



# GUIDE FOR LICENSEES WHEN USING AN ARTIFICIAL INTELLIGENCE SYSTEM

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## Preamble

Artificial intelligence is a technology whose systems are increasingly present and accessible to everyone, but whose use is not without risks. Real estate brokerage is no exception and is increasingly exposed to the use of these technologies.

Mindful of the evolution and adoption of artificial intelligence technologies, the OACIQ believes that it is important to suggest some guidelines for its use, to inform professionals of the issues and risks involved, and to provide clear and strict rules that allow its use in compliance with licensees' current professional obligations and the protection of the public.

## Objective

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The aim of this guide is to provide licensees and agency executive officers with best practices for a transparent, effective, responsible, ethical and secure use of artificial intelligence systems.

## Field of application

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This guide sets out the best practices that all licensees should apply when using artificial intelligence in their professional activities.

It is recommended that persons who are employed by or authorized to act for a licensee or an agency be aware of and apply the measures set out in this guide as far as possible.

## Interpretation

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Using artificial intelligence or any other technology in no way releases licensees and agency executive officers from their professional and ethical duty to advise, verify and inform, which is at the heart of the real estate brokerage profession.

## Definitions:

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In this guide, the following terms are defined as follows:

- **Artificial intelligence system/AI system:** Any information technology system that performs tasks that usually require human intelligence, such as but not limited to ChatGPT, Norton AI, Bing Chat, Midjourney.
- **Personal information:** has the same meaning as in the *Act respecting the protection of personal information in the private sector* (CQLR, c. P-39.1).

## Using artificial intelligence in professional activities

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### USE OF ARTIFICIAL INTELLIGENCE

When using artificial intelligence in their professional activities, licensees and agency executive officers must take into account their aptitudes, limits on knowledge and means available.

They should not use such a technology unless they have a full understanding and a good command thereof, and if not, they should enlist the services of a professional who can help them.

When using an AI system, the licensee or agency executive officer must prioritize and protect his clients' interests and respect their specific needs.

The licensee or agency executive officer provides his clients with sound advice in the course of his professional activities and, when using an AI system, he always remains responsible for the use he makes of the information, results or data obtained.

Artificial intelligence must not be used to modify, adjust or otherwise alter results, data or images to make them more attractive or to mask or misrepresent a situation.

## **TRANSPARENCY**

Licensees or agency executive officers must ensure that the information used in an AI system has been verified in accordance with their ethical obligations.

They must be transparent when using an AI system in the performance of their duties.

Licensees must report the use of any AI system, or any source generated by an AI system in a brokerage transaction when such use or source may impact the client's decision or the licensee's advice to the client. In such a case, the licensee or agency executive officer must explain the use made thereof, the results or data obtained, the various advantages and limits.

Any results generated must be presented in a transparent manner, by highlighting their usefulness and the human role in analyzing results and making decisions, especially when they are used to analyze the real estate market, identify properties that meet the client's needs or criteria, present comparables, establish a market value or facilitate transactions.

## **MEASURES TO PROTECT PERSONAL INFORMATION**

Disclosing personal information when using artificial intelligence in the course of a brokerage transaction must be done with prudence, diligence and competence.

A licensee or agency executive officer must use personal information only for the purposes for which it was collected and preserve the confidentiality of personal information brought to their attention or to which they have had access in the performance of their duties.

The client or the parties concerned must authorize the use of their personal information and such use must ensure its security and confidentiality.

The protection of personal information must always take precedence over the use of technology.

## **INFORMATION**

Licensees or agency executive officers must provide clients with any information regarding the use of artificial intelligence and how it is used.

They remain responsible for interpreting and communicating the results generated by artificial intelligence to their clients. In this regard, they must provide them with all the explanations they need to fully understand and appreciate the quality of the services they receive.

## **RECORDS AND REGISTERS**

Using any artificial intelligence technology must be in line with professional and ethical obligations and legal requirements.

Licensees or agency executive officers wishing to use an artificial intelligence system to maintain records and registers must be able to ensure their accuracy, confidentiality, availability and compliance with professional and ethical obligations. Any AI system must be regularly assessed to ensure compliance with professional obligations.

## **INTERNAL POLICY**

Through their executive officers, real estate agencies are strongly encouraged to adopt internal policies to govern the use of any AI system by their licensees and employees.