

Canopy MLS – Data Use Policy

Attorney Mitch Skinner of Larson Skinner PLLC was engaged in 2016 to help staff establish an overall decision-making matrix to be used when a third-party requests MLS data. That matrix has been refined by staff numerous times since 2016, and its final version is included for your review.

	A. Purpose	B. Explanation, example	C. Data recipient (i.e., party to the agreement)	D. Data included	E. Broker option to exclude listings (i.e., opt-out/in)	F. Decision made by	G. MLS provides:	H. Agreement
Participant data uses	1. IDX	Advertising; use on participant IDX website or app subject to IDX policies	Participant & Vendor (if one)	IDX data set	Yes, brokers have option to be in IDX	Staff	Yes	MLS Grid Data License Agreement
	2. VOW	Provision of brokerage service; use on participant virtual brokerage website subject to VOW policies	Participant & Vendor (if one)	All, less confidential	No, except seller option for <i>no</i> internet display (then no IDX, too)	Staff	Yes	MLS Grid Data License Agreement
	3. Back Office	Any use of Firm’s own listings. Any use of those portions of the MLS Data relating to listings of Participants other than Firm that exposes listings only internally. Any use of those portions of the MLS Data relating to listings of Participants other than Firm for the purpose of creating Agent-Production Analytics, Comparative Market Analysis, or Real Estate Market Analytics.	Participant & Vendor (if one)	All, subject to MLS preferences	No; presumed as a result of participation	Staff	Yes	MLS Grid Data License Agreement

MLS data uses	4. MLS products within the definition of MLS	Uses within the defined purpose of MLS. (See NAR Policy Section 1, copied below.) ¹ Example: mobile MLS app accessible only to participants/subscribers.	Non-participant ²	Subject to MLS negotiation with non-participant; may include all data	No; presumed as result of participation	<i>Board/TBD</i>	<i>Subject to MLS business judgment</i>	Non-Participant - License Agreement, and MLS Grid Contracted MLS Use Data License Agreement
	5. MLS products outside the definition of MLS	Uses outside the defined purpose of MLS. Example: display of listings on a public facing portal Example: non-participant AVM	Non-participant ³	Subject to MLS negotiation with non-participant; Opt-out or opt-in of data	Yes (see NAR 7.85)	<i>Board/TBD</i>	<i>Subject to MLS business judgment</i>	Non-Participant License Agreement, and MLS Grid Contracted MLS Use Data License Agreement

Section 1: Multiple Listing Service (MLS) Defined

A multiple listing service is a means by which:

- (i) cooperation among Member Participants and Subscribers is enhanced;
- (ii) listing information is accumulated and disseminated to enable Member Participants and Subscribers to prepare appraisals, analyses, and valuations of real property for bona fide clients and customers;
- (iii) Member Participants and Subscribers engaging in real estate appraisal contribute to common databases; and
- (iv) listing information is correlated and disseminated in an orderly fashion among Member Participants and Subscribers so they may better serve their clients and the public.

¹ This is not the same as the categorization of services in NAR Policy Statement 7.57, which has to do with whether an MLS may use subscription fees to fund a given product.

^{2,3} This could also be MLS in-house use of data or theoretically a participant not acting in their capacity as a participant.