

## Realty Executives Elite Ltd., Brokerage

### 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	4
6. Visiting the Realty Executives Elite, LSTAR or MLS Web Site	4
7. Access to Personal Information	4
8. Amendment of Realty Executives Elite Ltd., Brokerage Practice and This Policy	5
9. Information Regarding Former Independent Contractors	6
10. What you Consent and Agree To	6

#### 1. Objective & Scope of Policy

Realty Executives Elite Ltd., Brokerage is committed to advancing the interests of real estate sales people and brokers who comprise of LSTAR’s membership. Licensees of Realty Executives Elite Ltd., Brokerage 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, Realty Executives Elite Ltd., Brokerage 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 Brokerage.

This Policy Statement governs Personal Information collected from and about individuals who are licensees and information regarding consumers and or prospective consumers that is provided to Realty Executives Elite Ltd., Brokerage for the purposes described below. This policy does not cover aggregated data from which the identity of an individual cannot be determined. Realty Executives Elite Ltd., Brokerage retains the right to use aggregated data in any way that it determines appropriate.

This Policy Statement applies to all Realty Executives Elite Ltd., Brokerage employees as a condition of their employment as well as to Licensees of Realty Executives Elite Ltd., Brokerage. Using contractual or other arrangements, the brokerage shall ensure that agents, contractors or third party service providers, who may receive Personal Information in the course of providing services to the brokerage as part of our delivery of services, protect that Personal Information in a manner consistent with the principles articulated in this Policy Statement.

In event of questions about access to Personal Information; the collection, use, management or disclosure of Personal Information, or this Policy Statement or whether Realty Executives Elite Ltd., Brokerage is acting in a manner consistent with it, please contact:

Chief Privacy Officer  
Realty Executives Elite Ltd., Brokerage  
515 Wellington Road South Unit #7  
London ON N6C 4R3  
Tel: 519-649-6900 Fax: 519-649-6933

Costa Pouloupoulos, Broker/Owner and or Terri Gowers  
[realtors@costamary.com](mailto:realtors@costamary.com) [terrig@realtyexecutiveselite.ca](mailto:terrig@realtyexecutiveselite.ca)

## 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 licensee's name, title and address used for business purposes.

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

**“Licensees”** mean a salesperson or broker who has been contracted with the Brokerage.

Personal information about licensees 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.

Realty Executives Elite Ltd., Brokerage uses the personal information provided verbally or in writing by licensees upon application for employment (and which may be provided during the course of employment) and others, for different purposes to fulfil its mandate. These purposes include:

- Acting as a trade brokerage under REBBA (2002) in support of the real estate industry in London, St. Thomas, and the surrounding area.
- Providing services to licensees
- Providing continuing education to licensees and education courses to those seeking to become licensees and others.
- Meeting any legal or regulatory requirement; and
- Such other purposes consistent with the foregoing purposes.

Realty Executives Elite Ltd., Brokerage use of Personal Information is limited to the purpose of fulfilling the mandate of Realty Executives Elite Ltd., Brokerage or a purpose consistent with that purpose and the Brokerage 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 employment, no Personal Information is collected about a licensee without first obtaining the consent of the individual to the collection, use and dissemination of that information.

Realty Executives Elite Ltd., Brokerage may disclose Personal Information of licensees to LSTAR, CREA, OREA and RECO for membership purposes and to organizations that assist the Brokerage 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 Realty Executives Elite Ltd., Brokerage if they agree to use such information solely for the purposes of providing services to Realty Executives Elite Ltd., Brokerage and under the instruction of Realty Executives Elite Ltd., Brokerage 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 Realty Executives Elite Ltd., Brokerage is obliged to disclose information without consent. Such circumstances may include:

- Where required by law or by order of a tribunal
- Where Realty Executives Elite Ltd., Brokerage 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 Realty Executives Elite Ltd., Brokerage to pursue available remedies or limit any damages that the Brokerage 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, Realty Executives Elite Ltd., Brokerage will not disclose more information than is required.

### **3. Accuracy**

Realty Executives Elite Ltd., Brokerage endeavours to ensure that any Personal Information provided by its licensees and in its possession is as accurate, current and complete as necessary for the purposes for which Realty Executives Elite Ltd., Brokerage uses that data. Information contained in files that have been closed is not actively updated or maintained. Information on listings is the responsibility of licensees who provide it to the brokerage and the MLS system.

### **4. Retention**

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

## **5. Security**

Realty Executives Elite Ltd., Brokerage 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.

Realty Executives Elite Ltd., Brokerage further protects Personal Information by restricting access to Personal Information to those employees and External Associates that the management of Realty Executives Elite Ltd., Brokerage has determined need to know that information in order that Realty Executives Elite Ltd. Brokerage may provide its services. Realty Executives Elite Ltd. Brokerage 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 sorting 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, Realty Executives Elite Ltd., Brokerage attempts to strike a reasonable balance between security and convenience. In communication with licensees, members of LSTAR (MLS Association) and others, Realty Executives Elite Ltd. Brokerage 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 Brokerage believes that many of our licensees and External AssociateS cannot readily process encrypted e-mail. This is done for their convenience but has the security concerns that, if misrouted or intercepted, it could be read more easily than encrypted e-mail.

## **6. Visiting Realty Executives Elite Ltd., Brokerage Web Site**

With respect to its web site, Realty Executives Elite Ltd., Brokerage may collect any information from site visitors. Such personal information is treated as within this policy although anonymous hit count statistics are generated monthly. Certain licensees' information (name, picture, company name and company address, company phone number) is presented on the public web site.

Realty Executive Elite Ltd., Brokerage has no control over the content of third party websites that individuals may access through hyperlinks at our websites.

## **7. Access to Personal Information**

Realty Executives Elite Ltd., Brokerage permits access to and review of Personal Information held by Realty Executives Elite Ltd. Brokerage about an individual by the individual concerned.

Realty Executives Elite Ltd., Brokerage 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 Realty Executives Elite Ltd., Brokerage 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 Realty Executives Elite Ltd., Brokerage.

Since confidentiality is integral in Realty Executives Elite Ltd., Brokerage procedures, including such procedures as the arbitration of commission disputes and the investigation, prosecution and determination of complaints made against licences, 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.

Realty Executive Elite Ltd., Brokerage 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, Realty Executives Elite Ltd., Brokerage 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, Realty Executives Elite Ltd., Brokerage will endeavour to provide the information in question within a reasonable time and no later than 60 days following the request. Realty Executives Elite Ltd., Brokerage 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](#). Realty Executives Elite Ltd., Brokerage 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 Realty Executive Elite Ltd., Brokerage delete an individual's Personal Information from the Brokerages system and records. However, due to technical constraints and the fact that Realty Executives Elite Ltd., Brokerage backs up its systems, Personal Information may continue to reside in the Brokerage'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 Realty Executives Elite Ltd., Brokerage Practice and This Policy**

This statement is in effect as of May 16th, 2008. Realty Executives Elite Ltd., Brokerage 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 the Brokerages daily email bulletin or by memo to all Licensees and communicated to licensees and others in an appropriate manner.

#### **9. Information Regarding Former Licensees**

Realty Executives Elite Ltd., Brokerage will only disclose Personal Information about former licensees in accordance with this Policy Statement.

#### **10. What You Consent and Agree To**

When you provide Realty Executives Elite Ltd., Brokerage 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 risk concerning the transmission of information to Realty Executives Elite Ltd., Brokerage as described in [Section 5](#).
- The amendment of this Policy Statement as described in [Section 8](#).