

v1

NFF Data Code: Certification process and rules



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Farmers
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Introduction

The Australian Farm Data Code aims to promote adoption of digital technology, by ensuring that farmers have comfort in how their data is used, managed, and shared.

How does the Code help Farmers?

- The Code sets the bar on how Farmers' data should be managed by Providers of data & technology products and services
- The Code gives Farmers a framework for asking questions of Providers around how they manage Farm Data* and address the principles of the Code
- Provider assessment & certification against the Code is a simple way for Farmers to know if Providers are managing Farm Data in accordance with the Code

Why should Providers get their products, projects, or services assessed/certified?

- Certification helps Providers differentiate their product, projects, and services in the market by being transparent about their data management practices
- Certification includes access to support on how to implement the Code, and best practice knowledge



*The Australian Farm Data Code can be found at: <https://nff.org.au/programs/australian-farm-data-code/> and includes a definition of Farm Data

Scope

- Assessment and certification are completed against the Code for Farm Data (as defined in the Code)
- Assessment and certification is for Provider products, projects and services - Providers as a whole cannot get assessed or certified
- Role of the NFF:
 - Assess the terms/contracts and data management policies of products, projects, and services for compliance with the Code
 - Certify products, projects, and services as compliant with the Code
 - Administer and evolve the Code and certification
 - Investigate complaints of non-compliance to the Code and certification
- The NFF does **not**:
 - Negotiate, mediate, or arbitrate between farmers and providers
 - Check provider contracts for whether they are fair, reasonable, or legal (though NFF will call out unfair data-related terms if noticed)
 - Vet products or services for quality or efficacy, or provide endorsements or guarantees

To apply for assessment/certification against the Code please contact farmdatacode@nff.org.au



Disclaimer

The full terms for participating in the program are outlined in Provider certification and licence agreement. A summary is provided here:

- The Code assessment and certification does not replace legal advice. The NFF expects Farmers will get their own independent legal advice before consenting to any terms from Providers of data/technology products and services
- The NFF is not assessing the quality of any Provider products or whether they will function properly
- The assessment and certification process is completed on a best endeavours basis by the NFF
- The Code is a voluntary code of conduct and not regulated or legislated, therefore the only legal protection for Farmers is contract law and consumer protection law. This is why it is imperative for Farmers to have contracts with Providers
- NFF can change these rules at anytime – updates will be communicated to participating Providers and published on the NFF website
- The Certification Panel will decide the appropriate notice and grace period for compliance to updated rules, depending on the size and impact of the change



Governance



Summary Audit Report and Certification

1. **All Provider products, projects, services** assessed against the Code get a Summary Audit Report on how well they comply with the Code

2. **Only Provider products, projects, and services that comply 100%** with the Code will be certified and able to use the Certification Mark

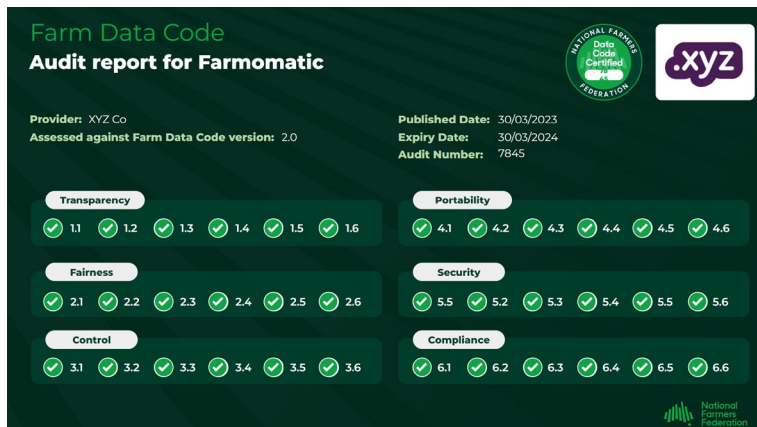
Provider website



Example only



NFF website



Example only

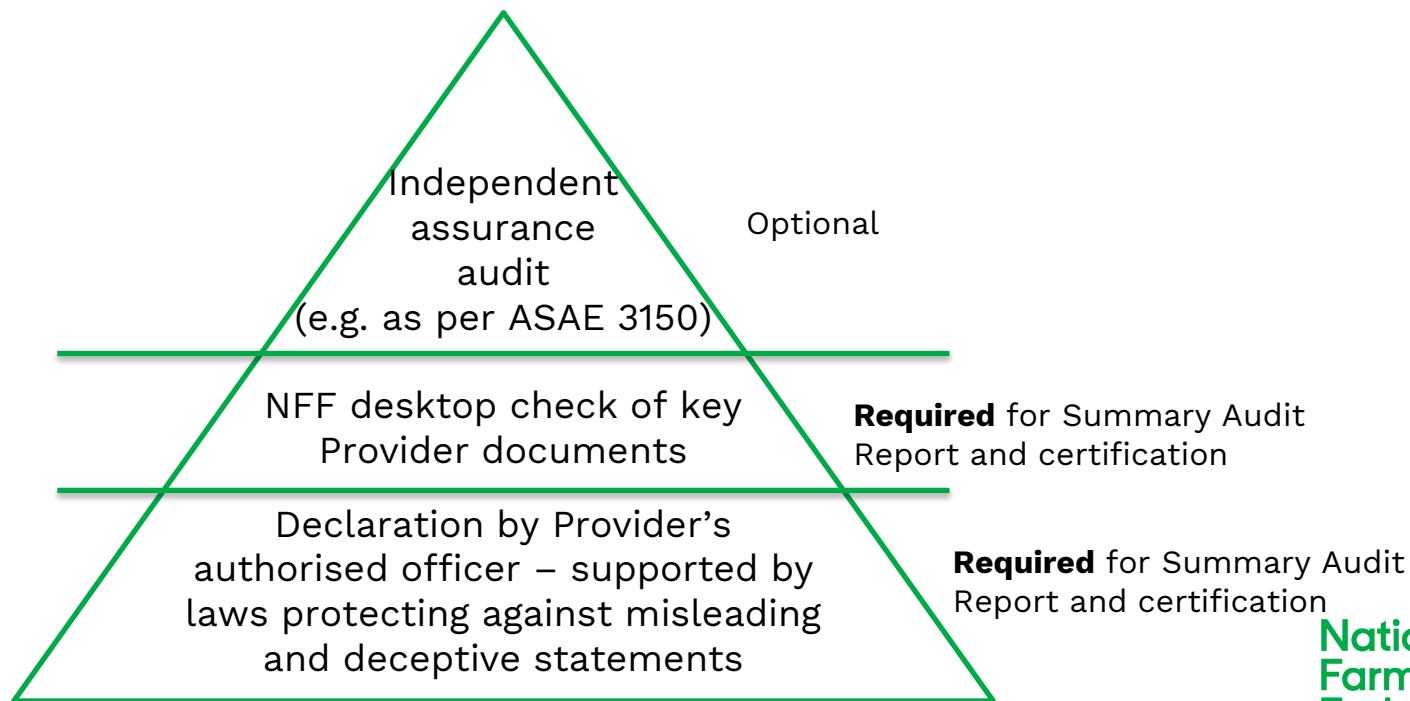


Example only

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Assurance over Provider data practices

There are several ways to assure Providers are providing truthful information about their data practices for the Audit Report and certification:

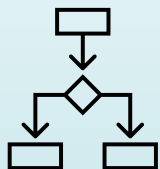


Ref: <https://www.accc.gov.au/business/advertising-promoting-your-business/false-or-misleading-statements>



Assessment and Certification Framework

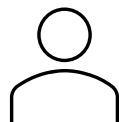
Governance



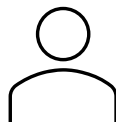
- NFF Board
- NFF CEO
- NFF Certification Panel
- NFF Internal Team

People

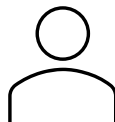
Certification Panel



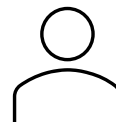
NFF
Chairperson



Farmers/
Industry experts



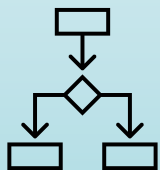
IT
experts



Legal
experts



Data Policy
Manager



- Application
- Assessment
- Certification decision
- Renewals
- Complaint resolution
- Withdrawal
- Framework improvement

Process



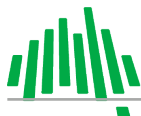
- Farm Data Code
- Provider certification and licence agreement
- Assessment and Certification Application Form
- Declaration Form
- Certification Privacy Policy
- Certification Mark Usage Guidelines
- Certification Process and Rules
- Best Practice Guide
- Summary Audit Report

Tools



Roles and Responsibilities

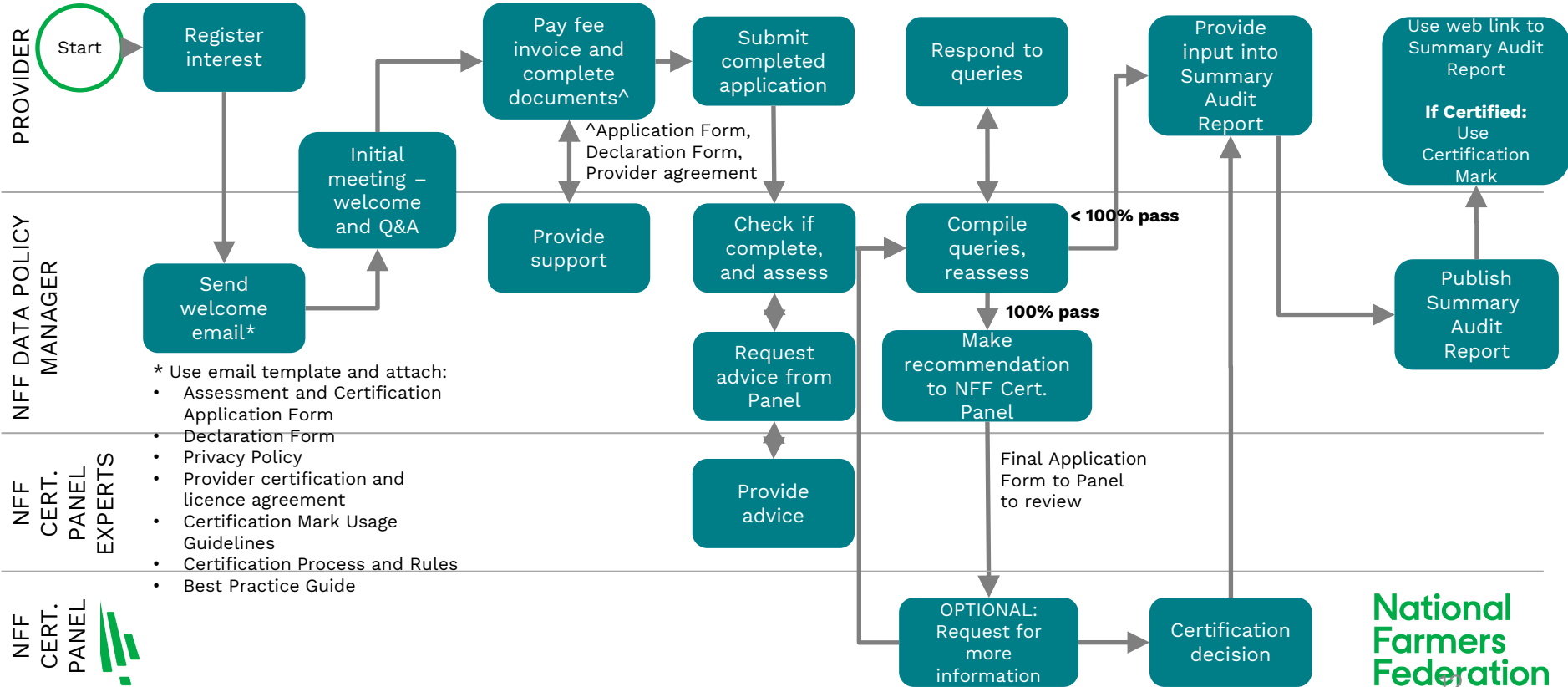
Role	Responsibilities
NFF Board	<ul style="list-style-type: none">• Appoints Certification Panel• Endorses certification process
NFF CEO	<ul style="list-style-type: none">• Operational oversight over certification process as agreed by the Board
NFF Certification Panel	<ul style="list-style-type: none">• Made up of NFF Chairperson, farmers/industry experts, IT experts, Legal experts• Individual expert members of the panel provide ad hoc advice on application and certification queries from Data Policy Manager• Approve/decline/revoke certifications
NFF Internal Team	<ul style="list-style-type: none">• Assesses complaints against Providers• May temporarily suspend Summary Audit Report and/or certification during complaint investigations• Initiates internal complaints against Providers if necessary
NFF Data Policy Manager	<ul style="list-style-type: none">• Manages application process and documents• Assesses Providers' certification applications• Supports Providers during the certification process• Consults with expert members of the Certification Panel• Makes certification recommendations to the Certification Panel
Provider	<ul style="list-style-type: none">• Provides true information for certification assessment and renewal• Uses Certification Mark according to NFF Certification Mark Usage Guidelines• Pays certification fees• Advises of any material changes to their data practices while certified



Processes & Rules



Application and assessment Process



Application and assessment Rules

Applications

- 1.1** Applications are completed per product, project, or service, not for a Provider organisation as a whole.
- 1.2** Applications are only accepted for Australian entities.
- 1.3** The farmdatacode@nff.org.au inbox is to be used for all communications.
- 1.4** The assessment process is confidential, meaning that the NFF shall not disclose to any third-party: (1) any application details; (2) or the fact that the Provider has applied for assessment and certification.
- 1.5** Providers must pay the application fee (invoice) before support with the application is provided by NFF.
- 1.6** Providers must submit their initial application within 6 months from the date they paid the fee, else they need to submit a new application, resubmit documents, and pay an additional fee equal to 50% of the initial application fee, as payment for the NFF's administration costs.
- 1.7** If an updated application form needs to be provided, for example if queries about the application result in updates to the application form or there are changes within the Provider's organisation, then an updated version of the application form should be submitted with changes highlighted.
- 1.8** If a Provider wants to withdraw their application after submission, they may be eligible to get a refund of their fee if the NFF has not spent any time supporting or assessing their application.
- 1.9** During the assessment, the Provider may be required to respond to queries. If responses are not actioned by the given timeframe, assessment may be paused. If Assessment is paused for a period of 6 months, NFF may require a new application to be submitted, and an additional fee to be paid.

Application and assessment Rules (cont.)

Assessment and certification

2.1 At the end of the assessment, the NFF and the Provider will jointly draft the Summary Audit Report which will include the details of the Provider's entity, the product, project, or service assessed, whether each principle in the Code has been met, and answers to some key questions around data practices.

2.2 Providers will need to provide input into the Summary Audit Report before it is published by the NFF. Providers need to review it within 10 business days of receiving it for review.

2.3 All Provider products/projects/services assessed will receive a Summary Audit Report, and those products/projects/services that comply 100% with the Code can choose to be certified against the Code (there is no extra fee for this).

2.4 Applications for certification will be batched and decided on by the Certification Panel at least quarterly.

2.5 Summary Audit Reports and certification only apply in Australia and must not be used to market products/projects/services overseas.

2.6 Providers can only use the Certification Mark while they have an active certification.

2.7 NFF may impose any conditions on certification at the time of certification or at any time after certification.

2.8 A certification cannot be transferred, even between products/projects/services or related bodies corporate.

2.9 The register will make publicly available Provider information, including: Organisation's legal name, ABN / ACN, website, Scope of certification (product/project/service name), Registration Type, Certification Status (if any).

2.91 Any public promotion of assessment or certification against the Code by the Provider, e.g. in marketing materials, must always specify the product/project/service that was assessed/certified.

NFF
CERT.
PANEL



Renewals Rules

3.1 Summary Audit Reports are valid for 12 months from the date they are published, then they are up for renewal.

3.2 Certifications are also valid for 12 months from the date the Summary Audit Report is published, then they are up for renewal.

3.3 Providers need to immediately notify NFF of any changes to the product/project/service, terms or data management of the Provider, or the Provider's policies that relate to the principles in the Code.

3.4 There are two situations when a renewal application needs to be submitted:

- a) Annual Summary Audit Report and/or certification is expiring – renewal submission to be made no earlier than 3 months before the expiry date
- b) There has been a change to the terms or data management practices of the Provider (that relate to the principles in the Code and assessment questions) and the NFF has deemed this to be a material change

3.5 Annual renewals cannot be submitted more than 3 months before the expiry date.

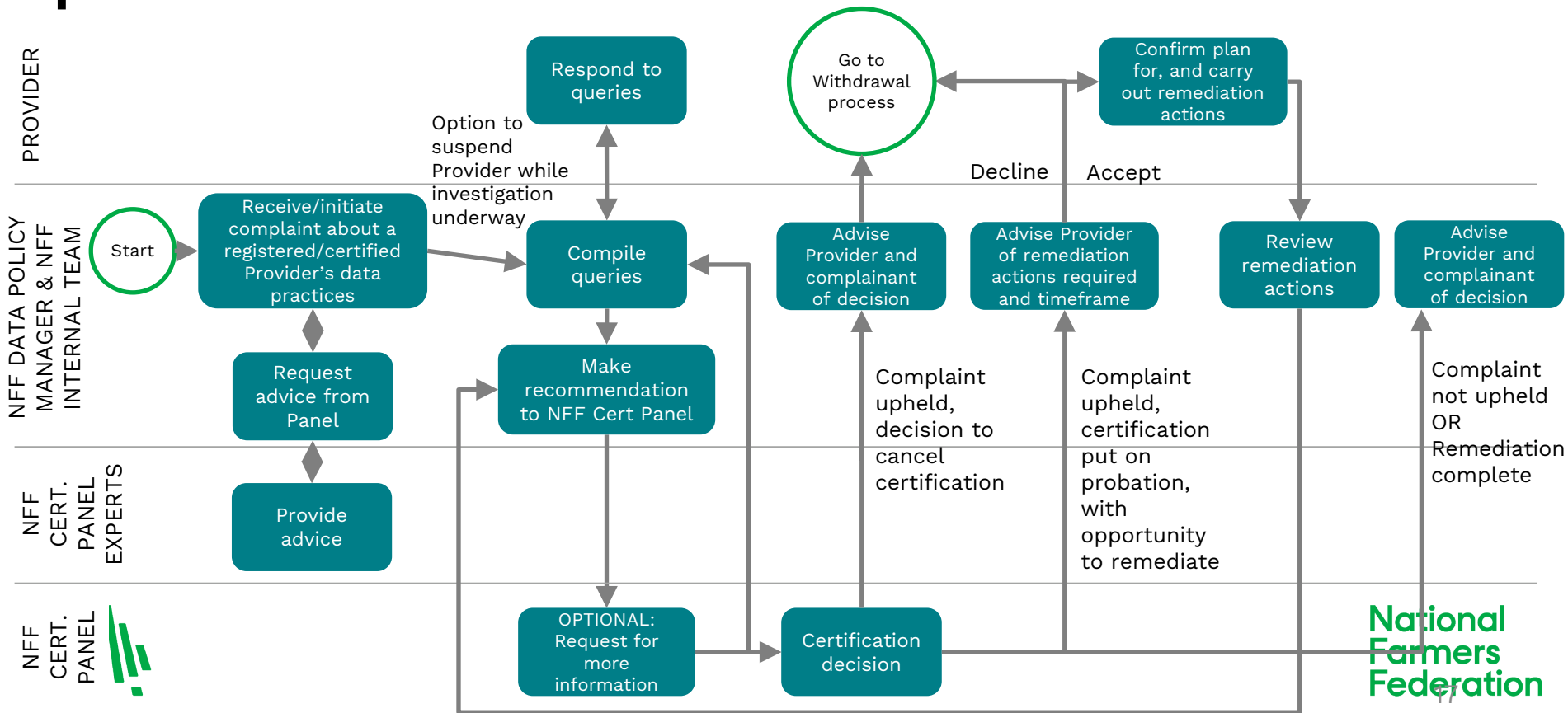
3.6 Failure to submit renewal documents and pay the renewal fee by the renewal date will result in certification being withdrawn, however Summary Audit Report and certification renewal/expiry dates can be extended at the discretion of the NFF, e.g. to accommodate quarterly review cycles.

3.7 Material changes to data practices that need re-assessment will be determined case by case, and may incur a fee of up to the value of an initial application fee (but no more).

3.8 Providers need to notify the NFF of a change in control of their entity, and a new Declaration Form needs to be signed by the new owners of the Provider's entity in order for the Summary Audit Report and/or certification to remain active.



Process for complaints about Provider data practices



Rules for complaints about Provider data practices

4.1 Complaints about the data practices of Providers that have a Summary Audit Report and/or certification should be submitted in writing to the farmdatacode@nff.org.au inbox.

4.2 Complainants have to provide their contact details, and evidence (where possible) .

4.3 All complaints are confidential and complainant's details will not be shared with the Provider, or published.

4.4 There is no cost to the Provider for a complaint investigation by the NFF.

4.5 NFF may choose to suspend the Provider's Summary Audit Report and/or certification while the complaint investigation is underway.

4.6 Complaints can either be upheld, or not upheld. If upheld an opportunity may be given for the Provider to remediate their practices.

4.7 NFF may initiate an internal complaint if:

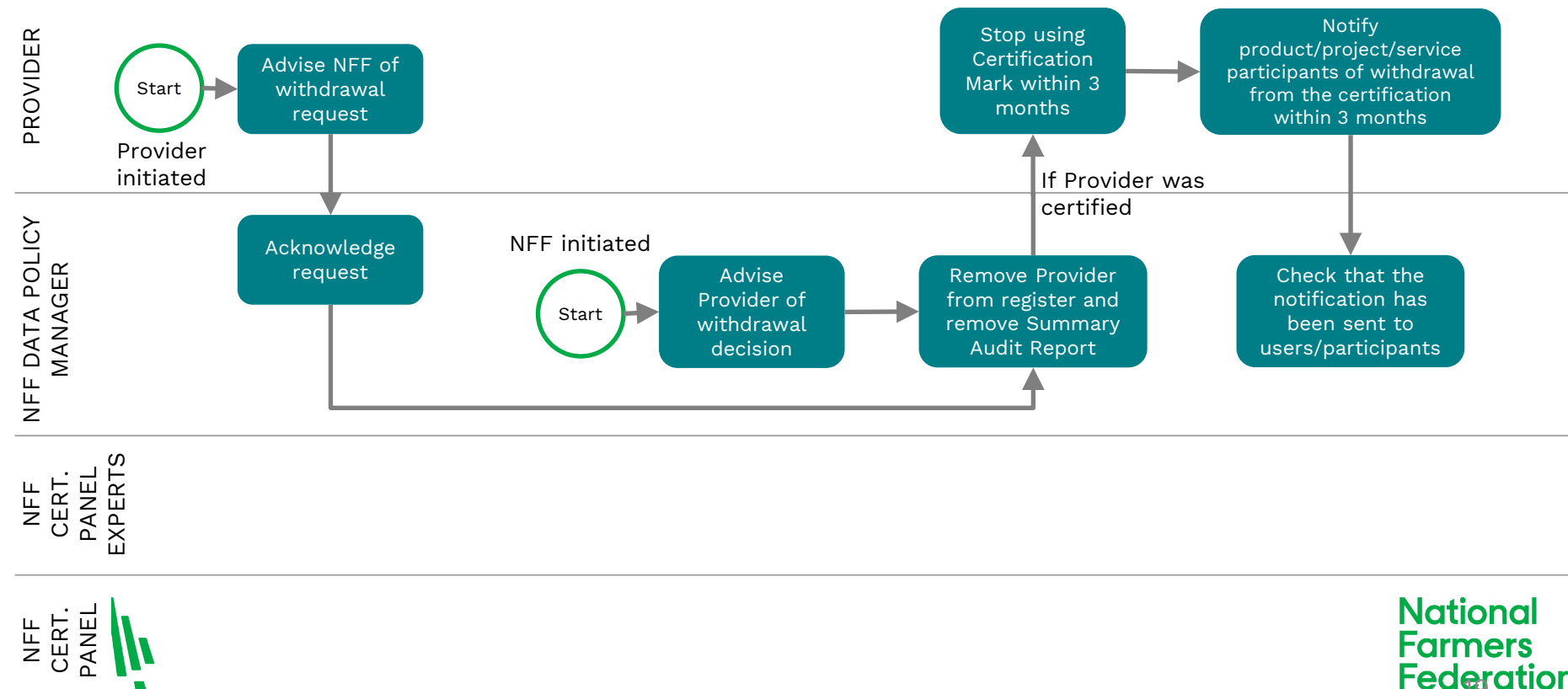
- It is satisfied that certification was granted based on false or misleading information
- It is satisfied that the Provider has contravened the Code
- It reasonably believes this step is necessary to protect farmers or to protect the integrity of the certification

4.8 NFF doesn't mediate and will not seek to resolve individual disputes or make good any wrong doing e.g. data breaches.

4.9 Other feedback and compliments about the management of the Code, assessment, and the certification are welcome to the farmdatacode@nff.org.au inbox.



Withdrawal Process



Withdrawal Rules

- 5.1** Withdrawal notifications from Providers should be submitted in writing to the farmdatacode@nff.org.au inbox.
- 5.2** Withdrawn applications/certifications will not be published in the register (the public register will only contain actively registered/certified members).
- 5.3** After NFF confirms the withdrawal, the Summary Audit Report will be removed from the NFF website.
- 5.4** If Provider was certified they must remove the Summary Audit Report link and Certification Mark from all documentation, signage and web sites, including from older documents that may still be accessible.
- 5.5** The Provider needs to notify their product/project/service participants of withdrawal from the certification within 3 months (regardless whether withdrawal was NFF or Provider initiated), and send a copy of the notification to the NFF.
- 5.6** Withdrawal will not result in any refunds of the application or renewal fees.
- 5.7** NFF decision to withdraw Providers for breaching the Code will be at discretion of the Certification Panel.
- 5.8** NFF is not assessing Provider contracts for fairness or legality, but if a contract is found to be illegal then NFF may withdraw Provider registration/certification.



Framework improvement

- The Code and the Assessment and Certification Framework will be regularly reviewed based on industry consultation and feedback
- During the initial development of the Code and the Assessment and Certification Framework, the Farm Data Working Group was the first point of consultation
- For ongoing reviews, community consultation on changes to the Code and the Assessment and Certification Framework will include already certified Providers, NFF members (via Committee representation), agronomists, industry experts, ag techs, research institutions, government
- The Certification Panel will decide the appropriate notice and grace period for compliance to the updated Code and certification, depending on the size and impact of the change



Version history

Version	Version date	Changes made
0.1	30 Jun 2022	Initial draft
0.2	11 Jan 2023	Updates post certification pilot
0.3	2 Feb 2023	Updates post internal NFF review
0.4	16 Feb 2023	Updates post Working Group review
0.5	6 Mar 2023	Resolve outstanding comments, update references to the Code to be consistent, add detail on submission timeframes to rules 3.3a and 3.3b.
0.6	16 May 2023	Updates post legal review
1.0	7 June 2023	Final ready for publishing



Please direct all queries regarding the Farm Data Code and certification to
farmdatacode@nff.org.au

