

Taking photos in a rental property fact sheet – property managers/owners



As a property manager/owner or selling agent, you may need to take photos of the inside or outside of a rental property during a tenancy, but you must comply with tenancy and privacy legislation.



Advertising a rental property

A property manager/owner can collect personal information during the tenancy if it is related to management of the premises and may include photographs taken during property inspections.

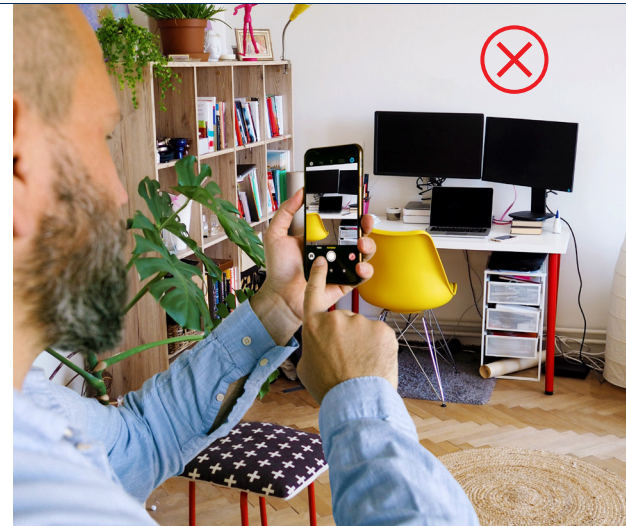
Personal information (such as photographs) must be securely stored, accessed only by relevant persons, and destroyed within the required time frame.

The property manager/owner must get written permission from the tenant to use photos of their possessions in advertising (including newspaper, online advertising and brochures).

This applies to possessions inside and outside the property (e.g. personal items, furniture, cars and boats).

Taking photos during entry with a prospective tenant or buyer

The *Residential Tenancies and Rooming Accommodation Act 2008* (the Act) does not refer to the taking of photos – which may show a tenant's possessions – by prospective buyers or tenants who enter to view the rental property with an agent. However, it is important that everyone entering the rental property respects the current tenant's privacy and quiet enjoyment. Have a conversation with the current tenant and consider what steps you may be able to take to address any concerns they may have. Read our tips for avoiding issues below.



Taking photos during a routine inspection

A property manager/owner can collect personal information during the tenancy if it is related to management of the premises and may include photographs taken during property inspections. Photographs must be securely stored and handled in the same manner as other personal information as prescribed by the Act.

Remember – while this fact sheet is about taking photos in a rental property, it is important that you also ensure you follow the entry rules for open homes and routine inspections outlined in the Act.

Tips for preventing and resolving issues around photography

Communication, consideration, and compromise are key to resolving most issues.

Consider what concerns a tenant may have about photos being taken that show their possessions. These may include:

- **Security** – concern that prospective tenants or buyers entering the property may take photos of the property layout or valuable possessions.
- **Personal safety** – concern that photos taken of personal possessions, family photos or pets may make the tenant and their location identifiable and vulnerable to danger, particularly so for those fleeing domestic and family violence.
- **Privacy** – concern about how and where the photos may be stored, used and accessed. For example, publishing or uploading photos of a tenancy breach on Google Images or an unsecured website may cause concern.



Consider sharing your reasons for taking the photos with the tenant, which may involve:

- Acknowledging the tenant's right to privacy and quiet enjoyment of their home.
- Explaining the need to take photos for advertising if the property is for sale (legislative conditions apply).
- Explaining how and where you will use and securely store the photos, who else will have access to them and at what point you will destroy them.
- Explaining that photos taken during a routine inspection may be used to show the owner:
 - wear and tear issues to demonstrate the need for improvements
 - any damage and need for maintenance
 - completed maintenance jobs as evidence of work done
 - a possible breach of the tenancy agreement.

Discuss steps you can take to protect the tenant's privacy and ease their concerns, such as:

- Giving them advance notice that you may be taking photos during a routine inspection, for example in an entry notice, so they have time to remove personal items.
- Asking prospective buyers and tenants to not take photos while inspecting the property – the tenant may appreciate your proactive approach to protecting their privacy.
- Using digital editing tools and/or blurring personal details in photos, such as family photos on walls, or focusing on the condition of the inside of a wardrobe rather than its contents.
- Being responsive to requests from the tenant, either in advance or in person during a routine inspection, to minimise potential privacy breaches.

Remember – while your reasons for taking photos may be valid, it is the tenant's home and your respect for their privacy and quiet enjoyment will be appreciated. Good communication is key to avoiding and resolving tenancy issues. If you cannot come to an agreement, the RTA's free dispute resolution service may be able to assist.

Further information

For more information contact the Residential Tenancies Authority.



rta.qld.gov.au



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Other languages: You can access a free interpreter service by calling the RTA on 1300 366 311 (Monday to Friday, 8:30am to 5:00pm).

Disclaimer

This fact sheet is prepared for information only. The Residential Tenancies and Rooming Accommodation Act 2008 is the primary source on the law and takes precedence over this information should there be any inconsistency between the Act and this fact sheet.

