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DATA PRIVACY/OWNERSHIP

Issue:

For years, farmers have used technology advances to better match varieties of seeds, production inputs and management practices with specific field characteristics. Additionally, many farmers have had the ability to map yields with a Global Positioning System, (GPS) receiver. While farmers have been experimenting with this technology for at least a decade, only now is the industry starting to consider all the uses of this transformative technology. Using that information, agribusiness firms are offering and designing “prescription” type services for the farmer, who can use the prescriptions to apply seed and fertilizer in varying amounts across the field. If a yield map shows soil with a lower yield potential, the prescription calls for fewer seeds and less fertilizer.

This use of an individual farmer’s data to design a different program for each square meter in a field spanning hundreds of acres could augment or even replace a farmer’s decades of experience with satellites and algorithms. The new technology should make farmers more efficient and allow the use of fewer inputs while increasing their overall level of outputs and profitability. While companies have collected and analyzed agronomic, yield and other farm level data for some time, the level and the amount of real-time information gained at a micro-level unit is a big change.

Precision technologies will allow managers to cover more acres more accurately and will likely lead to increasing size and consolidation of farms. Advice for individual fields is only the beginning of the uses for this technology. Several agricultural equipment firms have introduced technology whereby the data from combines is uploaded every several hours to the cloud.

Background:

Companies have used farm level data for years, but the level of real-time information gained at a microlevel unit is a concern. If a large agribusiness firm had access to real-time information from 1,000 combines randomly spread across the Corn Belt, that information would be extremely valuable to traders dealing in agricultural futures. Traders have traditionally relied on private surveys and USDA yield data. These yield estimates are neither timely nor necessarily accurate. But now, real-time yield data is available to whoever controls those databases. Virtually every company says it will never share, sell or use the data in a market distorting way – but we would rather verify than trust.

One of the most important issues around “big data” goes directly to property rights and “who owns and controls the data.” The risks to privacy that the farmer faces, such as his pesticide or GMO usage that may be an accepted practice but politically unpopular, are great.

In addition, a farmers’ information is valuable to the companies, so farmers should have a say in and be compensated when their data is sold. Farmers need to protect their data and make sure they bargain wisely as they share their data with suppliers and companies who desire access to their information.



Farmers are rightly concerned about data privacy. Even if an individual operator does everything to the best of his ability, following all the applicable rules, regulations, and best management practices, there is still concern that the EPA or one of the numerous environmental organizations that bedevil agriculture might gain access to individual farm data through subpoenas or an overall-clad Edward Snowden.

AFBF Policy:

Proprietary data collected from farming and agricultural operations is valuable, should remain the property of the farmer, and warrants protection. We support efforts to better educate farmers and ranchers regarding new technology or equipment that may receive, record, and/or transmit their farming and production data.

We also support:

1. Requiring companies that are collecting, storing, and analyzing proprietary data to provide full disclosure of their intended use of the data,
2. Compensation to farmers whose proprietary data is shared with third parties that offer products, services or analyses benefiting from that data,
3. Utilizing all safeguards to ensure proprietary data is stored at an entity that is not subject to a Freedom of Information Act (FOIA) request, and
4. The right of a producer who no longer wishes to participate in aggregated data sharing with a private company, to remove their past aggregated data from the company's database and revoke that company's ability to sell or use that data in the future.

In a related manner, we also support the use of unmanned aircraft systems (UASs) for commercial purposes (i.e. agriculture, forestry and other natural resources use). We believe the operator of the UAS should be required to gain the consent of the landowner and or operator if the UAS will be surveying or gathering data about the landowner's property below navigable airspace.

We oppose a federal agency using UASs for the purpose of regulatory enforcement, litigation, and as a sole source for natural resource inventories used in planning efforts or surveying and gathering data without the consent of the landowner and or operator below navigable airspace.