



PRIVACY POLICY

Approved 2007
Revised 2016
Revised 2022

This modified document was originally created by the Ontario Real Estate Association
Based on materials prepared for the Sample Real Estate Board
By Gowling Lafleur Henderson LLP.

Durham Region Association of REALTORS®
Policy On the Collection, Use and Disclosure
Of Personal Information
“Privacy Policy”

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1. OBJECTIVE & SCOPE OF POLICY

The Durham Region Association of REALTORS® (“DRAR” or “Association”) is committed to advancing the interests of real estate sales people and brokers who comprise of DRAR’s membership. Members of DRAR 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, DRAR 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 DRAR 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 DRAR policies. This policy also does not cover aggregated data from which the identity of an individual cannot be determined. DRAR retains the right to use aggregated data in any way that it determines appropriate.

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

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 DRAR 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 DRAR is acting in a manner consistent with it, please contact:

Chief Executive Officer
Durham Region Association of
REALTORS®
5-1100 Bennett Road
Bowmanville, ON
L1C 0Y7

E-mail: EO@durhamrealestate.org
Telephone number: (905) 723-8184

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.

"External Associate" means an individual who is not a Member or an employee of DRAR. An External Associate may be an individual or an employee of an organization with which DRAR 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 consultant.

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

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. To the extent possible, such information will be collected directly from the listing broker/salesperson.

DRAR 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® in the municipality, 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 DRAR Members onto the Toronto 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.

DRAR's use of Personal Information is limited to the purpose of fulfilling the mandate of DRAR 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-laws and/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.

DRAR may disclose Personal Information of Members to CREA and 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 DRAR if they agree to use such information solely for the purposes of providing services to DRAR and under the instruction of DRAR 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 DRAR is obliged to disclose information without consent. Such circumstances may include:

- Where required by law or by order of a tribunal;
- Where DRAR 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 DRAR to pursue available remedies or limit any damages that the Association may sustain; or
- Where the information is public.

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

3. ACCURACY

DRAR 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 DRAR 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

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

5. SECURITY

DRAR 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, unauthorized access, disclosure, or modification of Personal Information.

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

6. VISITING THE DRAR WEB SITE

With respect to its website, DRAR does not collect any information from site visitors. Cookies are not used although anonymous hit count statistics are generated monthly.

Certain Member information (Member's name, company name & company address, company phone and fax numbers, Member's email and website addresses) is presented on the public website.

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

7. ACCESS TO PERSONAL INFORMATION

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

DRAR 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 DRAR 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) Is not readily retrievable and the burden or cost of providing would be disproportionate to the nature or value of the information; or
- f) Does not exist, is not held, or cannot be found by DRAR.

Since confidentiality is integral in DRAR'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 DRAR and by being subject to DRAR's by-laws and rules, to DRAR's jurisdiction over such procedures as provided for in the by-laws and rules of DRAR.

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

DRAR 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, DRAR 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, DRAR will endeavor to provide the information in question within a reasonable time and no later than 60 days following the request. DRAR 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](#). DRAR 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 DRAR delete an individual's Personal Information from the Association's system and records, except if such Personal Information is required to fulfil the Association's mandate or to meet legislative requirements. However, due to technical constraints and the fact that DRAR 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 DRAR or the MLS[®] systems in response to a request for deletion.

8. AMENDMENT OF DRAR PRACTICE AND THIS POLICY

This statement is in effect as of January 1, 2004. DRAR 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 DRAR's page of REALTOR Link[®] (www.realtorlink.org) under the DRAR homepage 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 REALTOR Link[®] as well as to existing information held by DRAR.

9. INFORMATION REGARDING FORMER MEMBERS

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

10. WHAT YOU CONSENT AND AGREE TO

When you provide DRAR 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 DRAR as described in [Section 5](#).*
- ❑ *The amendment of this Policy Statement as described in [Section 8](#).*