

Policy on the Collection, Use and Disclosure of Personal Information "Privacy Policy"

Objective & Scope of Policy

The Association of Saskatchewan REALTORS® ("ASR" or "Association") is committed to advancing the interests of Saskatchewan's real estate boards ("Boards", or a "Board") and the real estate brokers and salespersons who comprise the ASR's membership. The ASR 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 the ASR 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, the ASR 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; from and about individuals who are Students; and information regarding nonmembers that is provided to the ASR for the purposes described below. It does not govern Personal Information the Association collects from and about its employees, the protection of which is governed by other applicable laws and internal ASR policies. The ASR 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 Statement also governs how the ASR treats Personal Information in connection with your use of the ASR's web sites.

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 the ASR as part of our delivery of services, protect that Personal Information in a manner consistent with this Policy Statement.

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 neither a Member nor a Student. An External Associate may be an individual or an employee of an organization with which the ASR 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 the Saskatchewan Real Estate Commission (SREC); legal counsel and consultants;

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

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

The Collection, Use & Disclosure of Personal Information

The ASR 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); and others, for different purposes to fulfill its mandate. These purposes include:

- Acting as a professional association in support of Members as REALTORS® in Saskatchewan, in support of Saskatchewan’s real estate boards and in support of the real estate industry in Saskatchewan, 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 others;
- Providing licensing education to persons who are enrolled in the licensing education courses;
- Administering and operating the MLS® system, including ensuring compliance with the rules and regulations governing the MLS® system;
- 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 and Students will be collected, to the extent possible, directly from the individual concerned. The ASR may obtain Personal Information about Members from CREA or from a Board for membership or education purposes.

The ASR 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.

The ASR’s use of Personal Information is limited to the purpose of fulfilling the mandate of the ASR 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 within the terms of this Privacy Policy, no Personal Information is collected about a

Member or a Student without first obtaining the consent of the individual to the collection, use and dissemination of that information.

The ASR may disclose Personal Information of Members to CREA and to a Board for membership purposes, may disclose Personal Information of Students to SREC 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.

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

Your Consent

Your provision of Personal Information to the ASR 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 the ASR.

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 the ASR.

If you choose not to provide us with any required Personal Information, the ASR may not be able to offer you those products, services or information. However, the withdrawal of consent to the ASR'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 the ASR to provide other services to you.

In addition to your consent when submitting information, the ASR 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 the ASR is obliged to disclose information without consent. Such circumstances may include:

- Where required by law or by order of a tribunal;
- Where the ASR 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 the ASR 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, the ASR will not disclose more information than is required.

Accuracy & Retention

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

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

Security

The ASR 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.

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

Please note that for security purposes and to ensure that our website and networks remain available for use, the ASR's service providers 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.

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

Visiting the ASR Web Sites

Our web servers track general information about visitors such as their IP address, domain name and time of visit. The ASR'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.

The ASR has no control over the use of Personal Information on third party websites that individuals may access through hyperlinks at our web site.

Access to Personal information

The ASR permits access to and review of Personal Information held by the ASR 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".

The ASR 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 the ASR 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 the ASR 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 the ASR system in response to a request for deletion.

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

The ASR 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 the ASR 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 the ASR; or
- Any other grounds under applicable legislation.

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

Since confidentiality is integral in a number of the ASR'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 the ASR and by being subject to the ASR's educational rules, policies and standards to the ASR'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, the ASR will endeavor to provide the information in question within a reasonable time and no later than 30 days following the request. The ASR 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 the ASR Practice and This Policy

This statement is in effect as of January 1, 2004.

The ASR 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.saskatchewanrealestate.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 the ASR's web sites as well as to existing information held by the ASR.

Information Regarding Former Members and Former Students

The ASR 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 the ASR 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 the ASR
- The amendment of this Policy Statement.

Resolving Your Concerns

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

Bill Madder, Chief Executive Officer
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