

CALIFORNIA CONSUMER PRIVACY ACT ADVISORY

As of January 1, 2020, the California Consumer Privacy Act (commencing with Civil Code 1798.100) ("CCPA") grants to California residents certain rights in their private, personal information that is collected by companies with whom they do business. Under the CCPA, "personal information" is defined broadly to encompass non-public records information that could reasonably be linked directly or indirectly to you, including, potentially, photographs of or sales information about your property. Some of your personal information will be collected and likely shared with others during the process of buying and selling real estate. Depending on the situation, you may have the right to "opt out" or stop the transfer of your personal information to others and to request that certain businesses delete your personal information altogether. However, not all businesses you interact with are required to comply with the law—primarily only those businesses that meet the criteria of a covered "Business" as set forth in Section 1798.140(c). For more information, you may ask your Broker for a copy of the C.A.R. Legal Q&A on the subject.

A real estate broker may submit personal information to a Multiple Listing Service ("MLS") in order to help find a buyer for a seller's property, to report a sale, or for other similar uses related to real estate transactions. Through the MLS, your personal information is shared with and made available to real estate brokers, salespeople and others. Even after a sale is complete, the MLS distributes sales information to the real estate community. Brokers, agents and MLSs may also share your personal information with others who then post the personal information on websites or elsewhere, or otherwise use it. Thus, there are various service providers and companies in a real estate transaction who may be engaged in using or sharing your personal information. For example, MLSs may share your personal information to third-party businesses that provide services and products to real estate brokers, such as websites, online databases, and other technology products and services related to the real estate industry.

If your broker is a covered Business, it should have a privacy policy explaining your rights on its website and giving you an opportunity to request that your personal information not be shared, not be used and even to request that your personal information be deleted. Even if your real estate brokerage is a covered Business, it needs, and is allowed, to keep your information to effectuate a sale and is required by law to maintain such information for three years in order to comply with regulatory requirements. Not all brokers are covered Businesses, however, and those that are not, do not have to comply with the CCPA.

Similarly, most MLSs are not considered covered Businesses. Instead, an MLS is often considered a Third Party under the CCPA, to the extent a covered Business (ex: brokerages, real estate listing aggregation or advertising internet sites or other outlets who meet the criteria of covered Businesses) exchanges or shares personal information with the MLS. You do not have the right under the CCPA to require a Third Party to use, share or delete your personal information. And like real estate brokerages, even if an MLS is a covered Business, MLSs are also required by law to retain and make accessible in its computer system any and all listing and other information for three years.

Whether an MLS is a covered Business or a Third Party, you have a right to be notified about the sharing of your personal information in connection with the MLS and a right to contact a covered Business in order to opt out of the use or sharing of your personal information with Third Parties by that covered Business. Since the MLSs and/or other entities receiving your personal information do not have direct contact with buyers and sellers like you and also may not be aware of which entities exchanging your personal information are considered covered Businesses, this form is being used to notify you of your rights under the CCPA and your ability to opt out of the sharing of your personal information with Third Parties. One way to limit access to your personal information, is to inform your broker or salesperson you want to opt out of the MLS, and if so, you will be asked to sign a document (SEL or SELM Form) confirming your request to keep your listing off the MLS. However, if you make such a request, it may be more difficult to sell your property or obtain the highest price for it because your property will not be exposed to the greatest number of real estate licensees and others.

I/we acknowledge receipt of a copy of this California Consumer Privacy Act Advisory.

Buyer/Seller/Landlord/Tenant _____ Date _____

Buyer/Seller/Landlord/Tenant _____ Date _____

NO REPRESENTATION IS MADE AS TO THE LEGAL VALIDITY OR ACCURACY OF ANY PROVISION OF ANY SPECIFIC TRANSACTION, AND THIS FORM DOES NOT CONSTITUTE LEGAL OR OTHER ADVICE. A REAL ESTATE BROKER IS THE PERSON QUALIFIED TO ADVISE ON REAL ESTATE TRANSACTIONS. IF YOU DESIRE LEGAL, TAX, OR OTHER ADVICE, YOU SHOULD CONSULT AN APPROPRIATE PROFESSIONAL.