



Farm Data Code

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Introduction

Development of this Farm Data Code has been led by the National Farmers' Federation in consultation with industry.

About the Code

Development of this Farm Data Code (the Code) has been led by the National Farmers' Federation (the NFF) in consultation with industry.

This is a voluntary Code which focuses on and applies where there is a direct contractual relationship between a Farmer and the Provider of services, technology and/or equipment, that collects and uses data about farm operations and where that data can be shared with other parties.

While the Code is voluntary, where a Provider's product is certified against the Code ongoing compliance with the Code is a condition of certification.

Current Australian law does not provide for a clear ownership right of data in many circumstances. Therefore the Code focuses on Farmer control over farm data rather than ownership.

The purpose of this Code is to give Farmers transparency and control over how farm data is collected, used and shared, and allow Providers to ensure that their terms and conditions and data management policies meet best practice around the generation, use and sharing of farm data.

In the context of the Code, Farmers include all primary producers. Providers include large companies, businesses, sole operators and research organisations. Downstream users of farm data include other businesses, research organisations, government agencies and individuals.

Benefits for Farmers include:

- increased awareness and understanding of the ways in which Providers are collecting, using and sharing their farm data; and
- a helpful framework to compare Providers and inform negotiations about data policies.

Benefits for Providers include:

- clear and agreed guidance on data policies; and,
- a helpful framework to inform discussions with Farmers about data.

Background

This Code is important because data has been of increasing interest to all sectors of agriculture due to the productivity and economic gains that can be obtained from its use, particularly when it can flow to downstream entities and through supply chains.

For Farmers, as a key group of originators of data, there are questions around Provider policies for collection, use and sharing of farm data, and the benefits that could be obtained from its use.

The goal is to strengthen Providers' data practices so that Farmers can safely and confidently adopt new technologies, participate in research, and share their data.

The Code incorporates learning from overseas attempts to improve farm data management practices through the introduction of voluntary data codes of practice in the United States, New Zealand and the European Union.

It is important to note that the Code sets a higher standard for data management practices than currently exist in the agriculture industry. It is acknowledged that it may take time for some Providers to uplift their practices and policies to meet the Code.

Overall, the Code will lead to improvements in industry-wide data governance practices over time.

Scope

The Code is a voluntary initiative. All entities which collect, use and share data relating to Farmers and their businesses are encouraged to follow the Code and adhere to the Farm Data Principles. Where a product is certified against the Code, ongoing compliance is a condition of certification.

The Code defines and covers the following categories of data (more precisely defined in the Definitions section at the end of this Code):

- **‘Farm Data’** – any data relating to the operations, conditions or other characteristics of a farm, that is:
 - produced by the Farmer or their staff/contractors/equipment; or
 - created/packaged/acquired at the request of the farmer (i.e. farmer permissioned its collection) and/or in the provision of a service, and is specific to their farm;
 - or produced on the farm;
- **‘Identifying Farm Data’** – Farm Data that includes identifiers of a particular Farmer or farm. Identifiers could include personal information, as defined in the *Privacy Act 1988* (Cth), as well as other data about the farm such as location, GPS coordinates, even plant/animal DNA or soil information if it is possible to identify a particular Farmer or farm through it;
- **‘Non-identifying Farm Data’** – Farm Data that has been stripped of any identifying information until there is only a remote risk that the operations, conditions or other characteristics of a particular Farmer or farm could be determined from it (including through matching with other data).

The Code deals with each of these data types slightly differently, with Identifying Farm Data being the most heavily protected, followed by Non-identifying Farm Data. Where uncertainty exists about which category data should fall in, Providers should assume it falls in the more protected category.

At a high level the Code requires:

- Transparency over collection, use and sharing of Farm Data and any other data about the Farmer or their farm/business;
- Fairness in the form of value provided back to Farmers if Farm Data is being used to create value or other data; and
- Farmers to be assured of Control, Portability, Security, and Compliance for Farm Data.

Legal and regulatory compliance

Nothing in this Code prevents or relieves Providers from meeting their legal or regulatory compliance obligations, however we encourage transparency where a conflict with the Code may exist.

The Code assumes that Providers are complying with all relevant national and international laws, including fair trading practices. It is not in scope for the Code, or any certification against the Code, to address the legality of contracts, or the rights and obligations of parties to a contract. Therefore, it is recommended Farmers get legal advice before signing any contracts.

Specifically, the Code assumes Providers are complying with their obligations under the Privacy Act 1988 (Cth) (Privacy Act). It is not in scope for the Code, or any certification against the Code, to assess privacy compliance. Providers are encouraged to seek independent legal advice about their obligations under the Privacy Act.

Governance of the Code

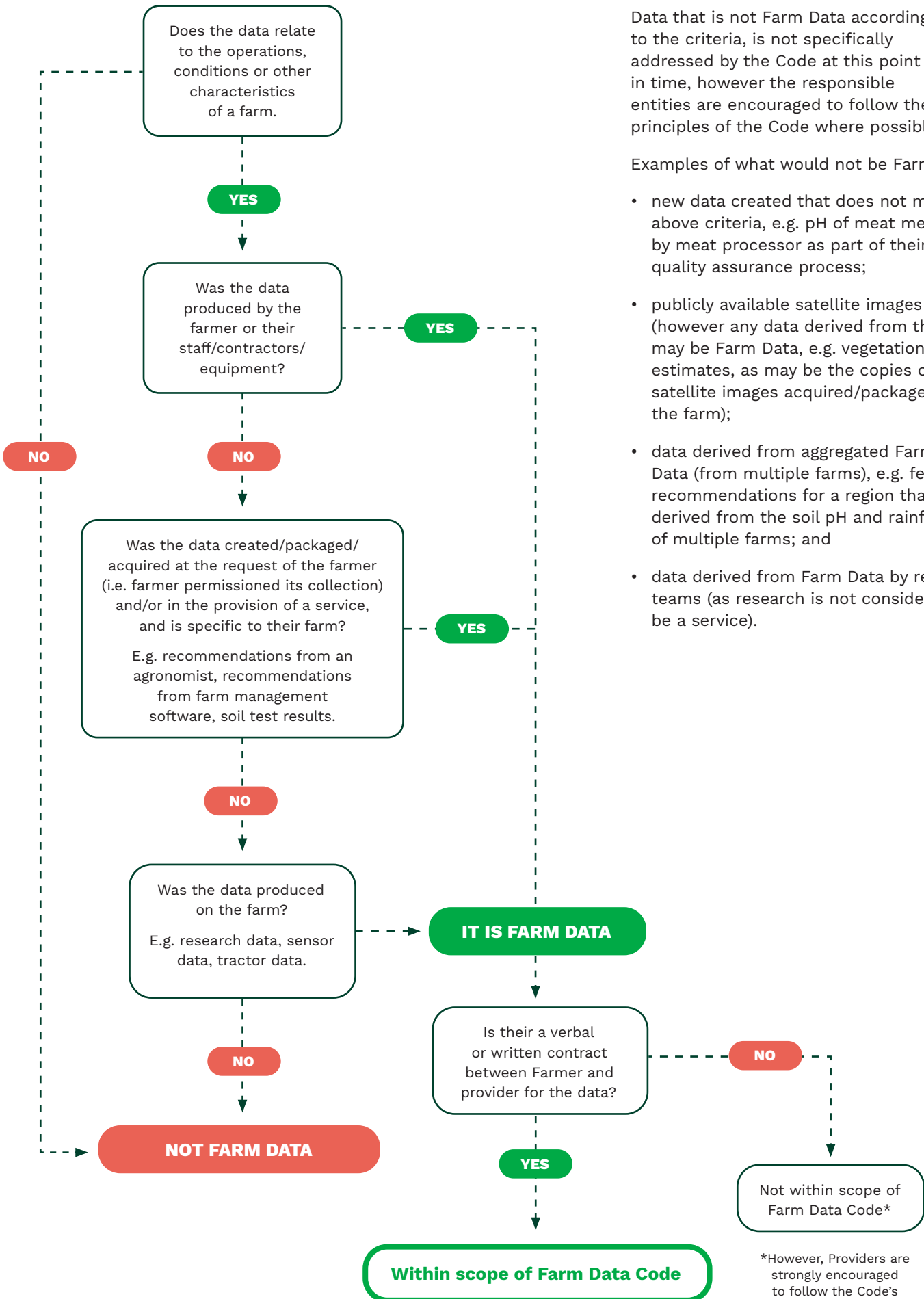
The Code is developed and maintained by the NFF, based on advice and input from the NFF Farm Data Working Group – made up of representatives from the farming, research, and agricultural technology sectors.

This Code is intended to be a living document and will be subject to ongoing reviews to ensure it remains relevant as digitisation in the farm sector continues to evolve.

Funding from the Australian Government has contributed to the ongoing maintenance of this Code, and in helping the NFF raise awareness of this initiative.

The NFF welcomes feedback on how future editions of the Code can be amended and improved and is actively engaging with the farming community to create awareness and collect feedback on the Code.

How to determine what is Farm Data and what is within scope of the Code:



Data that is not Farm Data according to the criteria, is not specifically addressed by the Code at this point in time, however the responsible entities are encouraged to follow the principles of the Code where possible.

Examples of what would not be Farm Data:

- new data created that does not meet the above criteria, e.g. pH of meat measured by meat processor as part of their own quality assurance process;
- publicly available satellite images (however any data derived from these may be Farm Data, e.g. vegetation estimates, as may be the copies of satellite images acquired/packaged for the farm);
- data derived from aggregated Farm Data (from multiple farms), e.g. fertiliser recommendations for a region that are derived from the soil pH and rainfall data of multiple farms; and
- data derived from Farm Data by research teams (as research is not considered to be a service).

*However, Providers are strongly encouraged to follow the Code's principles where possible.

Farm Data Principles

In order to comply with this Code, Providers must commit to and uphold the following Principles:

- **Transparency**
- **Fairness**
- **Control**
- **Portability**
- **Security**
- **Compliance**

Transparency

Transparent, clear and honest collection, use and sharing of Farm Data.

Providers will:

- 1.1 Provide Farmers with plain-English, easily found terms and associated policies for data collection, use, and sharing detailing:
 - the identity of the contracting party/ies;
 - what Farm Data and any other data about the Farmer or their farm/business, will be collected, created, aggregated, used, or shared;
 - purpose/s for which Farm Data and any other data about the Farmer or their farm/business is being collected, used and shared;
 - the value being created for the Farmer, and the Provider;
 - how Farm Data will be managed and shared, in terms of security, access, and de-identification protocols;
 - identity and/or nature of any other entities with whom it shares Farm Data;
 - processes and conditions for data retention, data retrieval, and service termination; and,
 - any risks or detriments that may adversely affect Farmers who share data with the Provider.
- 1.2 Obtain clear, fully informed, and express consent from the Farmer as to the terms for collection, use, and sharing of Farm Data.
- 1.3 Provide prompt notice about any material changes to the terms and associated policies for collection, use, and sharing of Farm Data.
- 1.4 Where a material change to terms and associated policies is proposed, obtain clear, fully informed, and express consent for the Farmer to accept the change and; provide an avenue for the Farmer to terminate the agreement without incurring a financial penalty and with adequate time to port or delete their Identifying Farm Data.
- 1.5 Provide a mechanism for Farmers to enquire about the collection, use, storage, security and sharing of Farm Data.
- 1.6 Notify Farmers of the legal jurisdiction in which Farm Data is stored or made available.

Fairness

Fair and equitable use of Farm Data.

Providers will:

- 2.1 Ensure that Farmers get value from the use of Farm Data – including products and insights derived from it.
- 2.2 Ensure that Farm Data is not used to the detriment of Farmers without their clear, fully informed, and express consent.

Control

Ability to control and access Farm Data.

Providers will:

- 3.1 Ensure the Farmer has control over who can access and use their Identifying Farm Data.
- 3.2 Take all reasonable steps to ensure any other entities permitted access to Farm Data are bound by the terms agreed between the Provider and Farmer, and do not contravene the provisions of this Code. This does not include entities nominated by the Farmer for data sharing purposes. Inform the Farmer where terms have not been fully passed on, or Code isn't complied with.
- 3.3 Provide a mechanism for the Farmer to request corrections to Farm Data.
- 3.4 Ensure Identifying Farm Data and any other data provided by the Farmer to the Provider, is not deleted without the Farmer's authorisation during any agreed or legally required data retention period.
- 3.5 Take all precautions to avoid identification or re-identification of a farm or Farmer from de-identified data, without the Farmer's clear, fully informed, and express consent.

Portability

Ability to obtain and delete Farm Data.

During any agreed or legally required data retention period, Providers will:

- 4.1 Provide Farmers and/or their nominees with the ability to obtain all Identifying Farm Data (both raw and/or processed) in a structured and frequently used machine- or human-readable format where technically feasible.
- 4.2 Provide documentation to make ported data usable, e.g. Application Programming Interface (API) documentation and data model diagrams.
- 4.3 At the request of the Farmer, delete or dispose of any Identifying Farm Data, unless prohibited by law or unable to do so e.g. from a blockchain.
- 4.4 Ensure that contingency plans exist to give Farmers the option to port and/or delete Identifying Farm Data in the event of insolvency.
- 4.5 Provide the Farmer fair warning in advance of changes to legal jurisdiction, change of control, or sale of the Provider entity, and adequate time for the Farmer to port and/or delete their Identifying Farm Data.
- 4.6 Ensure that Farmers can port and/or delete Identifying Farm Data in the event of service termination.

Security

Keeping Farm Data protected and secure.

Providers will:

- 5.1 Take all reasonable and prudent steps, in line with industry best practice, to ensure Farm Data and any other data provided by the Farmer to the Provider, are protected at all times from unauthorised access, damage or destruction.
- 5.2 Put in specific data management protocols to protect sensitive data about the Farmer or farm, such as personal/financial information.
- 5.3 Promptly notify the Farmer of a data breach that has led to unauthorised access to, or damaged or destroyed Farm Data.
- 5.4 Implement a backup and recovery regime that is appropriate for the scale, sensitivity and timeliness of the Farm Data.
- 5.5 Ensure all staff and sub-contractors that work with Farm Data, and/or set terms, policies, and/or processes for Farm Data are trained to comply with the terms of this Code.

Compliance

Compliance with disclosure obligations.

Where Providers are required by law to provide information to a third party, they will:

- 6.1 Avoid disclosing any Identifying Farm Data; or,
- 6.2 If Identifying Farm Data must be disclosed, where legally permissible the Provider must promptly notify any Farmer whose information will be (or has been – if prior warning is not possible) disclosed.

Definitions

Aggregated data – a combined dataset made up of a few or a wide range of sources (e.g. sensors, systems, data from across one or more farms).

Data breach – any event leading to the accidental or unlawful destruction, loss, alteration, misuse, unauthorised disclosure of, or access to, data transmitted, stored or otherwise processed. Includes data copied, transmitted, viewed, stolen or used by an individual unauthorised to do so.

Derived data – data created from other data using a mathematical, logical, or other type of transformation, e.g. arithmetic formula.

Farm Data – any data relating to the operations, conditions or other characteristics of a farm, that is:

- produced by the Farmer or their staff/contractors/equipment; or
- created/packaged/acquired at the request of the farmer (i.e. farmer permissioned its collection),
 - and/or in the provision of a service,
 - and is specific to their farm; or
- produced on the farm.

Farm Data can include raw/unprocessed data, processed data (cleansed, standardised, or otherwise transformed), data that is part of an aggregated dataset, derived data, and new data created about the farmer/farm business or its products, if it fits the above criteria.

Examples of Farm Data include (but are not limited to):

- production data;
- sensor data;
- soil data;
- climate data;
- transaction data;
- environmental data;
- data from monitors, machinery, and other tools; and
- research data originating from a farm (research is not considered to be a service).

Farmer – an individual, partnership, trust or company operating a primary production business, or an individual, partnership, trust or company which owns agricultural land.

Identifying Farm Data – Farm Data that includes identifiers of a particular Farmer or farm. Identifiers could include personal information, as defined in the *Privacy Act 1988* (Cth), as well as other data about the farm such as location, GPS coordinates, even plant/animal DNA or soil information if it is possible to identify a particular Farmer or farm through it.

Material change – a change that affects the intent of the agreement and/or rights or consequences to the parties. Trivial changes such as spelling and grammar, or changes to contact details, are not considered material.

Non-identifying Farm Data – Farm Data that has been stripped of any identifying information until there is only a remote risk that the operations, conditions or other characteristics of a particular Farmer or farm could be determined from it (including through matching with other data).

Provider – any entity with a direct contractual relationship (written or verbal) with a farm business, which collects, interprets or manages Farm Data in the course of that relationship. Providers include but are not limited to: technology providers, research institutions, government bodies.

Third party – in the context of a contract between the Farmer and Provider, a third party is any entity other than the Farmer or Provider.





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