



NATIONAL ASSOCIATION OF REALTORS®

Videos | Store | Library | Directories

Search REALTOR.org

Register | Login | My Account

RESOURCES FORREALTORS® &
Business Specialties

Association Executives

News Media

Home Buyers & Sellers

Diversified Real Estate
Firms[Policy
Announcements](#)[Policy Resources](#)[Code of Ethics](#)[Policy /
Procedures](#)[Publications/Model
Documents](#)[Association
Jurisdiction, Name
Etc.](#)**IDX (Internet Data Exchange) - Virtual Kit (revised 5/18/05)****Introduction and contents**

Welcome to NAR's "virtual kit" of information about the Internet Data Exchange ("IDX") policy adopted by the Board of Directors at the 2000 Midyear meeting, which was subsequently revised in May and July 2001.

SITE BY TOPIC[About NAR](#)[Education](#)[Government Affairs](#)[Law & Policy](#)[Law](#)

- [The Letter of the Law
Newsletter](#)
- [REALTOR®
Trademark/Logo Rules](#)
- [Search NAR Legal
Documents](#)
- [Track Legal Trends](#)

Policy

- [Association Formation/
Name/ Jurisdiction](#)
- [NAR Governing
Documents](#)
- [Code of Ethics/
Professional Standards](#)
- [Membership](#)
- [Model Documents and
Publications](#)
- [MLS](#)

[Meetings & Expo](#)[NAR Governance](#)

Documents you may find useful in this kit include:

[Background](#)[Statement of Policy](#)[Frequently Asked Questions](#)**Background**

As applications of Internet technology to the real estate business have increased in number, quality, and acceptance by the public, an increasing number of residential real estate brokerage firms have established "on line identities." These Internet websites enable real estate professionals to couple the immediate, direct communication available on the Internet with the experience, expertise, and personal professional advice REALTORS® offer clients and customers. There is no question but that such "on line identities" are an increasingly integral element in the prospecting and marketing programs of REALTOR® firms.

In anticipation of the increasing use of websites by REALTORS®, in early 2000 NAR's leadership convened a special work group consisting of members of the Multiple Listing Issues and Policies Committee, Professional Standards Committee and Risk Management Committee to determine how real estate applications on the Internet might be enhanced so that REALTORS® can inform and serve their clients and customers while, at the same time, assuring that the Internet does not become a medium for exploitation or abuse of the professional relationships and duties by which REALTORS® are legally and ethically bound.

Careful consideration of the issues, technology and the rapidly evolving marketplace led to the NAR Board of Directors approving at the 2000 Midyear meeting refinements to existing policy which authorize MLS participants to display on their websites the listings of other participants, subject to certain requirements and limitations. This policy was revised by the Board of Directors at the 2001 Midyear meeting.

REALTOR Benefits®
Research
Technology

The Statement of Multiple Listing Policy, which became effective immediately upon approval by the Board of Directors in May 2000, and which was amended in May and July, 2001, can be found under "Policy Statement" below.

[Back to Introduction and contents](#)

REGISTER NOW

Access exclusive features and sign up for newsletters.

REALTOR BENEFITS®

Purchase discounted products and services from REALTOR BENEFITS® Partners



Policy Statement

The original Statement of Multiple Listing Policy on Internet Data Exchange became effective upon approval by the NAR Board of Directors in May 2000. It was subsequently amended in May and July, 2001 and again in May 2005. The policy currently provides.

Associations of REALTORS® and their Multiple Listing Services must 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 MLSs must, if requested by a Participant, promptly provide basic "downloading" of current listing information. Associations and MLSs can also offer alternative display options including framing of Board, MLS, or other publicly-accessible sites displaying Participants' listings (with permission of the framed site). For purposes of this policy, "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, of 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. This policy does not require associations or MLSs to establish publicly accessible sites displaying Participants' listings.

Unless state law requires prior written consent from listing brokers, listing brokers' consent for IDX display may be 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, MLSs 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.

Access to MLS databases of current listing information, or any part of such databases, may not be provided to any person or entity not expressly authorized such access under the MLS rules.

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

Policies applicable to Participants' IDX sites

- 1. 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.*
- 2. 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.*
- 3. 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 VOWs) 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.*
- 4. Participants may exclude listings from display on their IDX sites based only on objective criteria including, but not limited to, factors such as geography, list price, type of property, or cooperative compensation offered by listing brokers.*
- 5. Participants must refresh all MLS downloads and refresh all MLS data at least once every seven (7) days.*
- 6. 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.*
- 7. 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 readily visible color and typeface.*

Policies applicable to Multiple Listing Services

The following guidelines are recommended but not required to conform to National Association policy. Pursuant to these guidelines, MLSs may:

- 1. prohibit display of expired, withdrawn, or pending listings*
- 2. prohibit display of confidential information fields intended for cooperating brokers rather than consumers including compensation offered to other MLS Participants, showing instructions, property security information, etc.*
- 3. prohibit display of the type of listing agreement, e.g. exclusive right to sell, exclusive agency, etc.*
- 4. prohibit display of seller's(s') and occupant's(s') name(s), phone number(s), and e-mail address(es)*
- 5. require that any listing displayed identify the listing firm in a readily visible color and typeface not smaller than the median used in the display of listing data*
- 6. require that the identity of listing agents be displayed*
- 7. require that information displayed not be modified. MLS data may be augmented with additional data not otherwise prohibited from display so long as the source of the other data is clearly identified. This requirement does not restrict the format of MLS data display or display of fewer than all of the available listings or fewer authorized data fields.*
- 8. require that any display of other Participants' listings indicate the source of the information being displayed*
- 9. require that other brokers' listings obtained from other sources, e.g., from other MLSs, from non-participating brokers, etc., display the source from*

which each such listing was obtained

10. 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

11. establish reasonable limits on the amount of data/number of listings that consumers may retrieve or download in response to an inquiry

12. limit the right to display other Participants' listings to a Participant's office (s) holding participatory rights in the same MLS

13. require a notice on all MLS data displayed indicating that the data is deemed reliable but is not guaranteed accurate by the MLS. Participants' IDX sites may also include other disclaimers necessary to protect the Participant and/or the MLS from liability

Additional local issues / options

1. Where MLS participatory rights are available to non-member brokers or firms as a matter of law or local determination, the right to display listing information pursuant to IDX may be limited, as a matter of local option, to Participants who are REALTORS®.

2. MLSs may, but are not required to, limit the right to display listing information available pursuant to IDX to MLS Participants licensed as real estate brokers.

3. MLSs may, but are not required to, limit the right to display listing information pursuant to IDX to MLS Participants engaged in real estate brokerage. This requirement can be met by maintaining an office or Internet presence from which Participants are available to represent real estate sellers or buyers (or both).

4. MLSs may, but are not required to, allow non-principal brokers and sales licensees affiliated with MLS Participants to use information available through IDX to populate their own websites.

Even if use of information through IDX is provided to non-principal brokers and sales licensees affiliated with MLS Participants, such use is subject to Participants' consent and control and the requirements of state law and/or regulation.

5. MLSs may, as a matter of local option, limit information which can be downloaded and/or otherwise displayed under IDX to properties listed on an exclusive right to sell basis.

6. MLSs cannot prohibit Participants from downloading and displaying or framing other brokers' listings obtained from other sources, e.g., other MLSs, non-participating brokers, etc., but can, as a matter of local option, require that listings obtained through IDX be searched separately from listings obtained from other sources, including other MLSs.

7. MLSs may, as a matter of local option, charge the costs of adding or enhancing their "downloading" capacity to Participants who will download listing information. Assessment of such costs should reasonably relate to the actual costs incurred by the MLS.

[Back to Introduction and contents](#)

Questions and Answers

Q. What is Internet Data Exchange?

A. Internet Data Exchange ("IDX"), also referred to as "Broker Reciprocity," is the next stage in the evolution of MLS as the primary means of enhancing cooperation between REALTORS® to facilitate the purchase and sale of real property. IDX gives MLS Participants the tool they need to display each others' listings on their Internet websites. Under IDX brokers exchange consent to display each others listings on the Internet.

Q. What is NAR's IDX policy?

A. [Click here to view policy statement above.](#)

Q. How is Internet Data Exchange accomplished?

A. Other brokers' listings can be displayed either by downloading data from the MLS compilation and publishing it on your website or by framing the MLS's publicly accessible website (if such a site exists).

Q. Do I have to allow other Participants to display my listings on their websites?

A. No, Participants are free to withhold authority for such display - either on a blanket or on a listing-by-listing basis.

Q. What happens if I won't allow other Participants to display my listings on their websites?

A. If you prohibit the display of your listings by other Participants, you may not display their listings on your website pursuant to the IDX program. Other Participants may give you permission to display their listings but that permission would have to be sought and obtained separately from each Participant.

Q. What happens if a Participant doesn't blanketly prohibit other Participants from displaying her listings but instead indicates, each time she submits a new listing to the MLS, that her authorization to display that listing is being withheld. Since she hasn't issued a "blanket" prohibition against display by other Participants (but is constructively doing just that incrementally), is she entitled to display other Participant's listings?

A. No. A Participant cannot do indirectly what she cannot do directly. Since any Participant can opt out of IDX on a blanket basis, it can be presumed that those Participants who don't opt out are willing to allow other Participants to display their listings - except in those (likely) infrequent instances where a seller specifically prohibits the listing broker from allowing the listing to be displayed by other Participants.

This is analogous to the rules and policies of many MLSs that acknowledge the right of Participants to accept "office exclusive" listings in cases where a seller requests that their listing not be included in the MLS compilation.

Q. A Participant in our MLS has not blanketly prohibited display of his listings but over half of his new listings cannot be displayed by other Participants. Can we make a rule that a Participant cannot display other Participants' listings pursuant to the IDX program unless that Participant authorizes display of, say, 80% or 90% of their own listings?

A. No. But if a Participant doesn't opt out of IDX (by issuing a blanket prohibition of display by other Participants) he is presumed to be authorizing display of his listings by other Participants except in those instances where a seller specifically prohibits such display. If an inordinate number of listings cannot be displayed by other Participants, a rule could be established requiring listing brokers to certify that the benefits of having their property displayed on other Participants' sites had been explained to the seller but that the seller had refused to permit such display.

Q. If a Participant has blanketly prohibited display of her listings, can we require her to certify that she has explained the benefits of display by other Participants and the seller had nonetheless refused to allow such display?

A. No. If a Participant elects not to take advantage of IDX display, then they cannot be required to explain its advantages to their clients. Such a rule would apply only to Participants who have opted into the program for those listings for which display is not authorized.

Q. If I don't participate in IDX but give another Participant permission to display my listings on their website, can the MLS (with my permission) transfer my listings to that Participant?

A. Yes. MLS may, but are not required to, transmit your listing information to any destination you authorize. The decisions as to whether an MLS will provide this service and whether to charge for such a service, are matters of local determination.

Q. If I want to authorize other Participants to display my listings under IDX, how do I do it?

A. Once your MLS implements the IDX program you don't need to do anything. The way the IDX program is structured, the consent of each Participant to permit display of their listings is assumed. If you choose not to permit display of your listings by other Participants, you simply notify the MLS that your consent is being withheld. It should be stated that some MLSs have chosen to use an "opt-in" approach to IDX under which Participants must affirmatively signify their intent to participate in IDX. Determining whether to use an "opt-in" or "opt-out" approach is a matter of local option.

Q. Can the MLS refuse to accept my listings if I do not permit other Participants to display them on their websites?

A. No. Participants cannot be required to consent to display of their listings on other Participants' websites as a condition of participation in the MLS.

Q. Can the MLS refuse to transfer my listings to REALTOR.COM or to another aggregator of real property ads if I do not permit other Participants to display them on their websites?

A. Yes. Under the amended IDX policy, MLSs may, as a matter of local option, require participation in IDX as a condition of having listings transmitted to aggregators/publishers of real property ads.

Q. Does IDX conflict with license law or the Code of Ethics?

A. Implementation of IDX must be consistent with state law. NAR's IDX policy statement is consistent with the Code of Ethics since no display of other Participants' listings can occur without their Consent, though, can be assumed unless affirmatively withheld by the listing Participant.

Q. Our MLS doesn't have a publicly-accessible website displaying Participants' listings. Does NAR's IDX policy mean we have to establish one so that Participants can frame each others' listings?

A. No. Framing is an IDX option available to Participants only if an association or MLS maintains a publicly-accessible website. NAR's policy does not require associations or MLSs to create such websites simply to provide this option to its Participants.

Q. Our MLS is computerized but is not Internet-based. Do we have to establish an Internet-based system to comply with NAR's IDX policy?

A. No, but under the IDX policy, by 2002 your MLS will have to permit Participants to extract listing information so that listing information can be displayed on other Participants' websites (unless, of course, consent is withheld by listing brokers).

Q. Can I authorize some, but not all, Participants to display my listings on the Internet?

A. If you consent to the display of your listings by other Participants under the IDX program, then any other Participant in the MLS may display your listings. If you prefer to authorize some, but not all, Participants to display your listings, this can be accomplished - though not under the IDX program. Separate consents would have to be granted to each Participant authorized to display your listings. As noted in an earlier question, MLSs may, but are not required, to transmit your listings to any destination you authorize. The decisions as to whether an MLS will provide such a service, and the related charges (if any) are matters to be determined locally.

Q. Can MLSs charge a fee for downloading listing information to Participants?

A. Yes, NAR's IDX policy does not affect the right of associations and MLSs to assess fees and charges for services provided to Participants. This remains a matter of local determination, subject to the parameters of existing policy (See Multiple Listing Policy Statements 7.9, 7.45, and 7.57 in the [Handbook on Multiple Listing Policy](#)).

Q. Does IDX mean that confidential information will now be available to the public?

A. No. IDX permits MLSs to prohibit display (by either downloading or by framing) of information intended exclusively for other real estate professionals and not for consumers.

Q. Must the listing firm be identified when I display other Participants' listings on my website?

A. This is a matter left to the discretion of local MLSs. Participants will want to keep the requirement of license law and the Code of Ethics (particularly Article 12) in mind when engaging in such displays.

Q. Can listing information be modified when it is displayed on other Participants' websites?

A. This, too, is a matter of local determination, although any authorized modification must comply with the "true picture" mandate of Article 12 of the Code of Ethics.

Q. Won't buyers (or individuals posing as buyers) be able to extract the entire MLS database and do whatever they want with it?

A. MLSs can, as a matter of local determination, establish reasonable limits on the amount of data and/or the number of listings consumers can retrieve in a particular query of Participants' websites.

Q. Won't IDX enable national and regional firms to aggregate listing information from many MLSs and create "super-MLSs"?

A. The ability to aggregate listing information from several MLSs remains subject to local MLS rules. Under IDX, MLSs may strictly limit the right to display other Participants' listings to those offices holding participatory rights in that MLS.

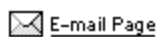
Q. Why should we let our listings be displayed on our competitors' website?

A. Letting other Participants display listings on the Internet is a business decision each Participant must make, taking into account their duty to promote the best interests of their clients; to cooperate with other REALTORS®; and the opportunity to use the Internet to better serve their clients and customers.

(Note: These questions and answers are advisory in nature, have not been reviewed or approved by the Board of Directors of the National Association of REALTORS®, and will be updated from time-to-time.)

[Back to Introduction and contents](#)

(revised 5/18/05)



Copyright NATIONAL ASSOCIATION OF REALTORS®
Headquarters: 430 North Michigan Avenue, Chicago, IL. 60611-4087
DC Office: 500 New Jersey Avenue, NW, Washington, DC 20001-2020
1-800-874-6500
[Terms of Use](#) | [Privacy Policy](#) | [REALTOR.com](#) | [Contact NAR](#) | [Site Map](#)