



# Ag Data's Golden Opportunity

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To address farmer concerns before it is too late  
(or before the government intervenes).

# Farmers' concerns with ag data contracts

Trust

Time

Complexity





# AGENDA

The unsettled law of ag data

The farm industry's attempts to address

How ag tech providers can help

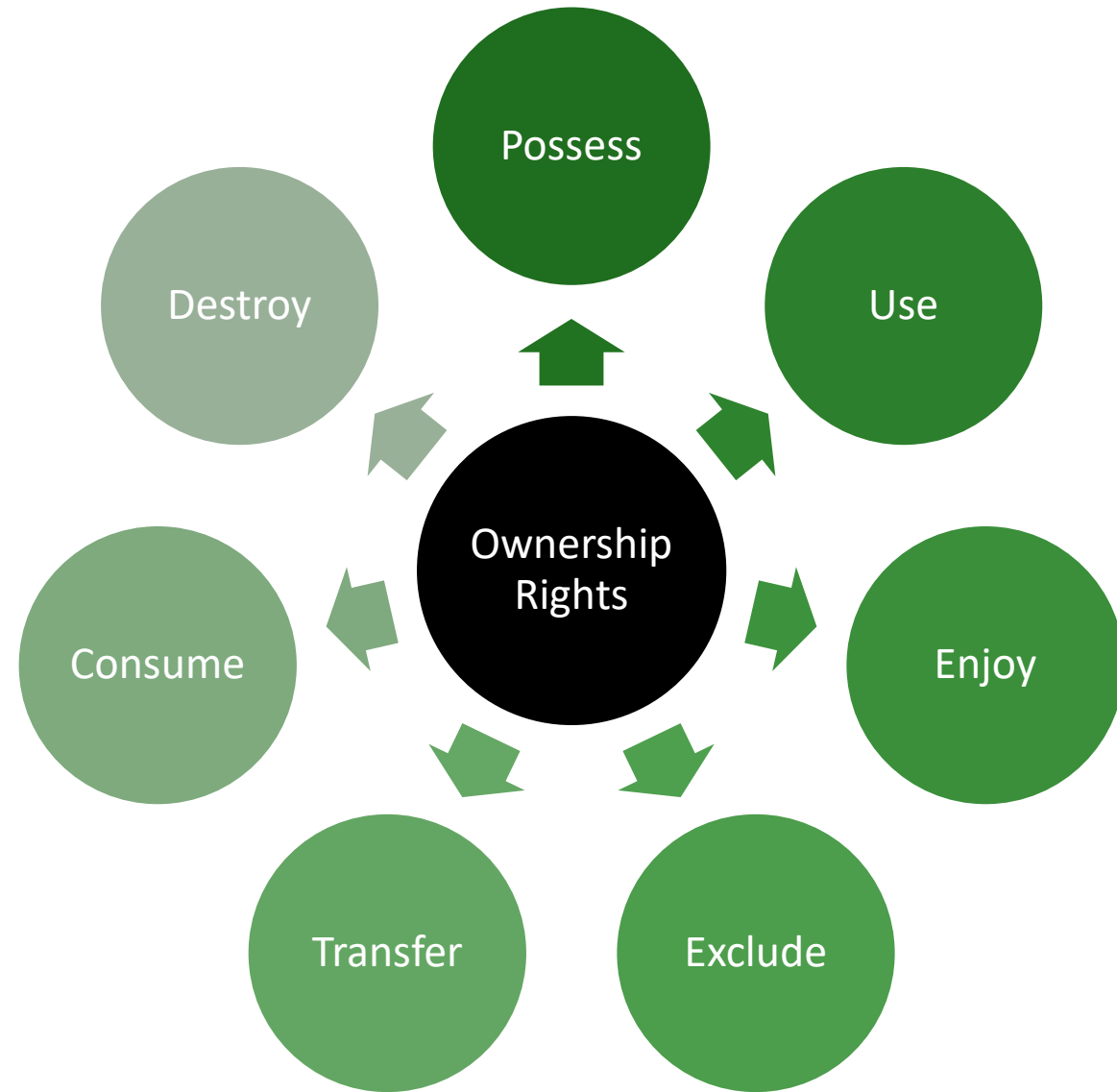
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**“THE FARMER OWNS HIS DATA”**

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# What is ownership?



# Does the farmer own her ag data under United States' IP laws?

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Patents

No

Copyrights ©

Probably Not

Trademarks

No

Trade Secrets

Maybe

# PATENT

AN INVENTION IS NEW, USEFUL, NON-OBVIOUS



# TRADEMARK

WORD, NAME OR SYMBOL IDENTIFYING GOODS





# COPYRIGHT (C)

CREATIVE WORK FIXED IN A TANGIBLE MEDIUM

## The Scarecrow Takes Time to Think

who was named Pastoria, lost the crown to the Wonderful Wizard, who passed it on to me. Now the girl Jinjur claims it, and I sincerely hope it will not give her a headache.

"A kindly thought, which I greatly admire," said the Tin Woodman, nodding approvingly.

"And now I will indulge in a quiet think," continued the Scarecrow, lying back in the throne.

The others remained as silent and still as possible, so as not to disturb him; for all had great confidence in the extraordinary brains of the Scarecrow.

And, after what seemed a very long time indeed to the anxious watchers, the thinker sat up, looked upon his friends with his most whimsical expression, and said:

"My brains work beautifully today. I'm quite proud of them. Now, listen! If we attempt to escape through the doors of the palace we shall be captured. And, as we can't escape through the ground, there is only one other thing to be done. We must escape through the air!"

He paused to note the effect of his words upon all his hearers.

## The Scarecrow Takes Time to Think

...the air can carry us easily. So I suggest  
...the Tin Woodman, who is a skillful  
...shall build some sort of a machine, with  
...ing wings, to carry us; and our friend Tip  
...ing the Thing to life with his magical

...d Nick Chopper.

...pical brains"

...of Jack

...quite clever"

...d Wizard

...e it can be

...d Tip, that

...in Woodman

...making the

...y had" and

...y had"



# TRADE SECRET



Information, including a formula, pattern, compilation, program, device, method, technique, or process, that:

- (i) derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use, and
- (ii) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

# Consumer Protection Statutes

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Medical  
(HIPAA)

Financial

Personally  
Identifiable  
Information

Ag Data



If ag data is intellectual property,  
then we have to treat it like a trade secret.



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How do we  
solve these  
problems?

# Step 1

Industry led effort to create standards:  
**Privacy and Security Principles for  
Farm Data.**

- Ownership
- Control
- Portability
- Choice
- Termination

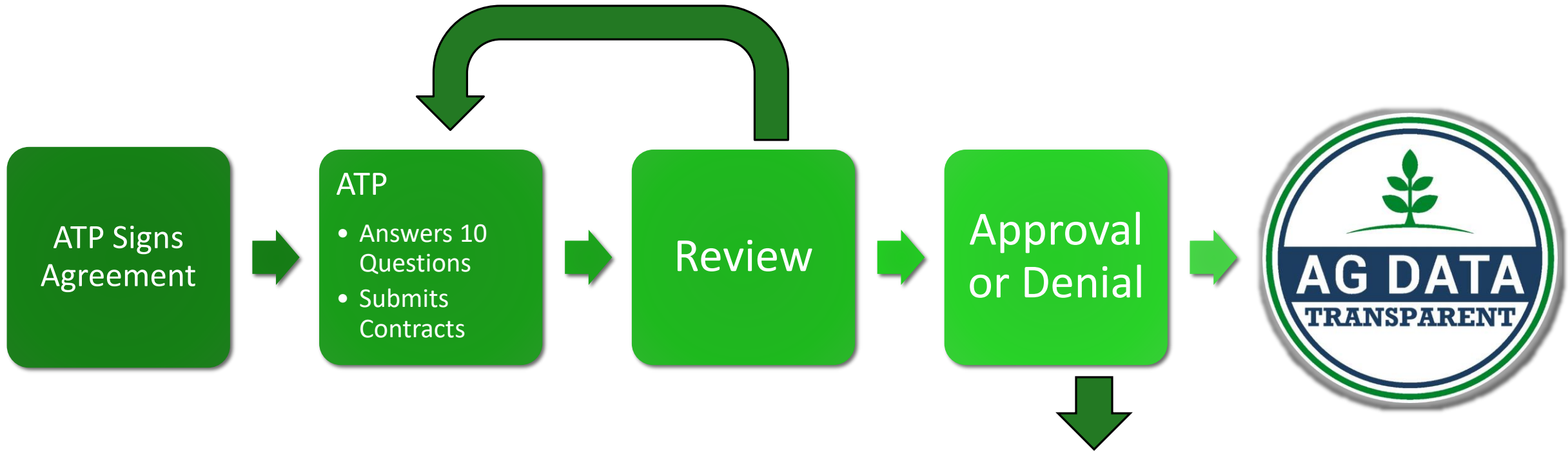
**Signed by 37** farmer-led organizations  
and ag technology providers.

How do we solve these problems?

## Step 2

Create a “Seal” to demonstrate compliance with the **Data Principles**.





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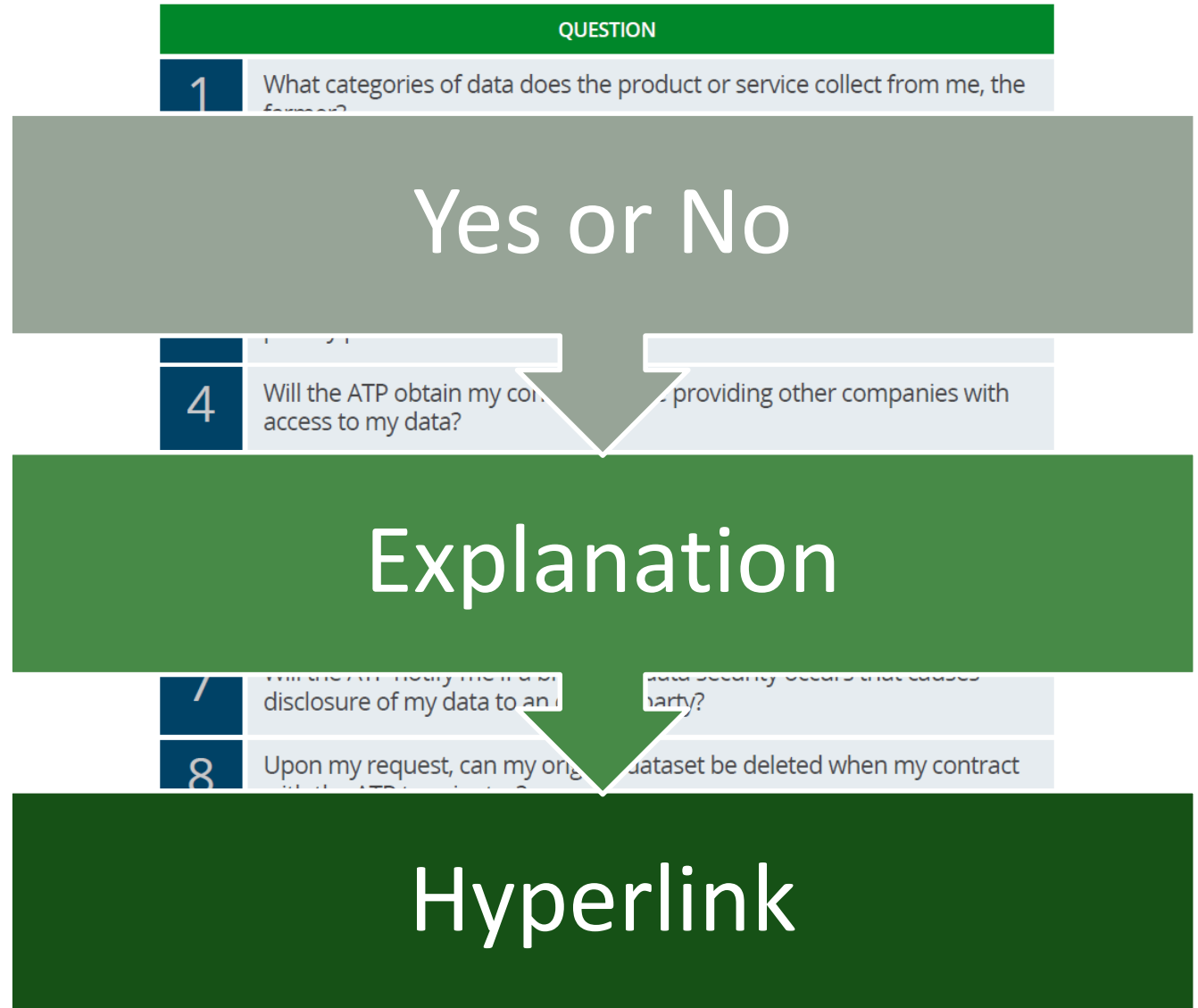
**HOW DO YOU GET THE AG DATA TRANSPARENT SEAL?**





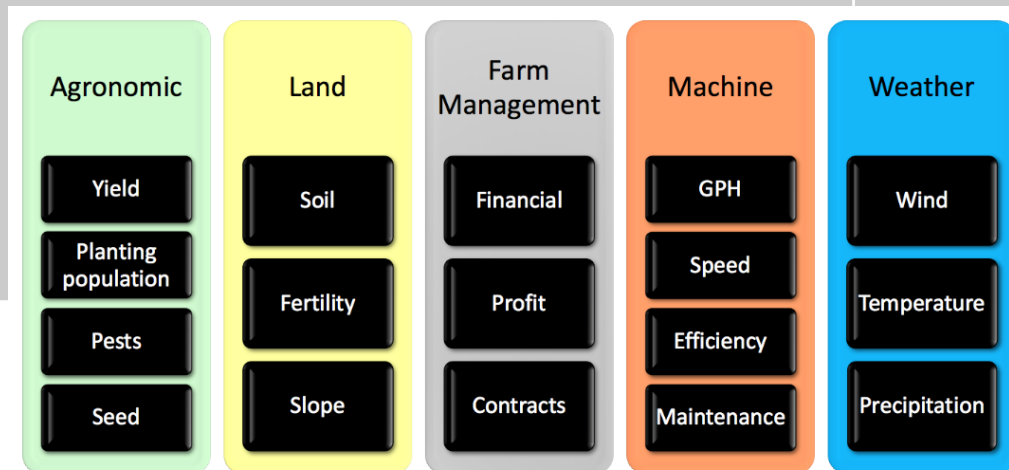
# 10 Question Transparency Evaluation

## 10 Question Evaluation



# 10 Questions: A Closer Look

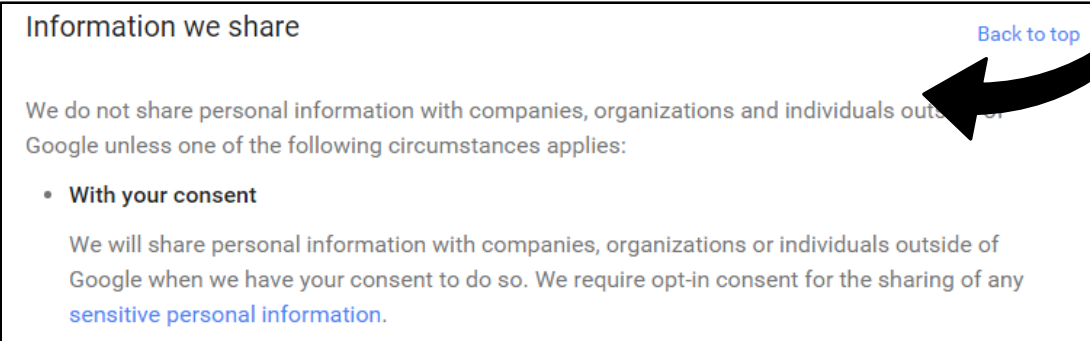
Question 1	Answer	Additional Information
What categories of data does the product collect from the farmer?	Agronomic Data  Machine Data	Agronomic Data is defined as planting information, fertilizer applications, and yield data.  Machine Data is defined as engine speed, load, fuel usage, and miles traveled.  These are defined in the <a href="#">Terms and Conditions</a> .



# 10 Questions: A Closer Look

Question 4	Answer	Additional Information
Will the ag technology provider obtain my consent before providing other companies with access to my data?	Yes	In our Privacy Policy, we inform you that we will never sell or share your data without your consent. More info: <a href="#">Privacy Policy</a>

- Farmers can click on [links](#) to view the actual policies.



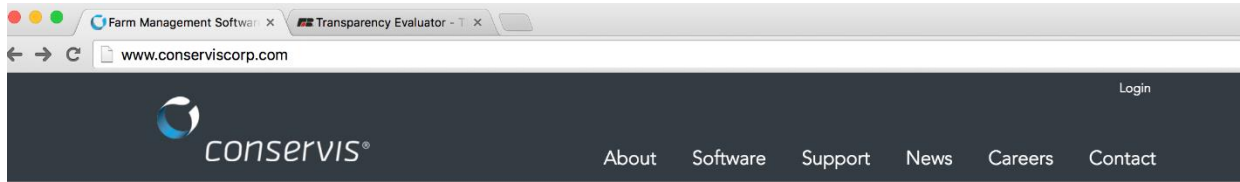
Information we share [Back to top](#)

We do not share personal information with companies, organizations and individuals outside of Google unless one of the following circumstances applies:

- With your consent**

We will share personal information with companies, organizations or individuals outside of Google when we have your consent to do so. We require opt-in consent for the sharing of any [sensitive personal information](#).

# Approved!



## We Are Proud to be an Ag Data Transparency Partner

Conservis strongly believes in an open and transparent data policy. As a result, we are a proud member of the Ag Data Transparency Evaluator (ADTE) and are honored to receive their seal of approval for our data privacy policies. [Learn more.](#)



## Your partner in the changing business of farming.

Conservis provides farm management software to help you see your operation from the dirt up. Track field activities, manage inventories and analyze yields. The Conservis platform connects your information to manage your progress today and harvest opportunities ahead.

For 7 years running, farmers using Conservis have had the power to be more



Example:  
Conserviscorp.com

# [www.fb.org/agdatatransparent](http://www.fb.org/agdatatransparent)

**Ag Data Transparency Evaluator**


Introduction Research Partners Contact Us Evaluation Form


### Welcome to the Ag Data Transparency Evaluator

This website was created by a non-profit corporation backed by a consortium of farm industry groups, commodity organizations and ag technology providers in order to bring **transparency, simplicity, and trust** into the contracts that govern precision agricultural technologies. Based upon the foundation laid by the Privacy and Security Principles for Farm Data (the Data Principles), the Ag Data Transparency Evaluator is a process by which ag technology providers voluntarily submit their ag data contracts to a simple, ten question evaluation. Answers are reviewed by an independent third party administrator, and the results are posted on this website for farmers and other ag professionals to consult and review. Only companies receiving approval are allowed to use the "Ag Data Transparent" seal. [More Info](#)

### Research

Begin your review of ag data products below. Click "more info" to see additional information for each product. Check back frequently, as more products are coming online each month.

**Independent Data Management LLC**  [MORE INFO](#)

**Conservis Corporation**  
Farm Enterprise Management  [MORE INFO](#)

***Disclaimer:** The Ag Data Transparency Evaluator (ADTE) is an online tool provided to assist farmers with making decisions regarding data transfer, usage, and sharing with ag technology providers (ATPs). The information provided on this website is not a legally binding contract and does not replace the terms of any agreements you may have with an applicable ATP.*

Updated  
Website  
Coming  
Soon

# What have we learned?

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Every company uses **different contracts** to address ag data legalities.

The evaluation **process** produces better contracts.

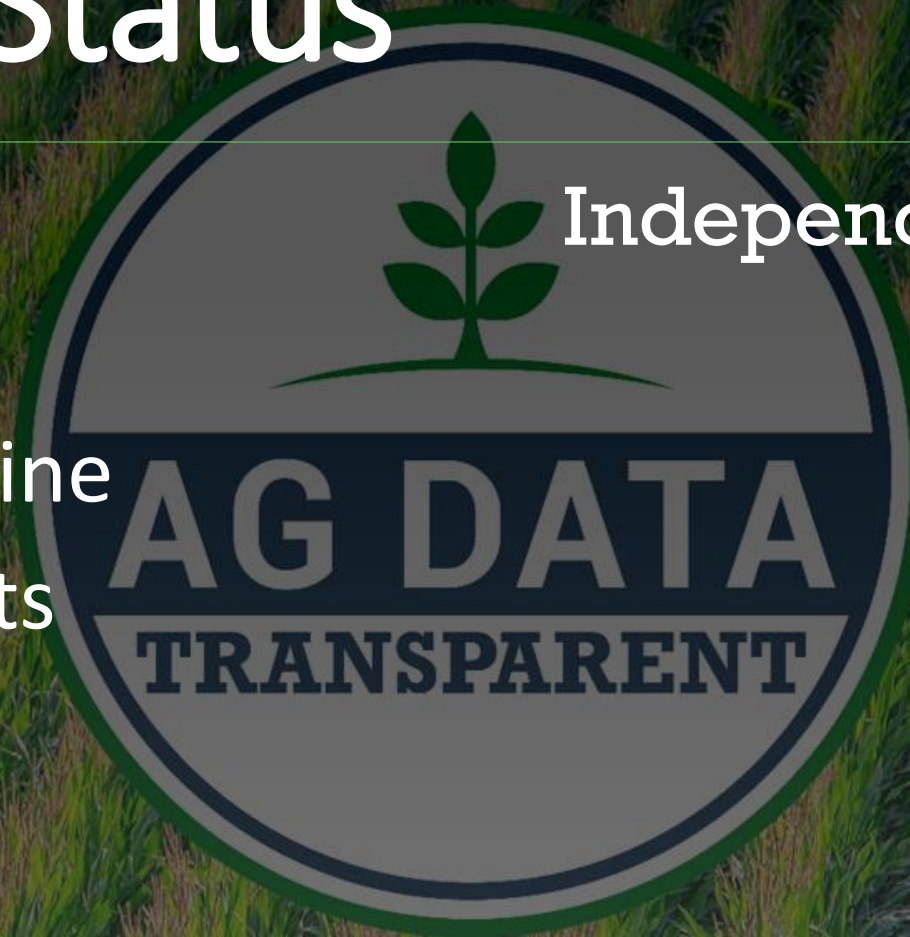
Companies are struggling with how to **fairly address ag data** in contracts.



# Current Status

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8 ATPs evaluated  
2 ATPs in the pipeline  
Diverse participants



Independent Data Mgmt.

Conservis

FARMOBILE

Agrible

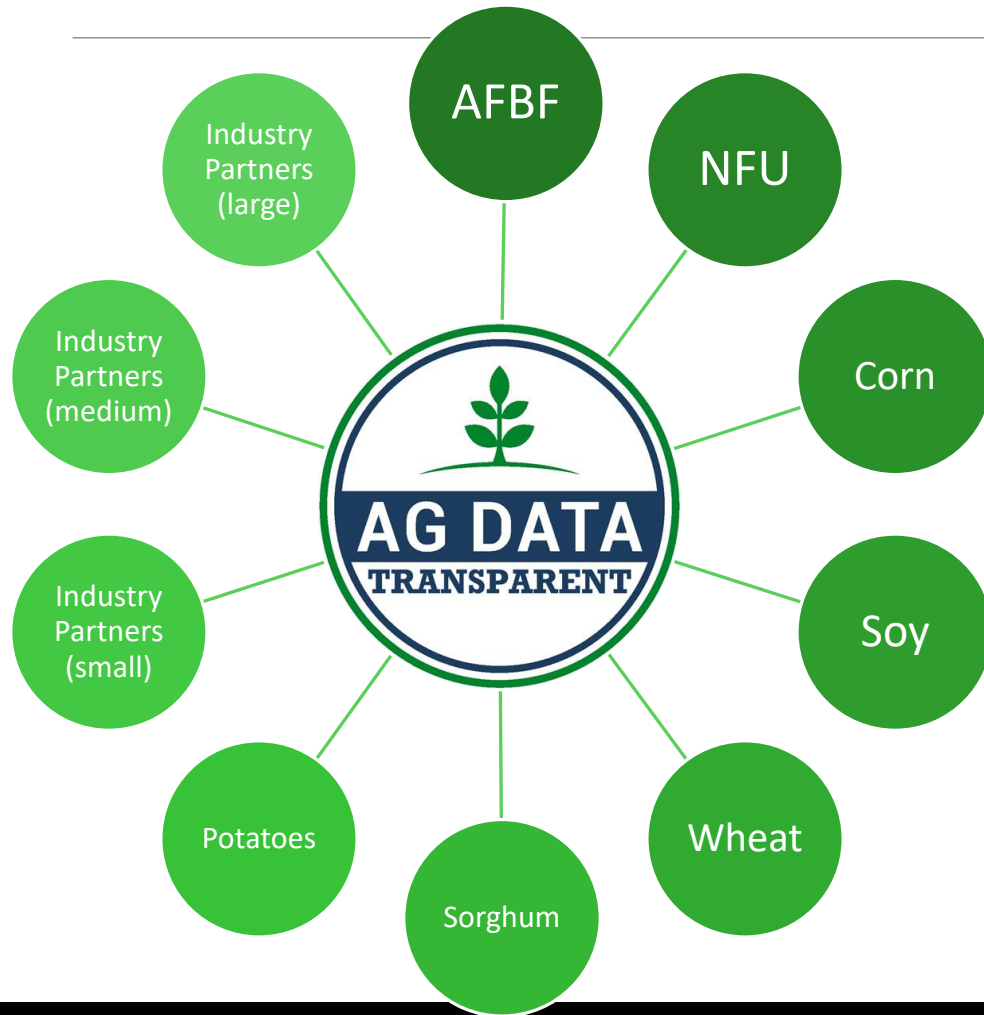
Granular


AgIntegrated

Beck's Hybrids

GROWMARK

# Who is behind the Ag Data Transparent Seal?



- Farm Organizations (2)
- Commodity Groups (5)
  - Industry Partners (9)
    - Small (3)
    - Medium (3)
    - Large (3)
- Farmer-led organizations must approve key decisions.
-  Reviews done by outside Administrator.



# Long term goals

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- Help farmers **understand** ag data contracts
- Bring some **uniformity** to ag data contracts
- Drive industry adherence to **Data Principles**
- Make ag data contracts better



# How you can support the Ag Data Transparency Evaluator

Participate

Sponsor

Commit to transparency

Educate





# AGENDA

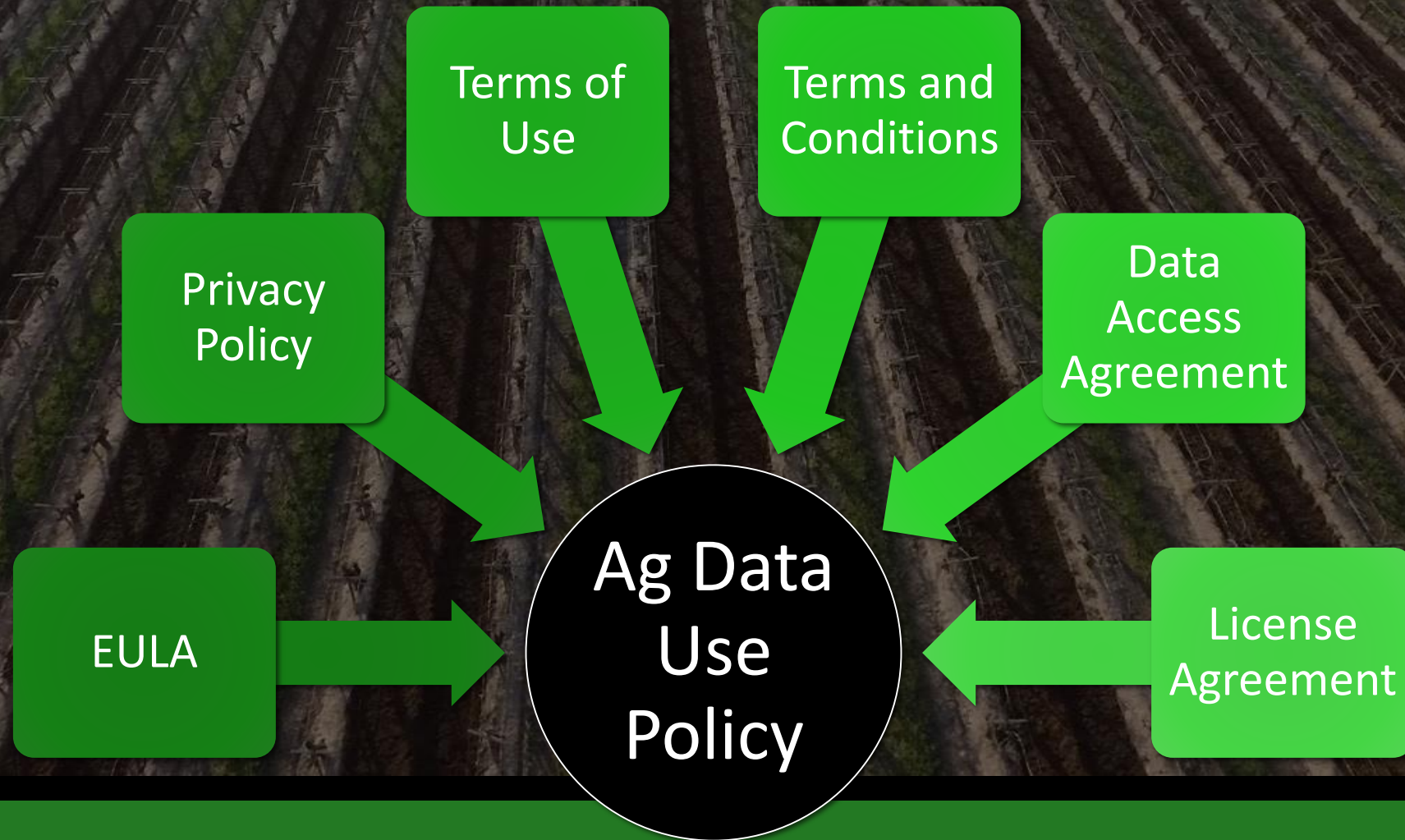
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# “OUR CONTRACTS ARE ALREADY GOOD”



# Ag Data Contract Problems

- Form website **agreements**
- Comingling “**personally identifiable information**” and “**ag data**”
- Not addressing the **Data Principles or 10 Questions**
- Not treating ag data as a **farmer’s trade secret**



# Creating an Ag Data Use Policy

Before you begin. . .

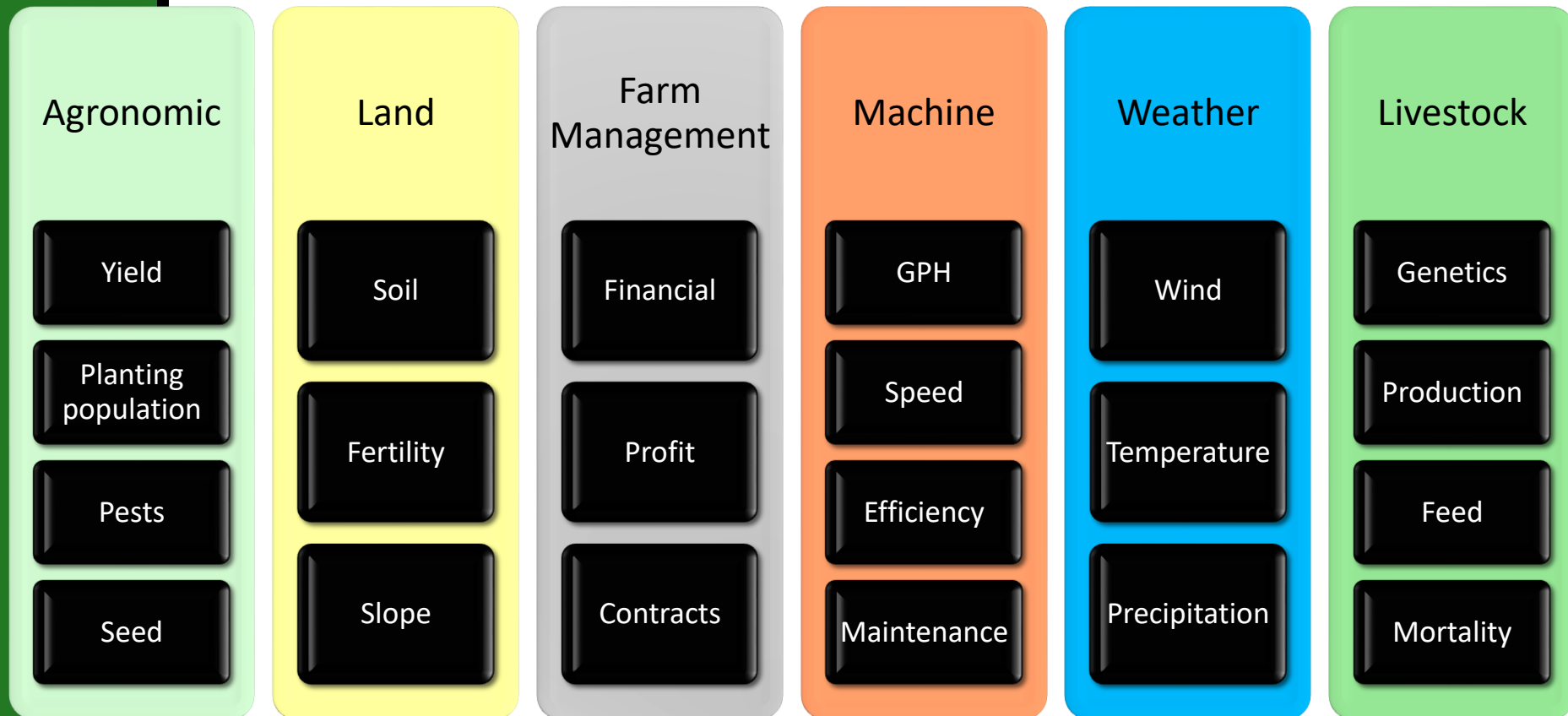


**Guiding  
Principles**

# Creating an Ag Data Use Policy

## Step 1: Identify what “ag data” is:

Ag Data means agronomic, land, and weather data generated by Ag Retailer during any work contracted for farmer.



# Creating an Ag Data Use Policy

Step 2: Explain who owns “ag data”

Step 3: Establish transfer, sharing, and access rights

Step 4: Termination and Deletion: what happens at the end of the contract.

Step 5: Address effects of aggregation and integrations

Step 6: Traditional legal terms





# Ag Data's Golden Opportunity

WHERE ARE WE GOING?



[www.AgLaw.us/JanzenAgLaw](http://www.AgLaw.us/JanzenAgLaw)

Learn More

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[aglaw.us](http://aglaw.us)



[www.fb.org/agdatatransparent](http://www.fb.org/agdatatransparent)

