

One Data Source Policy (8.6) & Broker Back Office Data Feed Policy (8.7) Implementation Guide

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Overview

This implementation guide is intended to help MLSs operationalize and implement changes to their MLS systems and licensing frameworks to accommodate NAR Policy Statement 8.6 and 8.7. It seeks to answer common questions about each policy and provide guidance for MLS consideration.

This guide does not go into basic licensing terms or structures. For a review of those topics, please see CMLS's [PDAP Implementation Guide](#) and [Content Management Best Practices](#).

What follows is the policy language for each Policy Statement 8.6 and 8.7, the rationale for each policy, and implementation guidance for each policy.

NAR Policy Statement 8.6: One Data Source

Policy Language

MLSs must offer a Participant a single data feed in accordance with a Participant's licensed authorized uses.

At the request of a Participant, MLSs must provide the single data feed for that Participant's licensed uses to that Participant's designee. The designee may use the single data feed only to facilitate that Participant's licensed uses on behalf of that Participant.

Summary and Rationale

After reviewing feedback from industry constituents, CMLS proposed the policy that NAR adopted as Policy Statement 8.6. At the time, several suggested MLS policies were circulating for comment and feedback. CMLS reviewed the policies and identified a common thread; a request for simplification of data access for those Participants that license multiple uses of data. The goal of this policy is to create efficiencies for those Participants (and their designees) for their authorized, licensed uses of data.

Implementation Guidance

MULTIPLE FEEDS: MLSs may still choose to provide multiple feeds. Upon Participant request, however, the MLS must facilitate multiple licensed uses through a single feed for the Participant.

"SINGLE DATA FEED": Another way of thinking about the "single data feed" is that the MLS must, upon Participant request, provide all data necessary for all of the Participant's licensed uses in a single data set.

Please see the [RESO Web API online resource page](#) for more information regarding real estate data standards.

NOT ALWAYS ALL DATA: The MLS is not required to always provide all licensable MLS data regardless of a Participant's licensed uses. The MLS only has to provide the highest level of access a Participant needs based on their licensed uses. For example, if a Participant requests a single feed for IDX and VOW uses, the MLS must provide the single feed for those uses, so the VOW data set will suffice for the IDX and VOW use. In contrast, if a Participant is licensing IDX use alone, the MLS does not need to provide data beyond its IDX data set.

LICENSE AGREEMENT FORM: CMLS recommends that, as a best practice, MLSs use license agreements for providing data to Participants and their designated vendors. MLSs may in their business discretion use two, three, or four-party licensing agreements. For example, a two-party license would be the MLS and Participant, three-party adds the vendor, and four-party adds the subscriber (where applicable and permitted).

SINGLE FEED PER VENDOR: MLSs are not required to provide a single feed for all vendors that support a given Participant. There may be separate feeds for each vendor depending on the licensed use. For example, if a Participant requests to use a vendor for IDX uses, the MLS does not also need to include additional data fields for VOW if that vendor (by way of the Participant) is not licensed to facilitate those uses.

COMPLIANCE AND LICENSE BREACH: Participants (and their designated vendors) should be mindful that while moving to a single feed may have operational benefits, it also means that a violation of MLS policies, MLS rules, or a breach of a license agreement could result in termination of the data feed. Each MLS will administer compliance and respond to license breaches in their business and legal discretion depending on the specific circumstances of the situation. As part of an educational component, MLSs should consider having simple, plain-English explainers of license agreements or uses for Participants and their designated vendors.

NUMBER OF LICENSE AGREEMENTS: MLSs may still utilize their current agreements, even if a single feed is being provided. This might mean that an MLS has one or multiple license agreements for more than one licensed uses.

PARTICIPANT'S OWN LISTINGS OR OTHER CUSTOM LICENSED DATA SETS: MLSs are not required to include customized data sets in a single data feed. An example of a custom data set is when a Participant requests their own listings under Policy Statement 8.3, Participant Data Access Policy, which requires the MLS to customize a feed for a specific Participant. That customized feed includes data sensitive to the specific Participant, such as expiration dates. In contrast, standard data sets, like IDX, VOW, and BBO, are the same for each Participant within a given MLS. Providing a single feed that includes custom data sets creates risk for the MLS and other Participants and requires technological changes, and the foregoing creates cost and risk for the Participant.

NAR Policy Statement 8.7: Broker Back Office Data Feed

Policy Language

Participants are entitled to use, and MLSs must provide to Participants, the BBO Data, for BBO Use subject to the Terms below:

“BBO Data” means all real property listing and roster information in the MLS database, including all listings of all Participants, but excludes (i) MLS only fields (those fields only visible to MLS staff and the listing Participant), and (ii) fields and content to which MLS does not have a sufficient license for use in the Brokerage Back Office Feed.

“BBO Use” means use of BBO Data by Participant and Subscribers affiliated with the Participant for the following purposes:

- Brokerage management systems that only expose BBO Data to Participant and Subscribers affiliated with Participant.
- Customer relationship management (CRM) and transaction management tools that only expose the BBO Data to Participant, Subscribers affiliated with Participant, and their bona fide clients as established under state law.
- Agent and brokerage productivity and ranking tools and reports that only exposes BBO Data to Participant and Subscribers affiliated with Participant.
- Marketplace statistical analysis and reports in conformance with NAR MLS Policy Statement 7.80, which allows for certain public distribution.

BBO Use may only be made by Participant and Subscriber affiliated with Participant, except that at the request of a Participant, MLS must provide BBO Data to that Participant’s designee. The designee may use the BBO Data only to facilitate the BBO Use on behalf of that Participant and its affiliated Subscribers.

There is no option for Participants to opt-out their listings from the Brokerage Back Office Feed Use as defined.

“Terms” mean the following:

- MLSs may impose reasonable licensing provisions and fees related to Participant’s license to use Brokerage Back Office Feed Data. MLSs may require the Participant’s designee to sign the same or a separate and different license agreement from what is signed by the Participant. Such provisions in a license agreement may include those typical to the MLS’s data licensing practices, such as security requirements,

rights to equitable relief, and dispute resolution terms. (The foregoing examples are not a limitation on the types of provisions an MLS may have in a license agreement.)

- Use of roster information may be limited by the MLS participation agreement and license agreements.
- Brokerage Back Office Feed Use is subject to other NAR MLS policies and local rules.
- MLSs in their reasonable discretion may expand the definition of Brokerage Back Office Feed Use in conformance with other NAR MLS policies, such as Policy Statement 7.85, which provides that “Use of listings and listing information by MLSs for purposes other than the defined purposes of MLS requires Participants’ consent.

Summary and Rationale

CMLS proposed the policy that ultimately became NAR Policy Statement 8.7. After surveying MLSs, brokers, and other industry stakeholders multiple times, CMLS identified the creation of a back-office policy as a priority. The goal of the policy is to open up Participant data access to power tools Participants use to serve their clients directly and indirectly.

Implementation Guidance

CONTENT INCLUDED IN BBO USE: BBO Use includes all data, including roster information, except for two categories: “MLS only fields” and content to which MLS does not have a sufficient license.

- All data means all fields, photos, media, and information, unless it falls into either of the two exceptions.
- “MLS only fields” means data that an MLS uses for internal purposes that are not provided outside of the MLS or to all MLS Participants. It also means those fields that are only provided to the listing Participant, such as listing expiration dates. For example, if a given status is not exposed to MLS Participants other than the listing Participant, all fields and content within that status may be excluded from the BBO Data.
- Fields and content to which the MLS does not have a sufficient license could include content the MLS receives from a third party that restricts the use of the content. Examples might include geo-tag information, public records, walk scores, and other information the MLS might populate into the MLS system with a listing where the permitted use is limited. If in doubt, MLSs should review their third-party content provider agreements to confirm whether they may distribute content under this license.

ROSTER INFORMATION: Roster information is included as it is often necessary to fully make the licensed uses permitted under the policy. Note that the policy only expressly

authorizes use of the “BBO Data,” including roster information, for specified uses. Regardless, MLSs may impose restrictions on the use of roster information through license agreements or the MLS’s participation agreement. For example, while not permitted under the policy anyway, MLSs may specifically prohibit using the roster data to spam or recruit subscribers.

NO NON-SUBSCRIBER ACCESS: Other than a designee (i.e., vendor) working on behalf of Participant, Policy Statement 8.7 does not give third-parties access to MLS data. It also does not give Participants permission to provide unfettered use of MLS data to third- parties, including agents affiliated with Participant that do not purchase MLS services.

This policy does not disrupt other established NAR MLS policies, such as Policy Statement 7.43, which includes that “MLSs may, at their discretion, require that broker Participants sign a certification for nonuse of its MLS services by their licensees, which can include penalties and termination of the waiver if violated.” Those non-subscriber licensees are not entitled to use MLS data under this policy. (Also see [here](#), which provides guidance under FAQ 6 that “Licensees are only authorized to receive and use data from services where they subscribe; unauthorized access/use of MLS data where a licensee does not subscribe will lead to sanctions against their principal broker and termination of any MLS subscription waiver.”)

LICENSED USES: The policy specifies four permitted uses and with each use where a Participant may expose the licensed BBO Data.

- Brokerage management systems are services that help with the internal functions of the Participant’s firm.
 - Use of BBO Data within brokerage management systems may only expose the BBO Data to Participant and Subscribers affiliated with Participant.
- Customer relationship management (CRM) and transaction management tools are services that enable the Participant to interact with their clients.
 - Use of BBO Data within CRM and transaction management tools may only expose the BBO Data to Participant, Subscribers affiliated with Participant, and their bona fide clients as established under state law.
- Agent and brokerage productivity and ranking tools and reports are services that help Participants review and assess the performance and activities of subscribers in the MLS.
 - Use of BBO Data in agent and brokerage productivity and ranking tools and reports may only expose the BBO Data to Participant and Subscribers affiliated with Participant.
- Marketplace statistical analysis and reports in conformance with NAR MLS Policy Statement 7.80, which allows for certain public distribution.
 - Note that this use of data is already permitted by NAR MLS Policy but is

included in this policy to clarify that this data feed may be used for this licensed use.

VALUATION DATA USE NOT REITERATED: NAR MLS policy already allows creation of valuations in Policy Statement 7.79 for any data in possession of the Participant. MLSs may add that use to their BBO licenses in their discretion or may choose to have a separate license.