

Taking photos in a rental property fact sheet – tenants



As a tenant, it's important to know your rights when it comes to protecting your privacy if your property manager/owner or selling agent wants to take photos of the inside or outside of your home.



Advertising a rental property

The *Residential Tenancies and Rooming Accommodation Act 2008* (the Act) says you must provide written consent for a photo showing your possessions, such as personal items, furniture, family photos or vehicles, to be used in an advertisement. If you don't agree, and these items are shown in a photo, this could be an offence. You may also be able to issue a breach notice to request any non-approved photos be removed from the advertisement.

Taking photos during an open house inspection

While taking photos that show your possessions for the purpose of advertising is only allowed with your consent, the Act does not refer to the taking of photos by prospective tenants or buyers who enter to view the property. If you have concerns, please read our tips below on how to protect your privacy and discuss your concerns with your property manager/owner.



Taking photos during a routine inspection

Your property manager/owner may wish to take photos as part of routine inspections, especially if there are maintenance or damage issues, or if they are concerned you may have breached your agreement. If it isn't clear why they are taking photos, you can ask them.

Remember – while this fact sheet is about the rules for taking photos in a rental property, it is important that the property manager/owner also follows the rules for entering your home regardless of whether it is for an open house or routine inspection.

Tips for preventing and resolving issues around photography

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

Consider the possible reasons the property manager/owner or other people may have for taking photos of your home, which may include:

- If a property is for sale, the property manager/owner may need to take photos for the advertisement (legislative conditions apply).
- Prospective tenants or buyers entering to view the property may want to take photos to show key aspects of the property layout to an absent family member or friend who may also be involved in the purchase or future tenancy.
- If taking photos during a routine inspection, the property manager may need the photos to show the owner:
 - fair wear and tear issues to demonstrate the need for improvements
 - any damage and need for maintenance
 - completed maintenance jobs as evidence of work done
 - concerns around possible breaches of the tenancy agreement.

Consider sharing any concerns you may have with your property manager about photos being taken of your home and possessions, and see if you can come to a compromise, which may involve:

- Acknowledging the property manager/owner may need to take photos for advertising the property or during a routine inspection.
- Asking your property manager/owner about how and where the photos will be used and securely stored, and who else will have access to them.
- Explaining why you are concerned about photos being taken of your home and personal possessions, which may include security, personal safety or privacy reasons. This may be critical for tenants fleeing domestic and family violence.



Request that the property manager take steps to address your concerns, such as:

- Letting you know in advance when they intend on taking photos during a routine inspection, so you have time to remove personal items you don't want photographed.
- Asking prospective buyers and tenants to not take photos while inspecting your home.
- Using digital editing tools and/or blurring out personal details in photos or focusing on the condition of the inside of a wardrobe rather than its contents.
- Asking about other options the property manager may suggest from their experience to minimise potential privacy breaches.

Remember – while you do need to give written agreement for photos to be taken in some situations, in other situations, the property manager may have good reasons to take photos and may lawfully be able to do so without your written permission. 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.



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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.

