

# Ontario Real Estate Association

## Policy on the Collection, Use and Disclosure of Personal Information “Privacy Policy”

<b>Date First Approved:</b> June 15, 2020, Board of Directors	<b>Policy ID:</b> P4 LEGIS 203
<b>Last Review Date:</b> September 13-14, 2023	<b>Status:</b> Revised
<b>Remarks:</b> This policy shares key information on OREA’s collection, use and disclosure of Personal Information (as defined hereunder) of its Members, Students and others in accordance with governing privacy law.	

### **Purpose:**

The purpose of this policy is to provide transparency with respect to the Ontario Real Estate Association's (“OREA” or “Association”) collection, use and disclosure of Personal Information (as defined herein) about its Members, Students and others (“you”) (excluding its employees), and to ensure OREA carries out these activities in compliance with its legal obligations and in a manner that reflects such individuals' rights as well as OREA's needs.

### **Application & Scope:**

OREA is committed to advancing the interests of Ontario’s real estate boards (“Boards”, or a “Board”) and the real estate brokers and salespersons who comprise OREA’s membership. OREA is also committed to the licensing education of persons wishing to become licensed real estate salespersons and brokers and the continuing education of its Members and others.

Members of OREA are also members of 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, OREA 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, as defined below, collected by the Association.

This Policy Statement governs Personal Information OREA collects about individuals who are Members; Students; and other non-Members. It does not govern Personal Information the Association collects about its employees, the protection of which is governed by other OREA policies. OREA retains the right to use aggregated data – data from which the identity of an individual cannot be determined - in any way that it determines appropriate. This Policy does not govern “business contact information” (an employee’s name, title, business address, telephone number or email addresses that is collected, used or disclosed solely for the purpose of communicating with that person in relation to their employment or profession), which is not subject to applicable privacy law.

### **Definitions:**

**“Advocacy Platform”**, or simply a **“Platform”**, means a political engagement website and related online computer services OREA makes available to subscribing individuals from time to time.

**“External Associate”** means an individual who is neither a Member nor a Student. An External Associate may be an individual or an employee of an organization with which OREA has dealings in the normal course of fulfilling its mandate. Examples of External Associates include independent contractors or service providers; employees of CREA, Boards or RECO; legal counsel and consultants.

**“Member Boards”** means Ontario’s real estate boards or associations who are members of OREA as defined in the OREA By-law.

**“Members”** means real estate brokers and salespersons who are members of the Association.

**“Personal Information”** means any information, recorded in any form, about an identified individual, or an individual whose identity may be inferred or determined from use of that information alone or with some other available information.

**“RECO”** means the Real Estate Council of Ontario.

**"Students"** means persons who are enrolled in the licensing education courses or the continuing education courses offered by the Association.

### **Policy Statement:**

#### **The Collection, Use & Disclosure of Personal Information**

OREA 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); by Students upon application for enrolment into education courses (and which may be provided during the period of enrolment); by Boards, through their regular membership reporting to OREA, and others, for different purposes to fulfil its mandate.

These purposes include:

- Acting as a professional association in support of Members as REALTORS® in Ontario, in support of Boards and in support of the real estate industry in Ontario, including the administration of its by-laws and policies and ensuring compliance with same;
- Providing products and services to Members, including the provision of benefits that form part of your membership;
- Informing Members about products and services that might be of interest to them;
- Providing continuing education to Members and others;
- Providing licensing education to persons who are enrolled in the licensing education courses;
- Verifying the identity of Students to facilitate them taking an online examination, to administer their participation in OREA's Online Examination Platform, and to ensure the integrity of the OREA Real Estate College's online examinations;
- Facilitating Members' and Students' membership in RECO;
- Administering and facilitating membership in CREA and a Board, including ensuring compliance with the by-laws, rules and regulations of those organizations;
- Meeting any legal or regulatory requirement; and
- Such other purposes consistent with the foregoing purposes.

Personal Information about Members, Students and other non-Members will be collected, to the extent practicable, directly from the individual concerned, subject to the following paragraph.

### **The Information We Collect**

OREA may obtain Members' contact information, professional title, education history and credentials, professional achievements and membership dues payment history from CREA or from a Board. OREA uses and discloses the Member contact information (including email addresses) it collects in this manner solely for the purpose of communicating or facilitating communication with each individual Member in relation to their employment, business or profession. The remainder of the Personal Information OREA collects in this manner is used and disclosed by OREA for the purposes identified in this Privacy Statement.

OREA will also collect and disclose Personal Information that is required to provide certain benefits to you. These benefits may be provided by a third-party insurer and the Personal Information collected and disclosed would be limited to what is necessary for enrolment (contact information, date of birth, gender, and province of residence). After the enrolment, OREA does not have any access to Personal Information exchanged with the insurer.

If a Student consents to taking an examination online through OREA's Online Examination Platform, OREA or OREA's contracted service provider collects, directly from that Student and with his or her knowledge and consent: the Student's name, email address, phone number, time zone, answers to security questions and OREA College course/test being taken, an image of his or her government-issued photo identification, his or her test submissions, screen images and audio and video recordings captured of Examination environments during the online proctoring session. This information is collected for the administration of the Online Examination Platform process and to ensure the integrity of the examinations. A copy of the Student's photo identification is collected so OREA or its contracted service provider can identify that individual as the person viewed by the Online Examination Platform live video proctors.

OREA’s use of Personal Information is limited to the purpose of fulfilling the mandate of OREA or a purpose consistent with that purpose. OREA does not sell, trade, barter or exchange for consideration any Personal Information it has obtained, except where permitted by law or within the other terms of this Privacy Policy. Unless permitted or required by law or within the terms of this Privacy Policy, no Personal Information is collected about a Member, a Student or another individual without first obtaining the consent of the individual to the collection, use and dissemination of that information.

OREA may disclose Personal Information of Members to CREA and to a Board for membership purposes, may disclose Personal Information of Students to RECO for educational purposes and may disclose Personal Information of Members and Students to organizations that assist the Association in the course of fulfilling its mandate, including organizations that perform services on its behalf.

### **Minors**

OREA does not knowingly collect Personal Information from or about anyone under the age of 18, especially children under 13, and destroys such information if it discovers that it has been provided by a minor.

### **Service Providers and International Data Transfers**

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

While OREA is the custodian of the Personal Information provided to it, it does use third party service providers. Some of these service providers and the databases where they store your Personal Information are located in the United States, and in the course of their services they may use your Personal Information in the United States and/or the Republic of India. OREA requires these service providers to comply with privacy standards as stringent as those that apply to OREA in Ontario. Nevertheless, you should note that where Personal Information is stored or used outside of Canada, it is subject to the

laws of the jurisdiction in which it is stored or used and may be available to that jurisdiction’s government or its agencies under the law in force in that jurisdiction.

### **OREA's Advocacy Platforms and Related Collection, Use & Disclosure of Personal Information**

This section provides specific information about OREA's collection and use of Personal Information in connection with its Advocacy Platforms offered from time to time. The other provisions of this Policy apply, subject to the specific contents of this section.

### **What Personal Information Does OREA Collect from Advocacy Platform Participants and How Does OREA Use It?**

OREA collects the following Personal Information about participants in the Advocacy Platforms directly from them through OREA's web page for the Advocacy Platform they participate in:

- Name
- Residential or business address
- Phone number
- Email

OREA uses the above Personal Information collected from Advocacy Platform participants to contact them in the future regarding public policy issues related to OREA's mandate, such as the availability of housing in Ontario, and to construct aggregate data reports with respect to the impact and effectiveness of the applicable Advocacy Platforms.

### **Disclosure and Transfer of Advocacy Program Participant Personal Information**

Where an Advocacy Platform participant chooses to use an Advocacy Platform to send communication to a third party through that Advocacy Platform, the following Personal Information about that Advocacy Platform participant may be disclosed to the recipient of that message as part of, or as ancillary information necessary to direct, the message: First Name, Last Name, Address, City, Province, Postal Code, Phone Number, Email Address, subject and body of the message.

This information may be transferred by OREA for processing by a service provider to OREA that provides and maintains OREA's Advocacy Platforms who would be subject to written contractual obligations with OREA that require it to handle and safeguard this Personal Information in accordance with obligations that are no less stringent than those in this Policy, subject to the following paragraph.

### **Your Consent**

Your provision of Personal Information to OREA means that you agree and consent that we may collect, use and disclose your Personal Information in accordance with this Privacy Policy. If you do not agree, you are requested not to provide any Personal Information to OREA.

In most cases, you are free to refuse or withdraw your consent at any time. You may wish to note that, in most instances, information or services can only be offered if you provide Personal Information to OREA.

If you choose not to provide us with any required Personal Information, OREA may not be able to offer you those products, services or information. However, the withdrawal of consent to OREA's use of Personal Information for the purpose of providing you with information about one or more of its services will not affect the ability of OREA to provide other services to you.

In addition to your consent when submitting information, OREA may also, from time to time, collect more specific, written consents or authorizations.

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

- Where required by law or by order of a tribunal;
- Where OREA 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 OREA to pursue available remedies or limit any damages that the Association may sustain; or
- Where the information is considered publicly available (information appearing in telephone directories, professional or business directories, government registry information, and records of quasi-judicial bodies that are available to the public).

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

### **Accuracy & Retention**

OREA 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 OREA uses that data. Information contained in files that have been closed is not actively updated or maintained.

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

### **Security**

OREA 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.

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

Please note that for security purposes and to ensure that our website and networks remain available for use, OREA's service providers may employ software programs to monitor network traffic, to identify unauthorized attempts to upload or change information, and to prevent denial of service or other attacks intended to cause damage. Evidence of such acts may also be disclosed to law enforcement authorities and result in criminal prosecution under the laws of Canada or such other jurisdictions as may apply.

OREA audits its procedures and security measures from time to time to ensure that they remain effective and appropriate.

### **Cookies and Automatically Collected Information**

During the course of using the Internet, you may encounter “cookies”, which are files or pieces of information that may be stored in a computer's hard drive when an individual visits a web site. Session cookies are used to improve navigation on Web sites and to collect aggregate statistical information.

OREA's sites use session cookies. OREA does not share Personal Information obtained through cookies with any third parties. Most Internet browsers are

initially set to accept cookies. If you do not wish to accept cookies, you can set your browser to refuse cookies or to alert you when cookies are being sent.

Google Analytics is a web analytics service offered by Google that tracks and reports website traffic. Google uses the data collected to track and monitor the use of our website. This data is shared with other Google services. Google may use the collected data to contextualise and personalise the ads of its own advertising network. You can opt-out of having made your activity on the Service available to Google Analytics by installing the Google Analytics opt-out browser add-on, available here: <https://chrome.google.com/webstore/detail/google-analytics-opt-out/flloajicojecljbmefodhfapmkghcbnh?hl=en>. The add-on prevents the Google Analytics JavaScript (ga.js, analytics.js and dc.js) from sharing information with Google Analytics about your activity. For more information on the privacy practices of Google, please visit the Google Privacy Policy web page (<https://policies.google.com/technologies/partner-sites>).

Our web servers track general information about visitors such as their IP address, domain name and time of visit. OREA’s web servers also collect and aggregate information regarding which pages are being accessed. This information is used internally, to better serve visitors; to help us to manage our sites; to diagnose any technical problems; and improve the content of our web site.

### **Third Party Sites**

OREA has no control over the use of Personal Information on third party websites that individuals may access through hyperlinks at our web site. We recommend that you review the privacy policies of all external sites before visiting them or submitting any Personal Information.

### **Access to Personal Information**

OREA permits access to and review of Personal Information held by OREA about an individual by the individual concerned. 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 the section “Resolving Your Concerns”.

OREA reserves the right not to change any Personal Information it believes is accurate but will append any alternative text the individual concerned believes appropriate. An individual may also request that OREA 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 OREA backs up its systems, Personal Information may continue to reside in the Association's systems after deletion. Individuals, therefore, should not expect that their Personal Information would be completely removed from OREA system in response to a request for deletion.

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

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

- Would disclose the Personal Information of another individual or of a deceased individual; or business confidential information that may harm OREA or the competitive position of a third party;
- Is subject to solicitor-client or litigation privilege;
- 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
- May harm or interfere with law enforcement activities and other investigative or regulatory functions of a body authorized by statute to perform such functions;
- Is not readily retrievable and the burden or cost of providing would be disproportionate to the nature or value of the information;
- Does not exist, is not held, or cannot be found by OREA;
- Was not collected or used by OREA in the course of commercial activities;
- or
- Any other grounds under applicable legislation.

Since confidentiality is integral in a number of OREA’s procedures, including such procedures as the appeals or arbitration of commission disputes and the appeals of discipline decisions or the 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 OREA and by being subject to OREA’s and the Board’s by-laws and rules, to OREA’s jurisdiction over such procedures as provided for in the by-laws and rules of OREA and the Board.

Since confidentiality is integral in a number of OREA’s educational procedures, including such procedures as administering of licensing education examinations, access to Personal Information may also be declined where the person requesting same has consented, by virtue of enrolling as a Student of OREA and by being subject to OREA’s educational rules, policies and standards to OREA’s jurisdiction over such procedures as provided for in its educational rules, standards and policies.

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

Where information will be disclosed, OREA will endeavor to provide the information in question within a reasonable time and no later than 30 days following the request.

OREA 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.

### **Amendment of OREA Practice and This Policy**

This statement is in effect as of September 13-14, 2023.

OREA 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.orea.com](http://www.orea.com) and communicated to Members, Students 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 OREA’s web sites as well as to existing information held by OREA.

### **Information Regarding Former Members and Former Students**

OREA will only disclose Personal Information about former Members or former Students in accordance with this Policy Statement.

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

When you provide OREA with Personal Information, you consent and agree to the following, as described in this Policy:

- The collection, use and disclosure of Personal Information from or about you;
- Your right to access and correct data;
- Your acceptance of the risks concerning the transmission of information to OREA; and
- The amendment of this Policy Statement.

### **Resolving Your Concerns and Challenging Compliance**

In the event you have questions about (a) access to Personal Information; (b) the collection, use, management or disclosure of Personal Information by OREA; or (c) this Privacy Policy, you may contact our Chief Privacy Officer in the following manner:

Ontario Real Estate Association

15 Kern Road

Toronto, Ontario M3B 1S9

E-mail: [privacy@orea.com](mailto:privacy@orea.com)

Telephone (Assistant to the CPO): (416) 445-9910 x 208

Fax: (416) 445-2644

If we are not able to resolve your concerns to your satisfaction, you may also file a complaint with the Office of the Privacy Commissioner of Canada: (toll free) 1-800-282-1376.