pursue a progressive PropTech agenda that addresses inequalities in data access and experience in the sector.

8.3 Conclusion

Australia's rental market is rapidly digitalising, bringing efficiencies but also significant policy challenges. Rental PropTech platforms now play a central role in tenant selection and property management, collecting extensive personal data with limited oversight.

While these technologies streamline rental processes, they also raise concerns about privacy, data security, algorithmic discrimination and the concentration of market power. Without appropriate regulation, tenants face risks of data misuse, opaque decision-making and reduced agency in securing housing.

Current regulatory frameworks are insufficient to address these emerging challenges. The Privacy Act's exemption for small businesses means that many rental PropTech providers operate without clear obligations to protect tenant data. Residential tenancy laws primarily focus on landlords and agents, leaving digital intermediaries in a regulatory grey area.

Furthermore, the growing use of AI-driven screening tools raises concerns about fairness and transparency, as predictive models may reinforce historical biases in tenant selection.

The increasing market dominance of major property platforms presents potential competition issues, with a few key players exerting significant influence over access to rental housing.

To address these issues, policy reforms should prioritise stronger privacy protections, enhanced transparency in algorithmic decision-making and clearer regulatory oversight of PropTech intermediaries. Measures such as data minimisation, enforceable retention limits and non-digital application pathways can help balance technological efficiencies with tenant rights.

Ensuring that renters have access to and control over their data is critical in promoting fairness and accountability. At the same time, regulatory approaches must balance the need for innovation with preserving renters' autonomy in self-representation.

While digital innovation offers opportunities to improve rental housing accessibility and efficiency, its benefits must be equitably distributed. A proactive policy approach is needed to ensure that rental PropTech enhances, rather than undermines, housing security, market fairness and tenant protections in Australia's evolving rental landscape.

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Appendix 1: Victorian government list of social housing priority categories

Emergency management housing (new applicants): for people whose housing is no longer safe or habitable due to an emergency, for example, a bushfire, flood or storm

Homeless with support (new applicants only): for people who are homeless or experiencing family violence and need support to obtain and establish appropriate, long-term housing

Supported housing (new applicants only): for people who live in unsuitable housing and have a disability or long-term health problem requiring major structural modifications and/or personal support to live independently

Special housing needs (new applicants): for people who are living in housing that has become unsuitable and who have no alternative housing options

Special housing needs aged 55 years and over (new applicants only): for people who are eligible for social housing who are aged 55 years and over and are not eligible for another priority category. This category only applies to single people or couples. (Victorian Department of Families, Fairness and Housing, 2023, n.p.)

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