

New/Modified MLS Rules adopted by Bay East AOR

The following MLS Rule changes were approved by the Bay East Association of REALTORS and will be effective January 1, 2020. If you have any questions regarding the changes, please contact Jackie Diaz at 925-730-4077 or JackieD@bayeast.org. For a full set of the MLS Rules and Regulations [click here](#)

Revised Rule Sections (section in “red” is new)

From time to time, Bay East Association of REALTORS® updates the MLS Rules. All recent changes are shown in red print by ~~strikeout~~ or underline

In this most recent revision, Effective January 1, 2020, changes to the Bay East MLS Rules are necessitated by the adoption of the California Consumer Privacy Act (“CCPA”). The CCPA is California’s new, complex and far-reaching data protection and consumer privacy protection law which goes into effect January 1, 2020.

The revisions to this most recent set of MLS Rules are found in MLS Rule Sections 11.8 and 11.10

The new Section 11.10 (*Data Privacy*) has been added to have MLS participants representing and warranting that they have given lawfully required privacy notices and opt-out rights to respective seller and buyer clients whose personal information may be submitted or included in MLS. This MLS Rule is designed to work in conjunction with a new C.A.R. standard form CCPA which provides respective seller and buyer clients whose personal information may be submitted or included in the MLS compilation with privacy notices and opt-out rights. The MLS Rule states that a participant’s use of the C.A.R. CCPA form (or reasonable equivalent) may be used to satisfy the MLS rule’s notice requirements.

For further information regarding the CCPA on C.A.R.’s website:

- C.A.R.’s Q&A on the *California Consumer Privacy Act* (<https://www.car.org/en/riskmanagement/qa/broker-practice-folder/CCPA>) (Must login to the C.A.R. site to access)

11.8 Database Preservation. No data may be removed from the MLS compilation other than by the service. Although a listing may be removed from display in the MLS compilation of current listing information, all data submitted to the MLS will remain in the database for historical and other purposes approved by the service. (unless the service itself removes said data in accordance with other provisions of these rules)

11.10. Data Privacy. By participation in the service, Participants and Subscribers represent and warrant that they have given all lawfully required privacy notices and opt-out rights to their respective seller and buyer clients whose personal information, as defined in the California Consumer Privacy Act (“CCPA”), may be submitted or included in the MLS compilation. C.A.R. Standard Form CCPA may be used to satisfy the notice requirements set forth in this rule, but if an alternate document is used, it must show that required privacy notices and opt-out rights have been given. All Participants and Subscribers are required to comply with this rule’s notice requirements regardless of whether they are considered a “business” or “third party” or otherwise under the CCPA. The service shall have the right to demand a copy of written verification that such lawfully required privacy notices and opt-out rights have been given at any time. If the Participant or Subscriber fails to provide documentation requested by the service within 1 day after the service’s request, the service shall have the right to immediately withdraw any listings from the data base in addition to disciplining the Participant and Subscriber for a violation of MLS rules.

In the event the MLS receives a consumer opt-out or deletion request, the MLS reserves the right to remove or delete personal information as may be, in its discretion, necessary to satisfy or otherwise accommodate the CCPA. The MLS’s obligation to do so will vary given the circumstances and the extent to which the MLS is covered by the CCPA, thus the MLS also reserves the right to reject what it determines are unfounded or non-mandated opt-out or deletion requests, if any.