

Toronto Real Estate Board

PRIVACY POLICY

Toronto Real Estate Board
Policy on the Collection, Use and Disclosure
of Personal Information
“Privacy Policy”

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1. Objective & Scope of Policy

The Toronto Real Estate Board (“**TREB**” or “**Board**”) is committed to advancing the interests of real estate sales people and brokers who comprise TREB’s membership. Members of TREB are also members of the Ontario Real Estate Association (“**OREA**”) as well as the Canadian Real Estate Association (“**CREA**”). CREA approved a Privacy Code as a national standard at its annual meeting held in Montreal in October of 2001.

Consistent with the adoption of the CREA Privacy Code and with applicable law, TREB is dedicated to maintaining high standards of confidentiality with respect to information provided to it. This Policy Statement has been prepared to inform you of our policy and practices concerning the collection, use and disclosure of Personal Information provided to the Board.

This Policy Statement governs Personal Information collected from and about individuals who are Members and Personal Information regarding non-Member individuals that is provided to TREB for the purposes described below. It does not govern Personal Information the Board collects from and about our employees, the protection of which is governed by other applicable laws and internal TREB policies. This policy also does not cover aggregated data from which the identity of an individual cannot be determined. TREB retains the right to use aggregated data in any way that it determines appropriate.

This Policy Statement applies to all TREB employees as part of their work requirements as well as to TREB’s Board of Directors and committee members.

Using contractual or other arrangements, the Board shall ensure that agents, contractors or third party service providers, who may receive Personal Information in the course of providing services to TREB as part of our delivery of services, protect that Personal Information in a manner consistent with the principles articulated in this Policy Statement.

In the event of questions about access to Personal Information, the collection, use, management or disclosure of Personal Information, or this Policy Statement or whether TREB is acting in a manner consistent with it, please contact:

Chief Privacy Officer
Toronto Real Estate Board
1400 Don Mills Road
Toronto, ON M3B 3N1

E-mail: vpalmer@trebnet.com
Telephone number: 416-443-8150
Fax: 416-443-9703

2. The Collection, Use & Disclosure of Personal Information

For the purposes of this Policy,

“**Personal Information**” means any information, recorded in any form, about an identifiable individual, or an individual whose identity may be inferred or determined from the information, alone or in combination with other information.

“**External Associate**” means an individual who is not a Member or an employee of TREB. An External Associate may be an individual or an employee of an organization with which TREB has dealings in the normal course of fulfilling its mandate. Examples of external associates include independent contractors or service providers; employees of CREA, OREA or the Real Estate Council of Ontario; legal counsel and consultants.

“**Member**” means a salesperson or broker registered under the *Real Estate and Business Brokers Act, 2002* by the Real Estate Council of Ontario, who has been accepted for membership in TREB, while that individual is a member of TREB, and any individual who has been accepted for membership as an affiliate member or honorary member of TREB, while that individual is a member of TREB.

Personal Information about Members will be collected, to the extent possible, directly from the individual concerned.

Information within the Multiple Listing Service (“**MLS®**”) system is considered to be Personal Information to the extent that it is about or can be associated with an identifiable individual. For example, Personal Information within the MLS® system may include an individual’s name, address, phone number, financial information and may also include information about an individual’s property (such as sale price). To the extent possible, such information will be collected directly from the listing broker/salesperson.

TREB uses the Personal Information provided verbally or in writing by Members, upon application for membership (and which may be provided during the course of membership), and others, for different purposes to fulfil its mandate. These purposes include:

- Acting as a professional association in support of Members as REALTORS®, including the administration of its by-laws and policies and ensuring compliance with same;
- Providing products and services to Members;
- Providing continuing education to Members and educational courses to those seeking to become Members and others;
- Administering and operating the MLS® system, including ensuring compliance with the rules and regulations governing the MLS® system;
- Administering and facilitating membership in OREA and CREA, including ensuring compliance with the by-laws, rules and regulations of those associations;

- Meeting any legal or regulatory requirement; and
- Such other purposes consistent with the foregoing purposes.

TREB's use of Personal Information is limited to the purpose of fulfilling the mandate of TREB or a purpose consistent with that purpose. Unless permitted by law or provided for in the application for membership, Board by-laws and/or Board rules, no Personal Information is collected about a Member without first obtaining the consent of the individual to the collection, use and dissemination of that information.

TREB may disclose Personal Information of Members to CREA, OREA and RECO for the purpose of fulfilling its mandate and to organizations that assist the Board in the course of fulfilling its mandate, including organizations that perform services on its behalf.

Personal Information will only be provided to organizations providing services to TREB if they agree to use such information solely for the purposes of providing services to TREB and under the instruction of TREB and, with respect to that information, to act in a manner consistent with the relevant principles articulated in this Policy Statement.

Information within the MLS® system, including Personal Information, with respect to a MLS® property listing may be disclosed to (or may be accessible by) Members and other persons authorized to use the MLS® system which may include other real estate boards and associations and their members, government departments, appraisers and others for purposes in connection with the listing, marketing, purchasing and/or selling of the property, subject to TREB's agreements, rules and policies governing its MLS® system. In addition, property information within the MLS® system including both current and historical listing and sales data (including sale price) is retained in the MLS® system, both during the term of the listing and after the listing has expired or terminated or the property has been purchased, sold or leased, and is available to TREB and authorized users to compile and publish current and historical statistics and to conduct comparative market analyses, which may be disclosed to or shared with consumers. Comparative market analyses are used to assess the values of properties, relying on information about similar properties in the same area with adjustments for differences in property features. Information within the MLS® system (including both current and historical listing and sales data) may also be used and displayed on virtual office websites ("VOWs") administered by Member brokerages, subject to TREB's agreements, rules and policies governing its MLS® system (including those in respect of VOWs).

There are circumstances where the collection, use and/or disclosure of Personal Information may be justified or permitted or where TREB is obliged to disclose information without consent. Such circumstances may include:

- Where collection and use with consent would compromise the availability or accuracy of the information and the collection is reasonable for purposes related to investigating a breach of an agreement or a contravention of the laws of Canada or a province;
- Where disclosure is required to comply with a subpoena, warrant, court order or rules of the court relating to production of documents;
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- Where disclosure is necessary to collect fees or any other debt owed by the individual to TREB;
- Where disclosure is made to another organization and is reasonable for purposes of investigating a breach of an agreement or a contravention of the laws of Canada or a province that has been, is being or is about to be committed and it is reasonable to expect that disclosure with knowledge or consent of the individual would compromise the investigation;
- Where disclosure is made to another organization and is reasonable for purposes of detecting or suppressing fraud or of preventing fraud that is likely to be committed and it is reasonable to

- expect that disclosure with knowledge or consent of the individual would compromise the ability to prevent, detect or suppress the fraud;
- Where the information is “publicly available” within the meaning of the *Personal Information Protection and Electronic Documents Act* (Canada) and regulations thereunder (“**PIPEDA**”); or
 - Where required by law.

Where obliged or permitted to disclose information without consent, TREB will not disclose more information than is required.

3. Accuracy

TREB endeavours to ensure that any Personal Information provided by its Members and in its possession is as sufficiently accurate, current and complete as necessary for the purposes for which TREB uses that information. Personal Information contained in files that have been closed is not actively updated or maintained.

Information on listings is the responsibility of Members who provide it to the MLS® system. In the event of inaccuracy or incompleteness in any Personal Information within the MLS® system, TREB may request that the individual contact their listing broker/salesperson or other real estate representative to address the matter.

4. Retention

TREB retains Personal Information as long as TREB believes it is necessary to fulfil the purpose for which it was collected. Currently, the principal place in which TREB holds Personal Information is in the Greater Toronto Area. TREB has in place a Records Retention Policy which outlines the procedures for the retention and subsequent disposition of TREB records including those records that contain Personal Information.

5. Security

TREB endeavours to maintain adequate physical, procedural and technical security with respect to its offices and information storage facilities so as to prevent any loss, misuse, or unauthorized access, disclosure, or modification of Personal Information.

TREB further protects Personal Information by restricting access to Personal Information to those employees and External Associates that the management of TREB has determined need to know that information in order that TREB may provide its services. TREB has a policy under which employee misuse of Personal Information is treated as a serious offence for which disciplinary action may be taken.

In terms of communicating Personal Information, you may wish to note that there is no method of transmitting or storing data that is completely secure. While the physical characteristics of each are different, mail, telephone calls, faxes and transmissions over the Internet are all susceptible to possible loss, misrouting, interception and misuse of the information being communicated or transmitted.

As do many organizations, TREB attempts to strike a reasonable balance between security and convenience. In communicating with Members and others, TREB reserves the right to use a method of communication that is less secure than some of its less convenient alternatives. An example of this is e-mail. At this time, when we use e-mail, it is sent as unencrypted plain text. We do this because the Board believes that many of our Members and External Associates cannot readily process encrypted e-mail. This

is done for their convenience but has the security concern that, if misrouted or intercepted, it could be read more easily than encrypted e-mail.

6. Visiting the TREB Public Web Sites

With respect to its public websites, TREB may use Cookies from time to time and anonymous hit count statistics are generated.

Certain Member information (name, company name & company address, company phone number, email address) is presented on the TREB public websites.

TREB has no control over the content of third party websites that individuals may access through hyperlinks at our websites.

7. Access to Personal information

TREB permits access to and review of Personal Information held by TREB about an individual by the individual concerned.

TREB reserves the right to decline to provide access to Personal Information where the information requested:

- (a) Would disclose the Personal Information of another individual or of a deceased individual; or would reveal confidential business information that may harm TREB or the competitive position of a third party;
- (b) Is subject to solicitor-client or litigation privilege;
- (c) Could reasonably be expected to threaten the life or security of another individual;
- (d) Was generated in the course of a formal dispute resolution process;
- (e) May not be disclosed, or is not required to be disclosed, under PIPEDA;
- (f) Is not readily retrievable and the burden or cost of providing would be disproportionate to the nature or value of the information; or
- (g) Does not exist, is not held, controlled or cannot be found by TREB.

Since confidentiality is integral in TREB's procedures, including in such procedures as the arbitration of commission disputes and the investigation, prosecution and determination of complaints made against Members, access to Personal Information may also be declined where the person requesting same has consented, by virtue of membership in TREB and by being subject to TREB's by-laws and rules, to TREB's jurisdiction over such procedures as provided for in the by-laws and rules of TREB.

Where information will not or cannot be disclosed, the individual making the request will be provided with the reasons for non-disclosure (unless prohibited by law) and any further steps which are available to the individual under PIPEDA.

TREB will not respond to repetitious or vexatious requests for access. In determining whether a request is repetitious or vexatious, it will consider such factors as the frequency with which information is updated, the purpose for which the information is used, and the nature of the information.

To guard against fraudulent requests for access, TREB will require sufficient information to allow it to confirm the identity of the person making the request before granting access or making corrections.

Where information will be disclosed, TREB will endeavor to provide the information in question within a reasonable time and no later than 30 days following the request or will provide written notice of extension in accordance with PIPEDA. TREB may charge a minimal or nominal cost (e.g. photocopying, mail charges) to the individual making the request.

If an individual believes any Personal Information concerning that individual is not correct, that person may request an amendment of that information by sending a request to the person indicated in [Section 1](#). TREB reserves the right not to change any Personal Information but may append any alternative text the individual concerned believes appropriate. An individual may also request that TREB delete an individual's Personal Information from the Board's system and records, except if such Personal Information is required to fulfil the Board's mandate or to meet legislative requirements. However, due to technical constraints and the fact that TREB backs up its systems, Personal Information may continue to reside in the Board's systems after deletion. For the same reason, Personal Information may also continue to reside in the MLS® system after deletion. Individuals, therefore, should not expect that their Personal Information would be completely removed from TREB or the MLS® systems in response to a request for deletion.

8. Amendment of TREB Practice and This Policy

This Policy Statement is in effect as of January 1, 2004, as updated from time to time. The effective date of the last update is indicated at the bottom of each page. TREB will from time to time review and revise its privacy practices and this Policy Statement. In the event of any amendment, an appropriate notice will be posted and communicated to Members and others in an appropriate manner. Policy changes will apply to the information collected from the date of posting of the revised Policy Statement as well as to existing information held by TREB.

9. Information Regarding Former Members

TREB will only disclose Personal Information about former Members in accordance with this Policy Statement.

10. What You Consent And Agree To

When you provide TREB with Personal Information, you consent and agree to the following:

- The collection, use and disclosure of Personal Information from or about you as described in [Section 2](#), and to your right to access and correct data as described in [Section 7](#).
- Your acceptance of the risks concerning the transmission of information to TREB as described in [Section 5](#).
- The amendment of this Policy Statement as described in [Section 8](#).