Data ownership and sharing in broadacre agriculture

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Ag Data
Legal & Regulatory Landscape

Legal and regulatory frameworks around ag data are ‘ad hoc and piecemeal’

So ag-data contracts (or licensing) agreements govern data ownership and usage
Key concerns

1. Data ownership, control and access
2. Data trust and transparency
3. Data privacy, safety and security, and
“Big ag has been collecting our data for so long, that there’s this attitude that they way we farm carries no value. Well, it does. For farmers, the field is our business and the way we manage it is our formula for success. So, why is it OK for these companies to claim the data as theirs and then sell it without our knowledge?”
Data ownership, control and access

- **Key concerns:**
  - Who owns my data?
  - How is my data being used and who has access to my data?
  - Can I get my data back?
  - Why is everyone making money from my data except me?

Understanding the T&Cs of data licences

47% of primary producers surveyed say they have no understanding

27% said they have little understanding
Data privacy, safety and security

• Not all data is treated equally; there is an important (legal) distinction between personal information and non-personal information

• There is a gap in the way data is regulated, and a misconception about privacy policies and data

32% of producers have no trust that service providers will maintain the privacy of their farming data
Distrust is not surprising ...

(Haff Poultry v Tyson Foods Inc. et al) (2017)
Current attempts to ‘govern’ ag-data & build trust

Privacy and Security Principles for Farm Data (American Farm Bureau)
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Ag Data Transparency Evaluator

Ten questions based upon the Data Principles.

Question 1 asks what "types'' of data the product or service collects from the farmer.

Questions 2-10 ask what happens to this data after it is uploaded to an ATP.

Ag Data Transparent Seal
NZ Farm Data Code of Practice
(‘NZ Data Code’), Standards and Logo

New Zealand Farm Data Code of Practice
For organisations that collect, store and share primary production data
Possible future reforms?


- Recommended the introduction of a ‘new broad-reaching data framework’ (personal information)
  - Includes ‘a new comprehensive right for consumers (and small business)’
  - Creation of a data-sharing and release structure
- Also EU developments e.g. GDPR
Governance and business models around agricultural digital technologies and their data are key...
Data co-operatives and other collaborative models

Just a few examples:
The Grower Information Services Cooperative (GiSC)
WinField Data Silo
The Ag Data Coalition (ADC)
Accelerating Precision Agriculture to Decision Agriculture (P2D): *Enabling digital agriculture in Australia*

6 Reports

1. **Producer survey of digital agriculture**
   \textit{CSIRO and CRDC}

2. **Data connectivity for digital agriculture**
   \textit{UNE and CRDC}

Available at [www.farminstitute.org.au/p2dproject](http://www.farminstitute.org.au/p2dproject)
3. Legal aspects of digital agriculture and trust
   *Griffith University, USC Australia and CRDC*

4. Data sources for use in digital agriculture
   *CSIRO and CRDC.*

5. A big data reference architecture for digital agriculture
   *Data to Decisions CRC and CRDC*

6. Economic benefit and strategies for digital agriculture
   *AFI and CRDC*

All reports and Summary report available at
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