

London and St. Thomas Association of REALTORS®

Policy on the Collection, Use and Disclosure of Personal Information

“Privacy Policy”

1. Objective & Scope of Policy	1
2. The Collection, Use & Disclosure of Personal Information	2
3. Accuracy	3
4. Retention	3
5. Security	3
6. Visiting the LSTAR or MLS® Web Site	3
7. Access to Personal information	4
8. Amendment of LSTAR Practice and This Policy	4
9. Information Regarding Former Members	5
10. What You Consent and Agree To	5

1. Objective & Scope of Policy

The London and St. Thomas Association of REALTORS® (“LSTAR” or “Association”) is committed to advancing the interests of real estate sales people and brokers who comprise of LSTAR’s membership. Members of LSTAR 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, LSTAR 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 Association.

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

This Policy Statement applies to all LSTAR employees as a condition of their employment as well as to members of LSTAR’s Board of Directors. Using contractual or other arrangements, the Association shall ensure that agents, contractors or third party service providers, who may receive Personal Information in the course of providing services to LSTAR 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 LSTAR is acting in a manner consistent with it, please contact:

Chief Privacy Officer
London and St. Thomas Association of REALTORS®
342 Commissioners Road West, London, Ontario N6J 1Y3
E-mail: betty@lstar.ca ▪ Telephone: (519) 641-1400 ▪ Facsimile: (519) 641-4613

Prepared by Siskind, Cromarty, Ivey & Dowler LLP for the London and St. Thomas Association of REALTORS® (formerly the London & St. Thomas Real Estate Board), based on the Ontario Real Estate Association privacy policy materials prepared by Gowling Lafleur Henderson LLP.

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 identified individual, or an individual whose identity may be inferred or determined from the information. Personal Information does not include business information, including but not limited to the Member's name, title, and address used for business purposes.

"External Associate" means an individual who is not a Member. An External Associate may be an individual or an employee of an organization with which LSTAR 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 who has been accepted for membership in LSTAR.

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 or can be associated with an individual. Such information will be collected directly from the listing broker/salesperson.

LSTAR 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 trade association in support of the real estate industry in London, St. Thomas, and the surrounding area;
- Providing services to Members;
- Providing continuing education to Members and educational courses to those seeking to become Members and others;
- Operating the MLS® system;
- Facilitating membership in CREA and OREA;
- Meeting any legal or regulatory requirement; and
- Such other purposes consistent with the foregoing purposes.

LSTAR's use of Personal Information is limited to the purpose of fulfilling the mandate of LSTAR or a purpose consistent with that purpose and the Association does not sell, trade, barter or exchange for consideration any Personal Information it has obtained. Unless permitted by law or provided for in the application for membership, Association By-Law or 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.

LSTAR may disclose Personal Information of Members to CREA and OREA and RECO for membership purposes and to organizations that assist the Association 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 LSTAR if they agree to use such information solely for the purposes of providing services to LSTAR and under the instruction of LSTAR and, with respect to that information, to act in a manner consistent with the relevant principles articulated in this Policy Statement.

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

- Where required by law or by order of a tribunal;
- Where LSTAR believes, upon reasonable grounds, that it is necessary to protect the rights, privacy, safety or property of an identifiable person or group;
- Where it is necessary to establish or collect fees;

- Where it is necessary to permit LSTAR to pursue available remedies or limit any damages that the Association may sustain; or
- Where the information is publicly available (i.e. telephone directory, Land Registry Office).

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

3. Accuracy

LSTAR endeavours to ensure that any Personal Information provided by its Members and in its possession is as accurate, current and complete as necessary for the purposes for which LSTAR uses that data. 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.

4. Retention

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

5. Security

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

LSTAR further protects Personal Information by restricting access to Personal Information to those employees and External Associates that the management of LSTAR has determined need to know that information in order that LSTAR may provide its services. LSTAR 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, LSTAR attempts to strike a reasonable balance between security and convenience. In communicating with Members and others, LSTAR 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 Association 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 email.

6. Visiting the LSTAR or MLS® Web Site

With respect to its web site, LSTAR does not collect any information from site visitors. Cookies are not used although anonymous hit count statistics are generated monthly. Certain Member information (name, picture, company name & company address, company phone number) is presented on the public website.

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

7. Access to Personal information

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

LSTAR 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 business confidential information that may harm LSTAR or the competitive position of a third party;
- (b) Is subject to solicitor-client or litigation privilege;
- (c) Could reasonably result in serious harm to the treatment or recovery of the individual concerned, serious emotional harm to the individual or another individual, or serious bodily harm to another individual; or
- (d) May harm or interfere with law enforcement activities and other investigative or regulatory functions of a body authorized by statute to perform such functions;
- (e) Does not exist, is not held, or cannot be found by LSTAR.

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

Where information will not or cannot be disclosed, the individual making the request will be provided with the reasons for non-disclosure.

LSTAR 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, LSTAR 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, LSTAR will endeavour to provide the information in question within a reasonable time and no later than 60 days following the request. LSTAR 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 update of that information by sending a request to the person indicated in [Section 1](#). LSTAR reserves the right not to change any Personal Information but will append any alternative text the individual concerned believes appropriate. An individual may also request that LSTAR delete an individual's Personal Information from the Association's system and records. However, due to technical constraints and the fact that LSTAR backs up its systems, Personal Information may continue to reside in the Association'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 LSTAR or the MLS® systems in response to a request for deletion.

8. Amendment of LSTAR Practice and This Policy

This statement is in effect as of December 31, 2003. LSTAR 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 on www.realtorlink.ca 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 to LSTAR's web site as well as to existing information held by LSTAR.

9. Information Regarding Former Members

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

10. What You Consent and Agree To

When you provide LSTAR 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 LSTAR as described in Section 5.
- The amendment of this Policy Statement as described in Section 8.