Food Agility Best Practice Data Policy
FAQ's

What is this policy about?
This draft policy sets out a framework for how data will be handled in Food Agility CRC and projects that Food Agility invests in. It ultimately aims to balance the interests of all parties and create a trusted environment to share data and innovate. Part of building that trusted environment is about making the policy public and as transparent as possible.

Who needs to adhere to the policy?
All Food Agility CRC staff and anyone working on a Food Agility project (including Food Agility partners) will work towards meeting the requirements of this policy. Ultimately the policy will be reflected in new Project Agreements (between Food Agility and partners).

Why is this policy necessary?
Projects that we fund collect, store, analyse and dispose of a lot of data. It's important that this is done in a way that protects personal and confidential
information, while giving innovators access to great data that propels research and development for Australian agriculture.

What types of data are covered?
There are 3 main types of data in the policy; raw data, transformed data and new data. Raw data is data that is generated and collected without editing or any other form of processing. Transformed data has been processed to be useable (formatting, summarising, recoding). New data might result from the output of an algorithm or aggregation of datasets.

What are the rights of the data originator (the person/organisation that generated the data), in relation to their original raw data?
1. to benefit from the data they originate
2. to provide written, explicit consent for how the data they originate is used and managed
3. to authorise any third parties accessing data they originate
4. to exclude others from using and modifying data they originate
5. to port data they originate
6. to terminate services and have a service provider destroy the data they originated
7. to have data they originate kept secure and confidential
8. to be given choices about how their data is shared and managed
9. to know where their data is stored
10. to be notified of any data breaches or attempted breaches
11. to transparently discuss and agree any expected derived benefits and how they are distributed.

What consent do I need to get?
Using data requires explicit, informed, written consent from the data originator. Terms and contracts for use of data must be written in simple language that all parties can easily understand, setting out:
- who will have access to the data;
- the specific way the data will be used;
- any third parties that might access the data;
- how data will be stored and secured;
- how long data will be kept for;
- how the data can be retrieved, moved or destroyed;
- whether the data originator is identifiable.

How do the rights change if the data is transformed or if new data is created?
This table summarises a typical approach to this. It is not the only approach but usually this approach satisfies all the pressing needs of the collaborating partners.

Data Type	IP Type	Rights
Raw Data & Cleaned Raw Data	Typically considered confidential information / trade secrets of the data originator.	Data originator grants rights to the data they originate and as laid out in this Policy.
Transformed Data	Dependent on agreement reached between the parties that balances the transformation time and skill investment with the overall investment and projected benefits to partners. Multiple models to consider here, including but not limited to: Data Originator owns and grants licence to Data Service Providers, and Data Service Provider grants exclusive licence to Data Originator.	The first model is the Data Originator owns the data and licences the Transformed Data to the Data Service Provider. There are 6 potential approaches for this under the Creative Commons licences where copyright exists. The second model, sees the Data Service Provider owning the Transformed Data granting rights. This is to be negotiated and agreed with the Data Originator and may include that the Data Originator has exclusive rights to the Service Provider's Transformed Data. Confidentiality restrictions still apply but the data originator cannot port or terminate transformed data only the raw data.
New Data	Typically considered copyright of the party that created the new data.	Service Provider that created the new data grants rights to the new data. This is to be negotiated and agreed with the data originator and may include that the data originator has exclusive rights to the Service Provider's new data. Confidentiality restrictions still apply but the data originator cannot port or terminate new data only the raw data. Where the Data Originator (individual or business) cannot be reidentified confidentiality restrictions may no longer need to apply.

How does the policy differentiate between commercial use and research use of data?
Great research is in the interest of individuals, businesses, industries and the broader community. We encourage (but do not mandate) data originators to allow more flexible, far reaching use of their data by researchers on the proviso that confidentiality is maintained. Food Agility would encourage (but not require) that data originators consider sharing the data for longer or to more researchers or for additional uses to support ongoing research and development for the benefit of Australian agriculture. This is in acknowledgement of receiving Commonwealth funding as our goal is for the rising tide to lift all boats – while maintaining trade secrets and confidentiality. All of these elements are at the discretion of the data originator and the benefits and risks must be discussed with the data originator prior to any agreements. There are many protection mechanisms to de-risk this including anonymisation, pseudonymisation, embargoes and other specific licence requirements.

How does this policy protect data from misuse?
Data service providers (the people who store or process the data) have a responsibility to protect the data. They must have a protocol on data protection that prevents unauthorised access. Third party sub-contracted service providers must uphold the same security standards and must be authorised in the contract as approved third parties.

How does this policy protect privacy?
Anyone dealing with personal data must adhere to the Privacy Principles set out under the Privacy Act. Data should be anonymised where possible, records must be kept about permissions for access and breaches. This is for the project parties to discuss and agree. There are many de-identifying measures that can be undertaken to protect confidentiality.

What data storage systems should I use?
The data storage method isn't mandated so long as it complies with the Food Agility Data Policy and the partners' requirements.

What happens when all the partners have competing data policies?
At the core of Food Agility's Data Policy is the parties transparently discussing all the important issues and mutually agreeing on the best approach. This may require flexibility and compromise from all parties to find a middle ground that meets reasonable requirements of partners. The Food Agility Data Policy is a useful tool for establishing what a healthy middle ground might look like.

What does it mean for existing projects already running?
Any existing Project Agreements remain the same. The Policy proposes to parties a best practice approach for future projects and that you might find valuable in navigating data conversations. We'd recommend you read the policy to develop your knowledge in this space and accelerate data insights for all parties.

My project is being developed, what does it mean for me?
The goal is for all new projects contracted from around July – Sep 2020 onwards to adhere to the policy. This is subject to a number of factors so this is a transition period which we will work to support you through. When developing your project it's best to align it now to the Data Policy. Your Innovation Manager will guide you in this.

Is this going to delay my project and create more work?
Many projects get delayed in contracting because partners have not adequately drawn out issues related to data risks and benefits and IP. Food Agility's Policy aims to make the key factors transparent among the parties earlier so that appropriate plans can be put in place to protect data and accelerate the insights from it so that all partners benefit from the research project faster. By having these conversations projects will avoid long contracting delays or issues when the project is up and running. It should also give comfort to your internal stakeholders by demonstrating you have considered the risks and have an agreed plan to manage them.