

Data Use Policy FAQ's

Q What are the major points that I need to understand about the Data Use Policy?

A The Data Use Policy describes the overall policies of MLSListings Inc. regarding the copyrights, licensing and use of bulk listing information from the MLS database by brokers and third parties. It includes extensive information on public websites (IDX), Virtual Office Websites (VOW), client reports/flyers, and the use of statistics.

The signature of the Participant Broker (as defined in the MLS Rules) is required for subscriber use of MLS data through third party products. The Broker signature (approved permission form) must be submitted by the vendor to MLSListings prior to providing a product or service to an MLS subscriber.

Data customers (brokers and third party service providers) who receive a data feed have expanded use of MLS data, including information on closed sales, which will help their websites compete more effectively against Internet portals that promote real estate searches on their websites. The availability of closed sale data also provides for the development of automated valuation models (AVM's) and customized statistics for IDX and VOW websites.

All vendors' and brokers' offerings must be in compliance with the Data Use Policy (which is an extension the MLS Rules and Regulations).

Q What are the key guidelines regarding MLS data for consumers?

A The main points are as follows:

- 1) All websites must be IDX or VOW compliant. There is a difference between the content a consumer can see on a "log-in" site vs. a "public" site. See Appendix 1 and Appendix 2 of the Data Use Policy (aka "Internet Display Guidelines") for detailed information on IDX and VOW compliance.
- 2) All client reports with active and pending listings, whether online, printed, faxed or emailed, must identify the listing agent and listing office (names only, contact information not required). This includes "unbranded" virtual tours.
- 3) Sold listings may be included in search activities and in search results on IDX and VOW websites, within the guidelines listed in the Data Use Policy. (Listings older than three years cannot be searched/displayed in vendor offerings, but brokers are exempt from this limitation.) Automated alert tools (whether brokers or vendors) cannot include Sold listings older than 6 months.
- 4) For VOW websites, off-market listings provided in the datafeed (Withdrawn, Cancelled or Expired), may not be searched or displayed on the website, but may be included in individual emails, initiated by an agent, to clients.
- 5) General statistics from the MLSListings statistics program on www.pro.mlslistings.com may be used (with proper reference) on IDX websites. However, the downloading and "crunching" of individual listings for statistical analysis requires a data licensing contract. (See Section 5.4.4.2 of the Data Use Policy for more details.)

Q I don't want my clients to see the listing agent contact information on reports that I send them. Can I remove this information from reports, emails, or search results that they can view on my website?

A Your clients will only see the listing agent name and office identification, NOT contact information. This requirement creates parity among all forms of client-facing media, from email or fax to hand-delivered, printed reports. This information cannot be removed. All broker and vendor products are required by their data licensing contracts to display this information.

Q Can MLS listing information for IDX or VOW websites be accessed and compiled in any way other than through a contracted data feed?

A No. All websites with MLS listing data (IDX and VOW websites) must be created using the data that is specifically provided by MLSListings Inc. for this purpose. Any listings belonging to other brokers/offices that are displayed on a subscriber's website must follow the MLS Rules and Internet Display Guidelines (Appendices 1-3 of the Data Use Policy). For agents, this information must be provided via a contracted data feed through a broker or vendor.

Q How is the revised MLSListings Inc. Data Use Policy (v3.0) different from the previous version (v2.1) that was distributed in March 2008?

A The key policy differences are as follows. However, we recommend that you review the full document so that you are familiar with the policies, particularly Appendix 1 and Appendix 2 (aka "Internet Display Guidelines").

- 1) The document has been updated throughout to include references to VOW websites, as well as IDX websites.
- 2) Added "pending-do-not-show" to list of confidential statuses (5.3.2)
- 3) Added restriction on display of virtual links on Sold properties (5.6.1(d))
- 4) Extended password expiration requirement from 90 days to 120 days. (5.6.2(b))
- 5) In Appendix 1, added Item #3 under "Prohibitions" restricting number of listings permitted in any single return of results
- 6) In Appendix 2 (old Appendix 2 became Appendix 3) inserted information regarding VOW Rules to reflect changes in the MLS Rules and Regulations as a result of the NAR/DOJ rulings.
- 7) In Appendix 3, added definition of "Participant" and updated terminology throughout document
- 8) In Appendix 3, expanded definition of "Client or Customer" and added Item #1(b) under "Disclosures" requiring display of website operator identity.

Q How long do I have to become compliant?

A The updated MLS Rules are effective March 1, 2009. The resulting updates to the Data Use Policy also go into effect March 1, 2009. Brokers and vendors who receive a data feed need to ensure that they are compliant with the changes. If you are contacted to make changes on your website, you will have 10 calendar days to make the corrections before being considered to be in breach of contract.

Q Why has the Data Use Policy changed?

A The MLS Rules change from time to time. Due to rule changes on the national level (NAR) the MLSListings Board of Directors took the opportunity to review and update the MLS Rules and Data Use Policy.

Q What happens if I don't comply with the Data Use Policy?

A As with all MLS Rules, there are penalties for noncompliance. In addition, data licensing contracts specify remedies for bulk data recipients (whether brokers or third party providers) in breach of contract. In addition to monetary penalties, data feeds may be discontinued after a data licensee has been adequately notified of compliance issues.

Q How did these policies come about? What is the process for requesting changes to the data policies?

A The Data Use Policy was formed over the course of a year of research, interviews, and correspondence/discussions with brokers from a wide range of office sizes, other MLS's, NAR and CAR, as well as through multiple reviews with the Data Task Force, the MLS Rules Committee and the Board of Directors. The Data Use Policy has been in use for several years, and receives regular reviews as changes to the MLS Rules are approved by NAR. This is a long-term policy that anticipates the needs of real estate professionals in the future, as well as current practices.

That said, the real estate market is constantly changing and new challenges may be right around the corner. In anticipation of future modifications, please forward your input to compliance@mlslistings.com.

Q What is the stance of NAR on our data policies? Do these policies comply with national/state requirements?

A NAR has reviewed the MLS Rules and approved them. The Data Use Policy has also been reviewed by NAR staff and their consulting attorney.

Q Will my vendors' products increase in price as a result of these policies?

A It is possible that some vendor's expenses may be affected as a result of the Data Use Policy and periodic updates or changes in data display requirements. In some cases, agents may find that their third-party fees increase.

Q Who can I contact regarding questions about the Data Use Policy?

A Write to the Compliance department at compliance@reil.com.

Or contact us at:

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