

Trusted data use

Simone van der Burg



WAGENINGEN
UNIVERSITY & RESEARCH

Request from BO Akkerbouw



Do current codes of conduct need revision? What should be changed?

- What are commonalities and differences between the codes of conduct?
- What kind of criticism has been formulated on the codes of conduct?
- Does either the comparison between the codes or the criticism give reason to revise current codes, made either by BO Akkerbouw or Copa Cogeca?

Formation of codes of conduct

1. Codes focus on contract formation as a way to foster trust in data sharing
2. Codes are voluntary (soft law)
3. Codes are based on comparable principles: they (i) grant farmers the right to control data stemming from their farm (also: right to data ownership), (ii) affirm the importance of transparency about how data are collected and what is being done with them, and (iii) codes prescribe to protect sensitive data
4. All codes play a communicative role
5. They are all shaped by a combination of large agricultural companies and farmers organizations



Commonalities between codes

All codes:

- prescribe contract formation
- are voluntary
- provide principles, which define what it means to deal well with data: a) tell that farmers should be enabled to decide, b) data use should be transparent, c) prescribe to protect sensitive data
- all codes have a communicative role
- are shaped by a broad group of agricultural actors



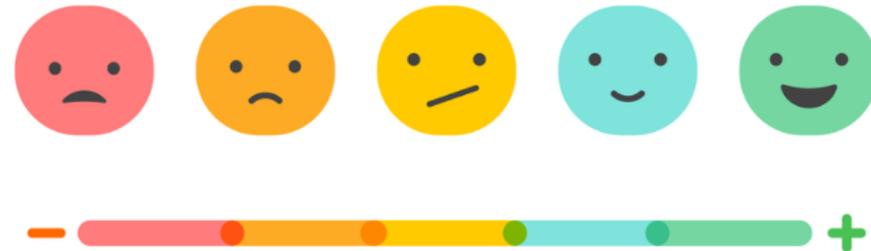
Differences between codes

- Some codes are very long texts, others short
- Some codes offer example-contracts, others don't
- Right to data portability is not always included in the principles of the codes
- Education for farmers is only included in the American code
- Only the EU code repeats IP rights



Two kinds of criticism

- Criticism on characteristics of the context which prevent that codes can contribute to enhancement of trust
- Criticism on the text of the codes themselves



Criticism on context 1: Law

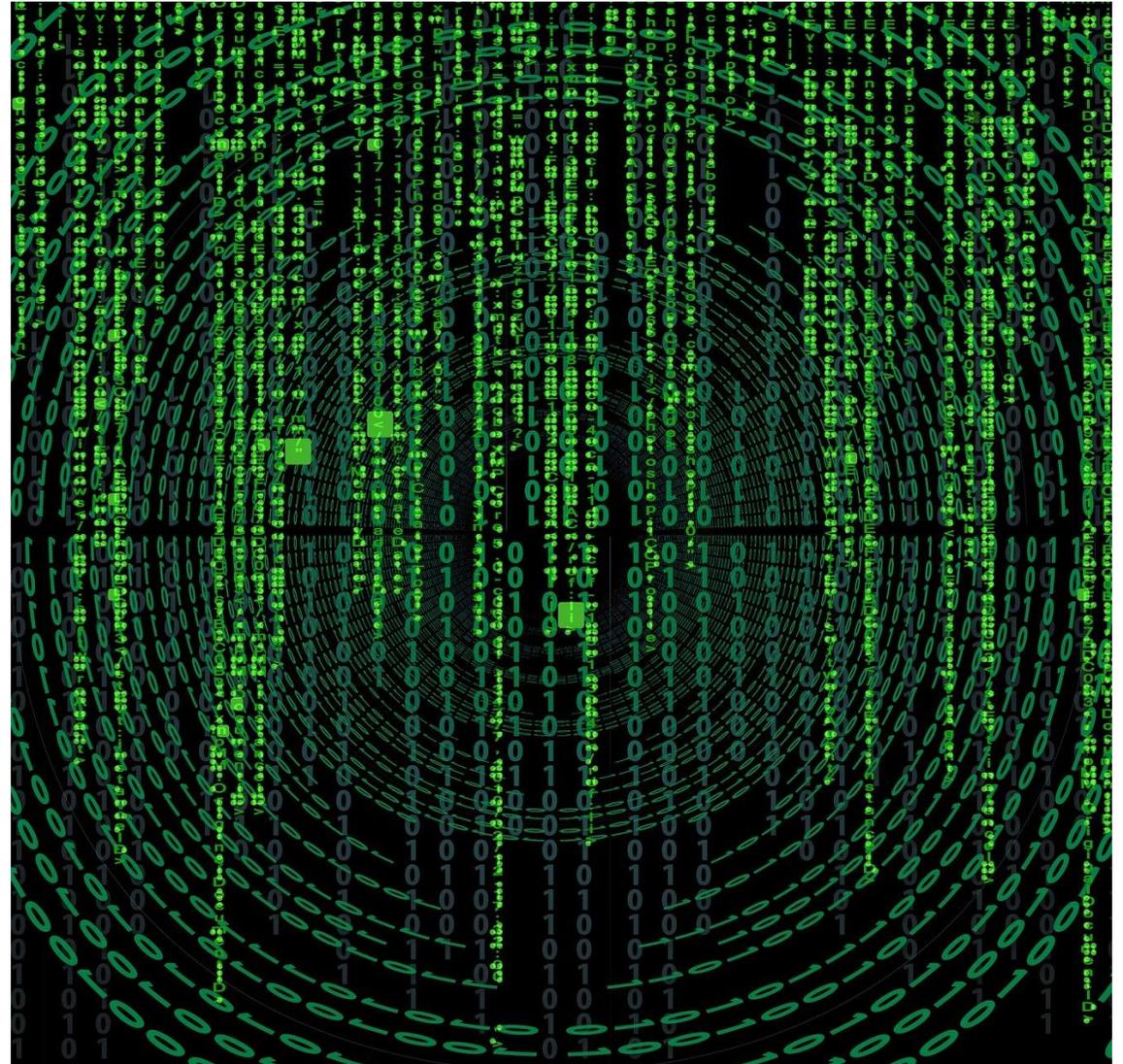
- There are laws that protect personal data, which root in a human right to privacy
- Agricultural data are not personal data; data ownership does not root in a human right
- Conclusion: once farmers agree to share their data (in a contract), they can lose them



"No, it's MY data!"

Criticism of context 2: Market economy of data

- Usually equal parties determine what is put in a contract, but in the data market parties are not equal
 - Farmers possess small datasets of little value & agri-tech companies possess large datasets of high value
 - Farmers and agri-tech companies have different levels of tech knowledge and expertise
- Conclusion: farmers have a weaker position in negotiations about a contract than agri-tech companies



Criticism on context 3: Lacking data standards

- Codes of conduct give a farmer the right to choose with whom he/she shares data; some codes also provide a right to data portability
- Agri-tech companies can process and store data in their own unique way, which makes it impossible for companies using other systems to access them and read them; data lock-in, and techproviding company gets power which it can misuse
- Conclusion: the right to choose and data portability is only practically possible when there's a data standard for everyone



Criticism on text of codes

1

Too narrow focus of codes on contract formation: principles should be enriched

(inclusion of principles such as beneficence and non-maleficence, or care for the commons)

2

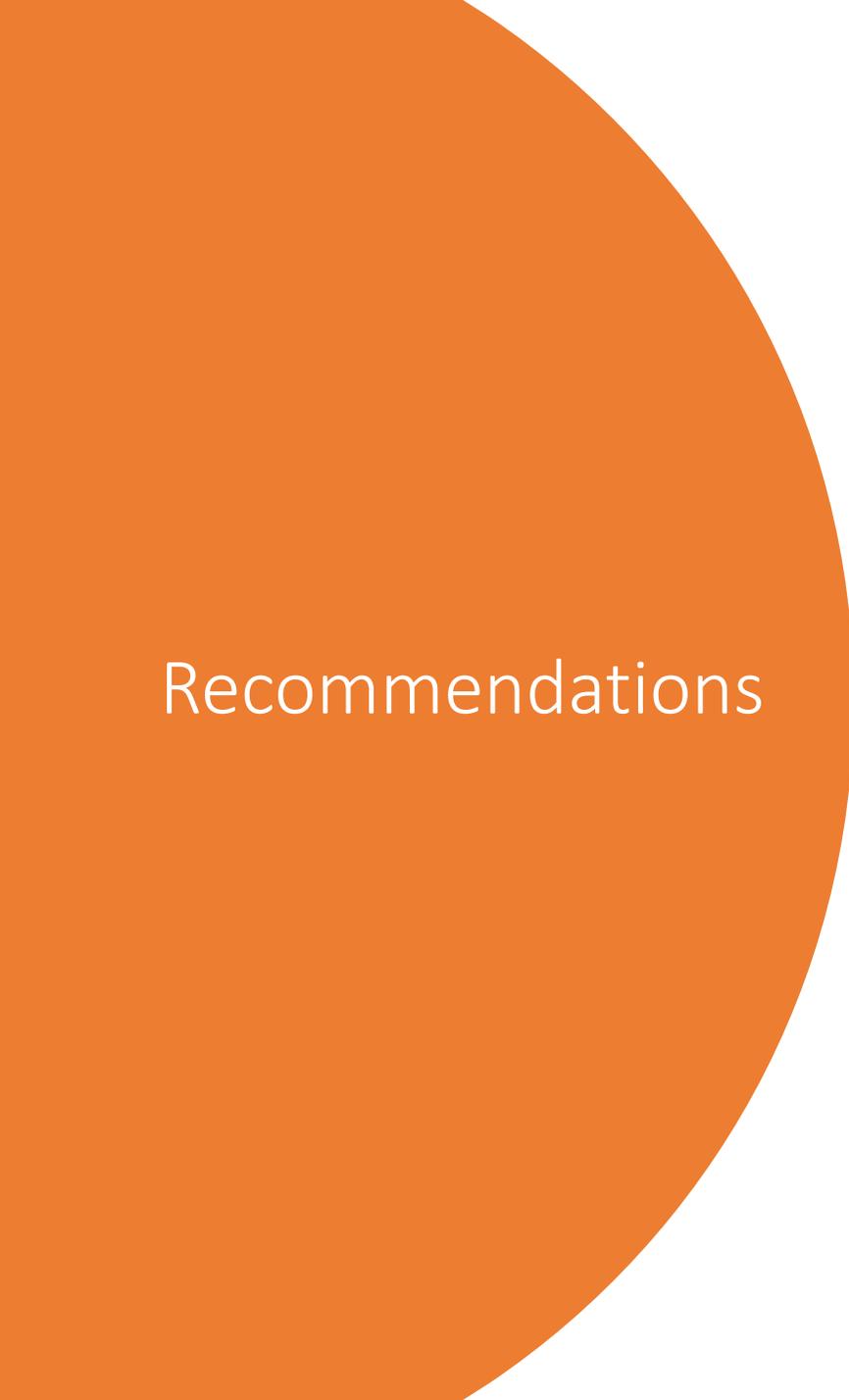
Lacking instruction on how to translate codes to the practice of data sharing

Some instructions are vague, more precise instructions needed to show what conditions a contract should satisfy

3

Communicative function of codes needs improvement.

Language is sometimes vague, sometimes complex. Farmers need complex study to understand



Recommendations

Context

- Be clear about what is a right and what is not
 - Strengthen the position of farmers in the data economy; for example by building a farmers data reservoir
 - Advise farmers to only collaborate with trustworthy companies which use common data standards (FAIR data)
- 

Recommendations

Improve/enrich codes

- Be clear about the role that codes play: voluntary, starting point for conversation/reflection (not more)
- Enrich the principles of the code: add respect for data portability, principles such as non-maleficence, beneficence and care for the 'commons'
- Improve the communicative power of the code; for example by means of the development of a quality label or accreditation system
- Make example contracts

Tech-companies

- Tech companies should think more about how to translate the codes to the practice of data management: (1) trainings for employees about the content of the code & reflection about dilemma's they may encounter, (2) implement system of repercussions around data misuse

A green rectangular sign with rounded corners and a white border, mounted on two wooden posts. The sign features the words "Thank You" in a large, white, sans-serif font. The background is a sky filled with soft, white and grey clouds, suggesting a bright, slightly overcast day.

Thank You