

## Addendum B

### **INTERNET DATA EXCHANGE 'IDX' POLICY**

*Effective 1/1/02 ~ Adopted 9/12/00 ~ Amended 2/4/2009 ~ Amended 5/5/2010 ~ Amended 6/2/2010  
Amended 5/4/11 ~ Amended 12/7/11*

**Definitions.** 'IDX' is essentially rules and enabling technologies allowing MLS participants to give each other permission to display each other's listings on their web sites; each participant giving this permission also receives reciprocal permission from other participants. Only the listings of participants who have not opted out of IDX can be displayed on other participants' sites. Display is subject to the rules of the MLS.

'Downloading' means electronic transmission of data from MLS servers to Participants' servers on a persistent or transient basis, at the discretion of the MLS excluding the listing or property address, respectively, or any seller who affirmatively directs that the listing or the property address not appear on the Internet or other electronic forms of display or distribution.

MLSs that allow persistent downloading of the MLS database by Participants for display or distribution on the Internet or by other electronic means may require that Participants (1) utilize appropriate security protection, such as firewalls, provided that any security obligations imposed on Participants may not be greater than those employed concurrently by the MLS, and/or (2) maintain an audit trail of consumer activity on the IDX site and make that information available to the MLS if the MLS has reason to believe that a Participant's IDX site has caused or permitted a breach in the security of the data or a violation of MLS rules related to use by consumers.

#### **Section 1.**

**Purpose.** Jackson Multiple Listing Service ("JMLS") is adopting this policy to enable MLS Participants to display on Participants' public websites aggregated MLS active listing information subject to the requirements of state law and regulation. To comply with this requirement, JMLS will, if requested by a Participant, promptly provide basic 'downloading' of current listing information. JMLS will also offer alternative display options including framing of Board, MLS, or other publicly accessible sites displaying Participants' listings (with permission of the framed site). This policy does not require JMLS to establish publicly accessible sites displaying Participants' listings.

#### **Section 2.**

**Participation.** Unless state law requires prior written consent from listing brokers, listing brokers' consent for IDX display is presumed unless a listing broker affirmatively notifies the MLS that the listing broker refuses to permit display (either on a blanket or on a listing-by-listing basis). If a Participant refuses on a blanket basis to permit IDX display of that Participant's listings, then that Participant may not display the aggregated MLS data of other Participants on an IDX site.

Alternatively, the MLS may require that Participants' consent for display of their listings by other Participants on IDX sites be affirmatively established in writing. Even where Participants have given blanket authority for other Participants to display their listings on IDX sites, such consent may be withdrawn on a listing-by-listing basis as instructed by the seller.

DR's will be given a two week deadline to return their annual office participation agreement. If the required annual agreement is not filed by that year's deadline, then the office will have their MLS access turned off until the annual agreement is submitted.

### Section 3.

Participants' Internet Web sites may provide other features, information, or services in addition to IDX information (including Virtual Office Website ("VOW") functions) which are not subject to this policy.

### Section 4.

**Guidelines.** The following guidelines are adopted and implemented by the JMLS Board of Directors:

- 4.1 Prohibit display of confidential information fields intended for cooperating brokers rather than consumers.
- 4.2 Require that any listing displayed identify the listing firm.
- 4.3 Require that the identity of listing agents be displayed.
- 4.4 Require that a clearly visible color and typeface be used to display the listing information be used to identify the listing firms and listing agents. When displaying listing content, a participant's or user's IDX site must clearly identify the name of the brokerage firm under which they operate in a clearly visible color and typeface.
- 4.5 Require that information displayed not be modified with the exception of Participant's office listings.
- 4.6 Require that any display of other Participants' listings indicate the source of the information being displayed and require Participants to refresh all downloads and refresh all data at least once every seven (7) days.
- 4.7 Prohibit sharing of the MLS database with any unauthorized third party and may require Participants to indicate on their websites that the information being provided is for consumers' personal, non-commercial use and may not be used for any purpose other than to identify prospective properties consumers may be interested in purchasing.
- 4.8 A JMLS Participant may only display other JMLS Participants' listings.
- 4.9 Participants must notify the MLS of their intention to establish an IDX site and make their IDX site directly accessible to the MLS for purposes of monitoring/ensuring compliance with applicable rules and policies.
- 4.10 Participants must protect IDX information from misappropriation by employing reasonable efforts to monitor and prevent 'scraping' or other unauthorized accessing, reproduction or use of the MLS database.
- 4.11 Listings or property addresses of sellers who have directed their listing brokers to withhold their listing or property address from display on the Internet (including, but not limited to, publicly-accessible Web sites or VOW's) shall not be accessible via IDX sites. Notwithstanding this prohibition, listing brokers may display on their IDX sites or their other Web site(s) the listing or property address of consenting sellers. If a seller chooses to opt out the listing office must submit a letter signed by the seller.

- 4.12 Participants may select the listings they choose to display on their IDX sites based only on objective criteria including, but not limited to, factors such as geography or location (“uptown”, “downtown”, etc.), list price, type of property, (e.g., condominiums, cooperatives, single-family detached, multi-family), cooperative compensation offered by listing brokers, type of listing (e.g., exclusive right to sell or exclusive agency), or independently made by each Participant.
- 4.13 Except as provided elsewhere in this policy or elsewhere in an MLS’s rules and regulations, an IDX site or Participant operating an IDX site may not distribute, provide, or make any portion of the MLS database available to any person or entity.

## Section 5.

**Specific Guidelines:** Jackson Multiple Listing Service specifically implements the following guidelines:

- 5.1 The right to display listing information pursuant to IDX is limited to Participants who are REALTORS®.
- 5.2 JMLS limits the right to display listing information pursuant to IDX to MLS Participants, who are licensed as real estate brokers and are actively engaged in real estate brokerage.
- 5.3 Participants are considered actively engaged in real estate brokerage when they maintain an office or internet presence from which they are available to represent real estate sellers or buyers (or both).
- 5.4 JMLS allows non-principal brokers and sales licensees affiliated with JMLS Participants to use information available through IDX to populate their own websites. If non-principal brokers and sales licensees affiliated with JMLS Participants may use IDX information, such use is subject to Participants’ consent and control and the requirements of state law and/or regulation.
- 5.5 JMLS retains the right to limit information, which can be downloaded and/or otherwise displayed under IDX to properties listed on an exclusive right to sell basis. The following data fields are to remain confidential: *list date, expiration date, days on market, compensation fields, original price, seller’s and occupant’s; names, phone numbers and email addresses, the private remarks, sold information and type of listing agreement, e.g. exclusive right to sell, exclusive agency, etc.* (Amended 04/06)
- 5.6 Participants must consent to display of their listings by other Participants under IDX as a condition of having their listings transmitted to aggregators/publishers of real property ads.
- 5.7 JMLS may, at any time, charge the costs of adding or enhancing their ‘downloading’ capacity to Participants who will download listing information. Assessment of such costs shall reasonably relate to the actual costs incurred by JMLS.

- 5.7a A \$25 setup fee and a \$35 non-prorated annual fee is due and payable prior to IDX activation. The annual fee will be billed every March thereafter on the Broker/DR's MLS billing.
- 5.7b The \$35 non-prorated annual fee will be charged to only a brokerage office obtaining one IDX feed that is being used for its agents. The broker must supply a list of agents included in the broker feed annually along with their Broker Consent Agreement and maintain it regularly. (Amended 02/09)
- 5.7c A \$100 non-prorated annual fee will be charged per feed to IDX vendors. (Amended 8/11)
- 5.8 Prohibit display of expired, withdrawn, or pending listings.
- 5.9 There is no limit to the number of listings that consumers may retrieve or download in response to an inquiry. (Amended 12/07)
- 5.10 *Disclaimer* – The information being provided is for consumers personal, non-commercial use and may not be used for any purpose other than to identify prospective properties consumers may be interested in purchasing.
- 5.11 Suspension of IDX services will be enforced when an agent/IDX user who has recently transferred offices and does not comply with submitting the proper IDX paperwork to JMLS, identifying the new broker/DR's consent.
- 5.12 All classes can be included in the IDX feed.
- 5.13 Only direct feeds can be included for IDX.
- 5.14 Virtual tours can be included in the IDX feed.

## Section 6.

**Amendments.** JMLS shall review and amend or change this policy on an ongoing basis to address unanticipated future issues and implications.

## Section 7.

**Violations.** If an IDX User is found in violation of any of the above policies, first a letter of warning is to be sent to the IDX User and carbon copied to his or her broker allowing them 7 days to fix the issues.

- 7.1 **Consideration of Alleged Violations:** The Board of Directors shall give consideration to all written complaints having to do with violations of the rules and regulations. (Amended 2/98)
- 7.2 **Violations of Rules and Regulations:** If the alleged offense is a violation of the rules and regulations of the Service and does not involve a charge of alleged unethical conduct or request for arbitration, it may be administratively considered and determined by the Board of Directors of the Service, and if a violation is determined, the Board of Directors may direct the imposition of sanction, provided the recipient of such sanction may request a hearing before the Professional Standards Committee of the Board in accordance with the bylaws and rules and regulations of the Board of REALTORS® within twenty (20) days following receipt of the Directors' decision. (Amended 2/98)

- 7.3 If an IDX violation is not corrected, the IDX User access will be inactivated, fined \$200 and a complaint forwarded to the Grievance Committee.

**Section 8.**

**Franchise Information.** Participants may provide IDX information to their respective real estate franchise organizations (“franchisors”) to be indexed for display on such franchisors’ websites, subject to the following requirements and limitations. Failure of a franchisor to comply with the following requirements and limitations can, at the discretion of the MLS, result in suspension or termination of the participant’s(s’) authority to provide IDX information to the franchisor.

- 8.1 Initial search results that provide minimal information (e.g., “thumbnails”) are exempt from MLS-required disclosures (e.g., listing firm, listing agent, source of information, notice that information is deemed reliable but is not guaranteed accurate) provided that a direct link to a detailed (“full view”) display that includes all required disclosures is provided.
- 8.2 Consumers can link directly to a detailed (“full view”) display that complies with disclosure/display rules of the source MLS.
- 8.3 IDX information cannot be used for any unauthorized purpose.
- 8.4 Inaccurate or incomplete information related to any listing must be promptly corrected by the franchisor at the request of the source MLS.
- 8.5 No advertising may appear on pages displaying IDX information.
- 8.6 IDX listing information cannot be modified, manipulated, or permanently retained.  
(Adopted 11/10)

**Note:** For purposes of this policy, “real estate franchisor” is defined as a company granting real estate brokerage franchises under the franchisor’s trademarks pursuant to a franchise disclosure document meeting applicable Federal Trade Commission rules.