

DRAFT TEMPLATE DATA COLLECTION AND USE AGREEMENT
National Soil Carbon Innovation Challenge

Instructions for Users:

This template is intended for use by participants in the National Soil Carbon Innovation Challenge who need to access and collect data from landowners such as farmers.

The template has been prepared with reference to the Australian Farm Data Code found here: <https://nff.org.au/programs/australian-farm-data-code/>

Before populating this template, you should consider the circumstances of the proposed data sharing arrangement in light of:

- *National Soil Carbon Innovation Challenge Grant Guidelines and Grant Agreement*
- *National Soil Carbon Innovation Challenge Sample collection and analysis and data provision protocols, and*
- *any applicable legal advice and risk assessment.*

To complete this template:

- *update all yellow boxes to include the relevant information; and*
- *remove this text box and all instructions before finalising the document.*

[INSERT HEADER]

[Insert Date (e.g. 1 February 2022)]

Our Ref: **[Insert your reference number]**

[Insert Addressee's name]

[Insert Addressee's title (e.g. Technical Officer)]

[Insert Addressee's organisation]

Dear **[Insert name]**

National Soil Carbon Innovation Challenge: Request to conduct soil sampling and share data

Background

The National Soil Carbon Innovation Challenge Program (**the Program**) is part of the Australian Government's \$1.2 billion commitment to support low emissions technology investment and advance the Australian Government's technology-focused approach to reducing emissions while supporting business and economic growth, as outlined in the Technology Investment Roadmap.

The Program delivers on the Technology Investment Roadmap's stretch goal to lower the cost of accurate soil carbon measurement to \$3 per hectare per year.

The objectives of the Program are to:

- fast-track the development of lower-cost, accurate technical approaches to enable land managers to quantify the impact of their land management activities on soil organic carbon; and
- secure co-investment and foster partnerships that trial and deploy novel soil carbon measurement technological solutions.

[Insert your Company Details] (**Grantee**) is a successful applicant for funding under the Program and is looking to demonstrate how its proposed technology solution is effective at measuring and/or predicting soil organic carbon in an operational environment. Measurements of soil carbon stocks taken to validate and

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determine the accuracy of the technologies will be provided to the Department and/or included in a national soils database.

The Grantee's project is **[Insert details about your Project that was approved as part of the Program here]** (Project)

As a successful applicant under the Program, the Grantee must make research data and reports publicly available and/or provide them to the Government and any nominated third party, in order to improve knowledge and approaches to quantifying soil carbon under different management practices.

Request

You are receiving this letter as the Grantee is seeking your permission and agreement (**Request**) to:

- have access to your property, in order to take soil samples and collect data for the Project **[Delete this point if it is not applicable]**;
- participate in surveys related to the sampling of the Site, including surveys about the land management practices which have occurred at the Site **[Delete this point if it is not applicable]**;
- **[Insert any other requests you are making of the relevant landowner/ data holder]**; and
- the sharing of data from and relating to the soil samples and responses associated with the above.

What will we do with the information?

A description of the information and data that we will collect, who may receive that information and what information may or may not be made publicly available is outlined in Attachment A (Important Privacy Information) to this letter. The Grantee and the Department will securely store all information in accordance with our legal obligations.

Additionally:

- **[if applicable, state here whether you will provide a report or otherwise communicate the details of the soil information and data analysed to participating land managers]**
- if requested, and reasonably possible, the Grantee will provide to you a copy of our findings in either a processed or unprocessed form (depending on what is reasonable), for your own personal use; and
- collection, use and disclosure of all information would be done in accordance with the requirements of the *Privacy Act 1988* (Cth).

For any data collected, we will take all reasonable and prudent steps, in line with industry best practice, to ensure that such data is protected. We will alert you if we determine that there has been an attempt to gain unauthorised access to, or to damage, your data.

If you agree to the Request, we ask that you complete the acknowledgement form and email it to the Grantee at **[insert email address]**. We would be grateful if you could do this by **[insert date prior to anticipated date of data collection]**.

Ownership of the information

To the extent that you own any intellectual property rights in the information and data listed in Attachment A (Important Privacy Information), you:

- will retain those rights; and

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- by agreeing to the Request, grant, to the Commonwealth of Australia as represented by the Department of Industry, Science, Energy and Resources (**Department**) and the Grantee, an irrevocable, worldwide licence (including a right to sublicense) to use, publish, modify, access, communicate, exploit and commercialise the information and data listed in Attachment A (Important Privacy Information) for the purposes listed in Attachment A (Important Privacy Information).

Please contact **[insert email address]** if you would like any further information. Thank you in advance for your assistance.

Kind regards

[Insert your name]

[Insert your title]

Attachment A – Important Privacy Information

Definitions

In this Attachment A (Important Privacy Information) we use the following defined terms:

- **Department:** means the Commonwealth of Australia, as represented by the Department of Industry, Science, Energy and Resources (or any successor Department of the Commonwealth that is responsible for the Program);
- **Project:** means **[Insert details about your Project that was approved as part of the Program here]**;
- **Program:** means the National Soil Carbon Innovation Challenge Program;
- **Request:** means your permission and agreement to:
 - access your property, to take soil samples and collect data for our Project **[Delete this point if it is not applicable]**;
 - participate in surveys related to the sampling of the Site, including surveys about your land management practices **[Delete this point if it is not applicable]**;
 - **[Insert any other requests you are making of the relevant landowner/ data holder]**; and
 - share the data from the soil samples and responses associated with the above; and
- **Grantee** means **[Insert your Company Details]**.

Privacy Statements and Privacy Policies

Your personal information is protected by the *Privacy Act 1988* (Cth) and the Grantee will handle your information in accordance with this Act.

Your personal information, including your name, contact details, property location, and other information related to the Request, are being collected to conduct the Project as part of the Program and related scientific research.

If we do not collect your personal information, you will not be able to participate in the Project.

We may disclose your information to third parties, including the Department, for the purposes outlined above. The Department may also disclose your information for the purposes outlined above. However, the Grantee will not disclose your personal information to an overseas recipient.

If you disclose personal information to us on behalf of another individual, such as the name of another person associated with the property, you must ensure that you have the consent of that person to provide their information to us, for the purposes outlined above.

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[Delete the following if not applicable:

Grantee's Privacy Policy

The Grantee's Privacy Policy, available at **[Insert Privacy Policy]**, outlines how your personal information will be handled, including details about how you can seek access or correction of the personal information that the Grantee holds about you, how you can lodge a complaint about a breach of the Australian Privacy Principles (APPs), and how the Grantee will deal with the complaint.]

Department Privacy Policy

For information about how the Department handles personal information, please refer to the Department's Privacy Policy available at: <https://www.industry.gov.au/data-and-publications/privacy-policy>.

Where will results be published?

Results from the Project will be:

- provided to the Department to be included in a repository or portal which will be made available to the public for the purposes of the Program.
- **[Please include any further details about what you will do with the data. Some examples are provided below]**
- de-identified and published/presented in a final publicly available report, a repository or portal which will be made available to the public, scientific journals, research publications, press releases, online articles and conference presentations.

What you should know

Before giving consent, you should know that you may be re-identified from the information contained within the final publications, such as from the location coordinates of where the Grantee took the soil sample (if any) or other geo-referencing information associated with the data. Further, results from the soil samples may indicate that certain land management practices have had a positive or negative impact, based on the samples collected, which could bring with it commercial or other risks.

How you can remove your data from publication

Please contact **[insert email address]** should you require us to remove any data you provided to our Project through this Request.

Information we collect, whether it is published and who may access it

The below tables further outline what information will or will not be made publicly available and which parties may have access to the information.

Table 1: Information/Data which will not be made Publicly Available

| |
|--|
| [Insert details as applicable. We have provided some examples.] |
| Personal Contact Details. |
| Telephone number or email addresses. |
| Names of the people associated with the property address. |

Table 2: Information/Data which will be Publicly Available

| |
|--------------------|
| Information |
|--------------------|

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| |
|--|
| [Insert details as applicable. We have provided some examples. You should list all information and Data which will be publicly available. This should include all information you must provide to the Department as part of the Program.] |
| Geo-referenced locations including longitude and latitude of where the soil samples were taken. |
| Bulk Density, Moisture content, Gravel content determined from the samples. |
| Stocks of total soil organic carbon (SOC) (within 0-0.30 m) determined from the samples. |
| [e.g., if applicable, Land management data (crop/pasture grown and tillage and stubble management)]. |

Table 3: Who will receive or have access to the information

| Party | What information will they receive or have access to? |
|--|--|
| The Grantee | All information listed in Tables 1 and 2. |
| The Department | All information listed in Tables 1 and 2. |
| General public and Grantees | All information listed in Table 2. |
| [Insert other parties as applicable.] | |

Consent Form

, <<Title>> <<First name>> <<Last name>>, being duly authorised to do so, give permission for site sampling to be conducted at the following location **[insert specific address/site location/property location/other]**.

I agree to the collection, use and disclosure of my personal information in the ways described in Attachment A (Important Privacy Information).

I confirm that I will only provide the personal information of other people if those people have expressly consented to the collection, use and disclosure of their personal information in the ways described in Attachment A (Important Privacy Information).

I have read and understand what data and information will or will not be made publicly available as set out in Table 1.

I further agree that the latitude and longitude coordinates of the locations on my property from which soil samples were collected may be made publicly available in conjunction with data generated from the Request, as listed in Table 2.

I grant the Department and the Grantee an irrevocable, worldwide licence (including a right to sublicense) to use, publish, modify, access, communicate, exploit and commercialise the information and data listed in Attachment A (Important Privacy Information) for the purposes listed in Attachment A (Important Privacy Information) including being used as part of the Project and the Program.

Signed: _____

Date: _____

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Collection of soil samples to improve Australia's national soil carbon data is a key component of Australia's emissions reduction goals and your participation is essential to the work the Department is undertaking. On behalf of the Department we thank you for your contribution to this important process.