



A Note on EER Confidentiality

Federal Anti-Trust Laws determine how we collect operating income and expense data, how we regulate the quality and confidentiality of the data that is submitted to us, and how BOMA releases that information to the public via EER Reports. Because operating income and expense information can be used for such illegal, anti-competitive activities as price fixing and collusion, federal law requires that organizations collecting such sensitive data observe these protocols to assure the confidentiality of the data itself and that it cannot be used in anti-competitive ways:

- 1. The survey is managed by a third party (e.g., a purchaser, government agency, health care consultant, academic institution, or trade association). BOMA's EER is managed by third-party industry research firm, Kingsley Associates.**
- 2. The information provided by survey participants is based on data more than three months old. All data included in EER reports is based on the prior year's operating income and expenses, so the data presented in EER reports is at least 6 months old.**
- 3. There are at least five providers reporting data upon which each disseminated statistic is based, no individual provider's data represents more than twenty-five percent on a weighted basis of that statistic, and any information disseminated is aggregated such that it would not allow recipients to identify the prices charged or compensation paid by any particular provider. EER reports cannot be run unless 5 buildings' data can be reflected in the report. An error message appears alerting subscribers when inadequate data is available to run a report.**

For example, if you want to submit data for a property that is one of the only buildings larger than 600,000 square feet in your area, you have no fear of being exposed. Given the small numbers of 600,000 sf assets, reports reflecting assets of 600,000 sf and larger cannot be created with EER. Rather, your building's submission will be included in the overall city market report "All Buildings."

BOMA never releases the names or addresses of any properties submitted to the EER survey.

If you have any additional questions regarding confidentiality of the EER please contact Joanne Arnold at jarnold@boma.org or 202-326-6346.