

## Member Bulletin

### HomeVerified Home and Neighborhood History Reports

OREA has received member inquiries about privacy issues arising from HomeVerified home and neighborhood history reports. These reports disclose the history of insurance claims and reported incidents of marijuana grow-ops and methamphetamine labs at subject properties. They are currently available for purchase by listing brokers through Teranet's GeoWarehouse. In response to these member inquiries, OREA reviewed sample HomeVerified reports with outside legal counsel and met with HomeVerified and Teranet. After carefully considering the matter, we have concluded that use of these HomeVerified reports by our members raises significant privacy law concerns.

Specifically, we concluded that if a privacy complaint is made, Canada's Privacy Commissioner would most likely decide that the HomeVerified reports contain personal information under Canada's Personal Information and Protection of Electronic Documents Act. That law requires the consent of the individual before you may collect, use or disclose their personal information for commercial purposes. Despite our efforts, we received no assurances that the necessary consents are being obtained from the individuals whose personal information is provided in these reports.

As a result, OREA would like to advise its members that, at the present time, their commercial use of HomeVerified home and neighborhood history reports without the consent of each individual whose personal information is in the reports, places them at risk of contravening applicable privacy law. Complaints made to Canada's Privacy Commissioner could result in the member being ordered to cease this practice, and in some cases could lead to a court ordering the member to pay monetary damages.

To date our members' inquiries have been limited to HomeVerified's product. We understand there is at least one other provider offering home history reports to our members in Ontario. We will take similar steps to consider whether our members' use of other available home history reports also puts them at risk of contravening privacy laws.

OREA will continue to monitor this issue and will keep its members informed of any further developments. For further information, please contact Natasha Lemire-Blair, Director of Member Engagement at [natasha@orea.com](mailto:natasha@orea.com)