

# Guidance on the Collection of Personal Data Prior to Viewing a Property

The Data Protection Commission (DPC) is aware of practices in the property services sector where detailed financial and other information is being sought from persons seeking to view a property for sale or rent. The DPC has previously issued [guidance](#) to assist letting agents and landlords when considering seeking personal data from prospective tenants before a rental contract is offered. The position already outlined in the DPC's guidance for letting agents and landlords is similar to the situation where an individual is a prospective purchaser of a property.

Property services companies (estate agents) requesting or requiring any form of personal data from prospective clients for the purposes such as arranging a viewing, entering into a letting agreement or closing a sale are data controllers under the General Data Protection Regulation (GDPR).

The GDPR and the Data Protection Act 2018 place obligations on data controllers to ensure they comply with all of the principles of data protection law. This note highlights some of the key issues that arise in the context of estate agents collecting personal data for the purpose of arranging viewings of a property.

One of the most important principles for the property services sector to consider in the case of prospective purchasers is the principle of **data minimisation**. This principle requires that estate agents collect no more personal data than is necessary to achieve the purpose for which the personal data is needed. The personal data required for the purpose of arranging a viewing will be significantly less than the personal data which may be necessary where an individual decides to progress to a more advanced stage of purchasing a property, such as placing an offer on a property, going sale agreed or concluding a purchase.

While organisations have obligations under the Government's COVID guidelines and health and safety legislation to safeguard public health, estate agents must be able to demonstrate that only relevant personal data, limited to what is necessary, is collected for the purpose of arranging the safe viewing of a property.

**The DPC does not consider there can be any justification (COVID-19 related restrictions included) for the extensive collection of personal data such as financial statements, proof of funds, utility bills, PPS numbers etc. from prospective purchasers at the initial stages of advertising or hosting viewings of a property.**

Data controllers must also comply with the principle of **purpose limitation**. Personal data should not be collected on a 'just in case' basis for some undefined or undeclared future purpose. Personal data should only be collected for *"specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes"*.

Data Controllers must also be **transparent** to individuals as to the purpose or purposes for which the personal data is collected. This means individuals must be informed if personal data collected for the express purpose of facilitating the viewing of a property is to be used for any other purpose, such as an assessment of the individual's financial standing, for analytical purposes or profiling of prospective buyers.

Under the GDPR, any processing of personal data must have a **legal basis**. For further information on the GDPR legal bases for processing personal data, see the DPC's [guidance](#).

## Further Information

The DPC [Guidance](#) on Requesting Personal Data from Prospective Tenants provides a case study on the excessive data collection by a letting agency.

For further information on the data protection obligations of organisations when they are acting as data controllers, see the '[For Organisations](#)' section of the DPC website.

For further information on the data protection rights of individuals, see the '[For Individuals](#)' section of the DPC website.