

Administrative Data Service (ADS) Policy Proposal

Participants are entitled to use, and MLSs must provide to Participants, the ADS Data for ADS Use subject to the ADS Terms.

“ADS Data” means all real property listing 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 the ADS Uses. ADS Data does not include roster information, but MLSs may as a local option include roster information as part of ADS Data.

“ADS Use” means the following uses of the ADS Data Set that only exposes the ADS Data Set and the following uses of it to Participant, subscribers affiliated with Participant, and Participant’s technical designee who facilitates the ADS Uses.

- Brokerage management systems.
- Broker-client relationship transaction management tools.
- Agent and brokerage productivity and ranking tools, and reports.
- Marketplace statistical analysis and reports in conformance with NAR MLS Policy Statement 7.80, which allows certain public distribution¹.

NOTE: The above definition of ADS Use is compliant with NAR MLS Policy Statement 7.85 and there is no option for participants to opt their listings out of ADS Use as defined.

“ADS Terms” mean the following:

- MLS may impose reasonable licensing provisions and fees related to participant license to ADS Data for ADS Use. MLSs may require the participant’s technical designee to sign the same or a separate license agreement. Such provisions in a license agreement may include those typical to the MLS’ 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.)
- ADS Use is subject to other NAR MLS Policies and local rules.
- MLSs in their reasonable discretion may expand the definition of ADS 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.”

¹ **Section 2 Use of MLS Information in Advertising and Other Public Representations (Policy Statement 7.80)**

Information from MLS compilations of current listing information, from statistical reports, and from any sold or comparable reports may be used by MLS participants as the basis for aggregated demonstrations of market share or for comparisons of firms in public mass-media advertising and other public representations. MLSs may, as a matter of local determination, prohibit advertising or representations about specific properties which are listed with other participants or which were sold by other participants (as either listing or cooperating broker).

Any print or non-print form of advertising or other public representation based in whole or in part on information supplied by the MLS must clearly disclose the source of the information and the period of time over which such claims are based. *(Adopted 11/04) M*