



Farm Data Code

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Introduction

Overview

This Farm Data Code (the Code) was developed and adopted by the National Farmers' Federation in consultation with industry.

The objective of this Code is to promote digital adoption in the farm sector, by ensuring farmers have confidence in how their data is collected, used and shared.

The Code is intended to inform the policies of service providers who manage data on behalf of farmers. It is also a yardstick by which farmers can evaluate the policies of those providers.

Benefits to farmers include:

- increased awareness and understanding of the ways in which providers are collecting, using and sharing their farm data;
- a framework to compare providers and inform negotiations about data policies; and,
- improvements to industry-wide data practices over time.

Benefits for service providers include:

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

Objectives

The purpose of this Code is to facilitate innovation in agriculture by ensuring farmers have confidence in how their data is collected, used and shared. The Code does this by establishing leading principles for the collection and use of farm data. Specifically, the Code aims to:

- a. raise awareness around the collection, use and sharing of farm data;
- b. improve transparency, clarity and honesty in the way farm data is collected, used and shared;
- c. encourage the fair and equitable collection, use and sharing of farm data in a way that benefits farmers and Australian agriculture;
- d. build trust and confidence in the way farm data is collected, used and shared so that, where appropriate, farm data can be utilised in ways that bring benefits to Australian agriculture; and,
- e. allow flexible implementation, so that providers can establish appropriate practices around farm data collection, use and sharing.

Introduction

Scope

The Farm Data Code is a voluntary initiative. We encourage all entities which collect, use and share data relating to farmers and their businesses to read the Code and adhere to the Farm Data Principles

The Code is specifically designed to apply to entities which:

- have a direct commercial relationship with a farmer; and,
- collect, interpret or manage data in connection with that relationship.

Despite this focus, any entity which manages agricultural data may find the Farm Data Principles helpful in establishing data-related policies.

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

- **Public Data** – data from any source which relates to a farmer or their business, excluding Farm Data and Private Data;
- **Farm Data** – data which originates from a farmer, or a service provider in the course of providing a service to a farmer (including aggregated or transformed data); and,
- **Private Data** – data which could be used (whether on its own or through combination with other information), to identify an individual farmer or farm business.

The Code deals with each of these data types slightly differently, with Private Data being the most heavily protected, followed by Farm Data then Public Data. Where uncertainty exists about which category data should fall in, Providers are encouraged to assume it falls in the more protected category.

Review of the Code

This Code is intended to be a living document, and will be subject to two 6-monthly reviews, before continuing in a biennial review cycle to ensure it remains relevant as digitisation in the farm sector continues to evolve.

The NFF welcomes feedback on how future editions of the Code can be amended and improved.

Background

The issue of farm data has been of increasing interest and concern to all sectors of agriculture. For farmers, the concerns are primarily around the collection, use and sharing of farm data and the benefits that flow from its use. For example, research into farmers' attitudes about sharing their farm data reveals their level of mistrust about the way in which that data may be used or misused. A large part of the problem is that many farmers do not know if, and under what circumstances, they should share their farm data.

Attempts to improve farm data management practices have been administered through the introduction of voluntary data codes of practice in some countries, including the United States, New Zealand and the European Union. The need for guiding principles and practices around farm data collection, use and sharing are even more pressing given the changing data landscape, with proposed Australian government legislation on data availability and use, and the Consumer Data Right being rolled out across industry sectors.

Therefore, the primary driver of the NFF Farm Data Code is to ensure best practice around the collection, use and sharing of farm data. It is hoped that this will improve farm data practices and in so doing build trust and confidence in the way that farm data is collected, used and shared. This will ensure that, when appropriate, farm data will be shared to the benefit of farmers and the rest of Australian agriculture.

Farm Data Principles

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

a. Transparent, clear and honest collection, use and sharing of farm data

Providers will:

- Be transparent (ie up-front and open) about what Farm Data is collected, as well as the purpose/s for which it is being collected, used and shared (including the use and sharing of Aggregated Farm Data).
- Provide Farmers with plain-English information detailing:
 - the identity of the contracting party/ies, and any affiliates who may receive Farm Data pursuant to the contract;
 - what Farm Data will be collected about them and their business;
 - how that Farm Data will be used and managed;
 - processes and conditions for data retrieval and service termination; and,
 - any risks or detriments that may adversely affect Farmers who share data with the Provider.
- Provide appropriate updates about any changes to its Farm Data practices, and where a change to terms and conditions is proposed, obtain consent or provide an avenue for the Farmer to reject the change without incurring a financial penalty.
- Provide a mechanism for Farmers to enquire about the collection, use, storage, security and sharing of their Farm Data.
- Notify Farmers of the legal jurisdiction in which their Farm Data is stored.

b. Fair and equitable use of farm data

Providers must:

- Only collect, use and share Farm Data for the purposes that they have made clear to the Farmer.
- Recognise that Farmers should benefit from the use of Individual Farm Data.
- Ensure that the privacy of Farmers is appropriately protected and that Farm Data is collected, stored and used in an ethical way.
- Ensure Farm Data is not deleted without authorisation.

c. Ability to control and access Farm Data

Providers will:

- Only use Farm Data for the purposes specified in the terms agreed by the Farmer.
- Preserve the ability of the Farmer to determine who can access and use Individual Farm Data.
- Protect sensitive data, such as personal/financial information, confidential information or intellectual property.
- Comply with obligations imposed by the *Privacy Act 1988* (Cth), including the Australian Privacy Principles.
- Explain to Farmers what reasonable steps are being taken to ensure any affiliates permitted access to Farm Data do not contravene the provisions of this Code.

Farm Data Principles

d. Documentation and Record Keeping

Providers must have a record keeping system in place to ensure that all processes and decision making related to Farm Data are documented in a clear and comprehensive manner.

e. Portability of Farm Data

Providers will:

- Provide Farmers with the ability to retrieve their Individual Farm Data – in both a processed (cleaned) and unprocessed form – for storage and/or use in third party systems (this includes during any Data Retention Period).
- At the request of a Farmer, delete any Individual Farm Data or Private Data relating to that Farmer.

f. Keeping Farm Data Secure

Providers will:

- Take all reasonable and prudent steps, in line with industry best practice, to ensure Farm Data, Private Data and Public Data are protected at all times from unauthorised access, damage or destruction.
- Promptly notify a Farmer where an attempt (successful or otherwise) has been made to gain unauthorised access to, or damage or destroy their Farm Data or Private Data.
- Implement a backup and recovery regime that is appropriate for the scale, sensitivity and timeliness of the Farm Data.
- Ensure that contingency plans exist to return or delete data (as per Principle 'e') in the event of insolvency.
- Ensure all staff and sub-contractors are trained to comply with the terms of this Code.

g. Compliance with National and International Laws

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

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

Definitions

Provider - any entity with a direct contractual relationship with a farm business which collects, interprets or manages data in the course of that relationship.

Data Retention Period - a period during which the Provider is allowed or required to retain Farm Data or Private Data relating to a Farmer after their commercial relationship has ceased.

Farm Data – Individual Farm Data and Aggregated Farm Data and each of them.

Individual Farm Data – any data produced by a Farmer, or by a Provider in the course of providing a commercial service to a Farmer, which relates to operations, conditions or other characteristics of a particular Farmer or farm. Examples of Farm Data include (but are not limited to):

- production data;
- sensor data;
- soil data;
- climate data;
- transaction data; and,
- environmental data.

Aggregated Farm Data – Individual Farm Data which is aggregated or otherwise transformed, so that the Individual Farm Data of a particular Farmer or farm cannot be identified (including through matching with other data).

Public Data – data from any source which relates to a Farmer or farm business, excluding Farm Data.

Private Data – data that has direct or indirect identifiers that could be used (including through matching with other data) to identify an individual farmer or their business. Private Data may be personal information about individuals that are Farmers (and accordingly regulated by the *Privacy Act 1988* (Cth)), but will include many data sets that are not personal information about individuals.

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



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