

# INFORMATION SHARING AGREEMENT

BETWEEN:

THE REGISTRAR OF MORTGAGE BROKERS  
("REGISTRAR")

AND:

THE REAL ESTATE COUNCIL OF BRITISH COLUMBIA  
("COUNCIL")

REGISTRAR and COUNCIL ("Parties") acknowledge that:

1. Under the *Real Estate Services Act* ("RESA") and the *Mortgage Brokers Act* ("MBA"), REGISTRAR and COUNCIL have complementary regulatory roles with respect to licensees under the RESA ("RE Licensees") who are also licensee under the MBA ("MB Licensees").
2. COUNCIL obtains information from RE Licensees and licensee applicants pursuant to its roles as the licensing authority under the RESA.
3. REGISTRAR obtains information from MB Licensees and licensee applicants pursuant to its role as the licensing and regulating authority under the MBA.
4. The information to be exchanged may, from time to time, include "personal information" as that term is defined in the *Freedom of Information and Protection of Privacy Act* ("FOIPPA").
5. REGISTRAR and COUNCIL are "public bodies" as defined in the FOIPPA and are therefore subject to restrictions on disclosure of personal information pursuant to Part 3 of the FOIPPA.
6. COUNCIL is also a "governing body of a profession or organization" as defined in the FOIPPA.
7. REGISTRAR and COUNCIL understand that they are permitted to provide information about their licensees and unauthorized activity under the RESA and the MBA which includes personal information to each other pursuant to section 33.2 of the FOIPPA.

## Information shared

8. Therefore REGISTRAR and COUNCIL agree to share the following information ("Shared Information"):

(a) *For all MB Licensees and applicants for MB Licensee status:*

REGISTRAR will provide COUNCIL with access to the REGISTRAR database REG component known as "Mortgage Broker Tracking System" which includes the following information:

- names of current and past MB Licensees
- names of applicants for MB Licensee status
- addresses of MB Licensees and applicants
- MB Licensee history
- MB Licensee discipline history
- an indication of whether an investigation file is open on the MB Licensee or applicant
- MB Licensee education history
- MB Licensee financial data

(b) *For all MB Licensees and applicants for MB Licensee status under investigation by REGISTRAR:*

COUNCIL will provide REGISTRAR with access to all COUNCIL information with regard to the MB Licensee or MB licensee applicant under investigation.

(c) *For all RE Licensees and applicants for RE Licensee status:*

COUNCIL will provide REGISTRAR with access to the COUNCIL database system known as "Oasis" which includes the following information:

- names of current and past RE Licensees
- names of applicants for RE Licensee status
- addresses of RE Licensees and applicants
- RE Licensee history
- RE Licensee discipline history
- RE Licensee education history
- RE Licensee financial data

- (d) *For all RE Licensees and applicants for RE Licensee status under investigation by COUNCIL:*

REGISTRAR will provide COUNCIL with access to all REGISTRAR information with regard to the RE Licensee or RE licensee applicant under investigation.

### **Requests for Shared Information**

9. Schedule 1 attached to this agreement is a listing of those staff and agents of REGISTRAR and COUNCIL who are entitled to Council receive and request Shared Information and to respond to requests for Shared Information. Schedule 1 will be amended to reflect any changes by written notice to the other party from the REGISTRAR with respect to REGISTRAR staff and by the Executive Officer with respect to COUNCIL staff.

### **Security**

10. Each Party will make reasonable arrangements to maintain the security of the Shared Information in its custody, by protecting it against such risks as unauthorized access, collection, use, disclosure or disposal.
11. No Shared Information will be maintained or located outside of Canada.
12. Each Party will advise the other Party immediately of any circumstances, incidents or events which to its knowledge have jeopardized or may in future jeopardize:
- (a) the privacy of individuals;
  - (b) the confidentiality of information; or
  - (c) the security of any computer system in its custody that is used to access the Information.
13. Each Party will investigate all reported cases of:
- (a) unauthorized access to or modification of the Shared Information in its custody;
  - (b) unauthorized use of the Shared Information in its custody;

- (c) disclosure of the Shared Information in its custody; and
  - (d) breaches of privacy or security with respect to the Shared Information in its custody or with respect to any computer system in its custody that is used to access the Shared Information.
14. Each Party will report to the other the results of any such investigation and the steps taken to address any remaining issues or concerns about the security of the Information on computer systems, the confidentiality of commercial Information, or the privacy of individuals to whom the Information relates.

**Notice**

15. Notice by the parties shall be given as follows unless otherwise advised in writing:

To COUNCIL at:

Real Estate Council of British Columbia  
900-750 West Pender Street  
Vancouver, BC V6C 2T8

Facsimile: [REDACTED]

To REGISTRAR at:

Registrar of Mortgage Brokers  
Suite 1200-13450 102<sup>nd</sup> Avenue  
Surrey, BC V3T 5X3

Facsimile: [REDACTED]

**Effective date**

16. This agreement will take effect on the 29<sup>th</sup> day of March, 2005.

**Termination**

17. Either party may terminate this agreement on 90 days written notice.

Agreed to by:

Registrar of Mortgage Brokers

Real Estate Council of British Columbia



W. Alan Clark  
Registrar of Mortgage Brokers



Robert O. Fawcett  
Executive Officer

Date: **MAR 29 2005**

Date: **MAR 29 2005**

## Schedule 1

Staff of COUNCIL entitled to receive and request information and respond to requests for Shared Information:

**Executive Officer**  
**Manager, Industry Practice**  
**Manager, Accounting and Audit**  
**Licensing Supervisors**  
**Licensing Staff**  
**Legal Counsel**  
**Legal Staff**  
**Compliance Officers**  
**Auditors**  
**Investigators**  
**Compliance Assistant**  
**Communications and Privacy Officer**  
**Education and Licensing Coordinator**

Staff and agents of REGISTRAR entitled to request information and respond to requests for information:

**Registrar of Mortgage Brokers**  
**Deputy Registrar of Mortgage Brokers**  
**Managers, Mortgage Broker Regulation**  
**Compliance and Monitoring Analysts**  
**Registration Officers**  
**Registration Clerk**

**Executive Director, Investigations (FICOM)**  
**Managers, Investigations (FICOM)**  
**Investigators (FICOM)**

**Supervisor – Contact Centre (FICOM)**