



Data Distribution Resource Guide

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Introduction

MLS Policy has specific rules and guidelines for the distribution of MLS content. These guidelines are designed to protect the copyright of the MLS, the MLS Participant along with their associated Subscribers, as well as the sellers. This guide is intended to be a summary of the data distribution rules and regulations and is not all inclusive of all situations.

The rules and regulations regarding the distribution of MLS content are centered on allowing MLS Participants and their associated Subscribers to perform their daily real estate functions within the boundaries of copyright law, and Arizona State Law, and the REALTOR® Code of Ethics. The prohibitions of distribution of MLS content are in place for the protection of MLS Subscribers from unknowingly violating provisions of these laws.

Distribution to Individuals

The distribution of MLS content to an individual is fairly broad. Many of the features that allow for the distribution of listing information are built into our current flexmls system. For the purpose of this document, an individual is defined as a single person or a small group of individuals (such as families or investor teams) who:

- Have an established broker/client relationship as established by law
- Potential clients who have requested specific information
- Registrants of Virtual Office Websites

The MLS allows Participants and Subscribers to display a subset of the MLS compilation to prospective purchasers only in conjunction with their ordinary business activities of attempting to locate ready, willing, and able buyers for the properties described in the MLS Compilation. Such distribution allows for a reasonable number of single copies of a listing to be sent to individual clients (*MLSSAZ Rules and Regulations Section 12.*).

The flexmls client detail printouts, manual e-mails, automatic e-mail notifications, and flexmls client portals are all classified as distribution to individuals as long as they are truly used for individuals. Use of any of the above features in flexmls to distribute to the masses is prohibited.

The reason these methods of distribution are permitted is because all MLS Participants, as a condition of participating in the MLS, allow for other Participants and Subscribers to send this limited set of information to individual clients with the goal of finding a buyer. It is also understood that appropriate protections are in place to adhere to all local, state, and national laws regarding advertising and copyright.

A Comparative Market Analysis (CMA) is another approved method of distribution of MLS content to an individual. The appraisal community uses the MLS content to perform individual appraisals for properties. A CMA is also used in the everyday business of real estate agents to assist individual clients with pricing a potential property for sale. A CMA contains comparable information to support the analysis of an agent or appraiser on the value of a property. Information contained in the CMA is limited to the public fields and cannot contain any information deemed as confidential by the MLS (*MLSSAZ Rules and Regulations Section 12.1*).

Distribution to the Masses

The definition of the masses is large groups of unassociated individuals with no established broker client relationship who are not ready, willing, and able to purchase properties. In general, the masses are:

- Website visitors
- Neighborhood farms
- Social Media Followers

Distribution of MLS content to the masses is extremely narrow in scope and not permissible in most instances. The only information that can be distributed in mass is your own created materials. Some examples include your own listings or, with permission from your broker, listings from your company. Summary statistics created from MLS data are also permitted for distribution.

There are many factors involved with the mass distribution of content. The first is that, per state law, all advertising is the responsibility of the listing broker and the listing broker shall decide how all of their listings are to be represented to the general public. It is a responsibility of the listing broker that all advertising is timely and up to date. Advertising of another broker's listings is not permitted in any way without the expressed permission of the listing broker (*ARS R4-28-502, MLSSAZ Rules and Regulations Section 2.7*). Once permission is granted, the listing broker should pass on the relevant information and any restrictions. Simply taking listings without listing broker approval and placing a "Listing Courtesy of" disclaimer is not acceptable.

The second factor is the wishes of the seller. The seller is presented with options on how their listing is to be displayed. The seller can opt out of many forms of advertising, including display on the internet. Distribution of MLS content to the masses has the high potential of being in violation of state advertising laws and or being in violation of the seller's wishes. Both scenarios will leave you and your brokerage at high risk of fines or legal action. The MLSSAZ methods of distribution to individuals respect the wishes of the seller automatically.

There are several examples of improper distribution of MLS content. Below is a list of some items that are not permitted, keep in mind this list is not all inclusive.

- Printing and mailing a Neighborhood Activity report to all homes in a subdivision.
- Posting copies of the MLSSAZ One-Line CMA on a website or blog

- Blog and website postings showcasing another Participant’s listing without consent of the listing broker
- Posting another Participant’s listing on craigslist with links back to the posting agent’s IDX website

Internet Data Exchange (IDX)

The question of Internet Data Exchange (IDX) often surfaces when speaking of mass listing distribution. IDX is a voluntary program where MLS participants and their affiliated Subscribers are allowed to have a listing search utility on a website featuring all IDX Participant’s listings. The key with IDX is that it is a voluntary program and each MLS Participant will opt into the program. Under the IDX program, all listings are subject to certain display requirements that will ensure compliance with state advertising law, copyright law, and the wishes of the seller. The IDX program has protections that ensure that all data is timely and updated. The scope of display of IDX listing information is extremely narrow and does not allow for any liberties beyond the defined scope.

Frequently Asked Questions

Q: These listings are posted on national portals like Realtor.com, does this mean I can post them on my website too?

A. No. Just because they are posted on a national portal does not make them open for anybody to copy and repost. The listing broker and the seller will decide if the listing will be posted on a national search website.

Q. Can I post listings if I put that the listing is courtesy of the brokerage?

A. No. The Courtesy Of notification is required on all advertising, and is not an indication of permission.

Q. Can I post another agent’s listing on Craigslist?

A. You may only post another agent’s listing on Craigslist with permission from the listing broker.

Q. Can I feature a property on a Facebook Post?

A. You may feature any of your own listings on Facebook. You may only feature another agent’s listings on Facebook with permission from the listing broker.

Q. Can I create flyers using another agent’s listing?

A. Using the flyers in flexmls, you may only create a flyer for distribution to individual clients. You may create flyers using another agent’s listing with permission from the listing broker.

Q. Can I use another agent's photos on my new listing?

A. You may only use another agent's photos with permission. Those photos may be copyrighted by the agent or photographer and you could be subject to usage fees.

Q. Can I advertise my listings on Zillow or another national website?

A. MLSSAZ offers listing syndication services by ListHub. Details on these programs is available in our Listing Syndication Resource Guide.

Content Distribution At A Glance

Individuals

- Who are they
 - Have an established broker/client relationship as established by law
 - Potential clients who have requested specific information
 - Registrants of Virtual Office Websites
- What I can give
 - Listings from your brokerage (with broker approval)
 - Reasonable number of single copies of listings via:
 - Client Detail Printouts
 - Manual E-mails
 - Automatic Emails
 - Portal
 - Comparative Market Analysis (CMA)

Masses

- Who are they
 - Website visitors
 - Neighborhood farms
 - Social Media Followers
- What can I give
 - MLSSAZ Monthly Stats
 - MLSSAZ Year End Stats
 - Summary statistics derived from MLS data(Highs/Lows/Averages for areas)

Common Examples of Improper Distribution

- Printing and mailing a Neighborhood Activity report to all homes in a subdivision.
- Posting copies of the MLSSAZ One-Line CMA on a website or blog
- Blog and website postings showcasing another Participant's listing
- Posting another Participant's listing on craigslist with links back to the posting agent's IDX website