Think Data

Subjects: Surveillance (extensive)
Occupation: Citizen
Data type: Private

What information can a managing agent transmit to another manager regarding one of his tenants?

A citizen, looking for accommodation, fills out an application to rent an apartment.
In accordance with the normal procedures, the managing agent contacted the current managing agent of the future tenant to find out if he pays rent on a regular basis, if he has already exercised certain expectations arising from the rental agreement (rent reduction, request for work) and if he is a 'pleasant' tenant.
Before responding, the current managing agent, unsure of what to do, preferred to talk to his tenant. He categorically refused that this information was conveyed. He asked his managing agent to reply negatively, in order to avoid getting himself into a conflict with his future managing agent.
This employee was surprised because he had always carried out this procedure. He checked with his superiors who in turn contacted other colleagues. They confirmed that this was not legal and he should stop immediately.
A managing agent is not authorized to collect this type of information from current managing agents for its future tenants. This information is personal information and should not be conveyed because it is not relevant for the conclusion of a lease, unlike the data on the solvency of the prospective tenant.

Recommendations
An employee or a managing agent may only collect the information necessary for the decision to grant accommodation. These are the personal details of the candidate, including the bank or post office details as well as the financial data necessary and sufficient to assess his solvency. Disclosures beyond this, or subjective information(such as friendly, not friendly) may infringe on the rights of the candidate's privacy, who in turn can complain in a court of justice.

Basic principles
LPD 4, 7, 13, 18a; LIPAD 38

Legality, proportionality, transparency of the collection

Resources