

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 525

Introduced by Jacobson, 42; at the request of the Governor.

Read first time January 22, 2025

Committee: Banking, Commerce and Insurance

1 A BILL FOR AN ACT relating to data privacy; to adopt the Agricultural

2 Data Privacy Act.

3 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Sections 1 to 11 of this act shall be known and may be
2 cited as the Agricultural Data Privacy Act.

3 **Sec. 2.** The purposes of the Agricultural Data Privacy Act are to:

4 (1) Protect the privacy of agricultural producers in Nebraska; and

5 (2) Protect the agriculture industry in Nebraska.

6 **Sec. 3.** For purposes of the Agricultural Data Privacy Act:

7 (1) Acquisitions data means data related to the acquisition of
8 capital, land, equipment, inputs, livestock or any other acquisition of
9 agricultural property;

10 (2) Agricultural data means acquisitions data, care data, crop
11 production data, cultivation data, field usage data, financial standings
12 data, GPS data, historical yield data, irrigation data, maintenance data,
13 marketing strategy and decisions data, purchase sell information, usage
14 data, and yield data;

15 (3) Care data means data related to the acquisition or selling of
16 livestock and metrics associated with such a transaction;

17 (4) Controller means an individual or other person that, alone or
18 jointly with others, determines the purpose and means of processing
19 agricultural data;

20 (5) Crop production data means data related to the practice of
21 protecting the crop yields from different agents including pests, weeds,
22 plant diseases, and other organisms that may cause damage to agricultural
23 crops;

24 (6) Cultivation data means data related to the practice of planting,
25 harvesting, cultivating, or other related practices and the data such as
26 dates operation occurred, metrics regarding method of the practice, and
27 other personally identifiable related practices;

28 (7) Field usage data means data related to commodities planted, land
29 care, irrigation, and land management practices;

30 (8) Financial standings data means data related to financial
31 standings of agricultural production operations including assets and

1 liabilities, and other related identifiable information;

2 (9) GPS data means data related to Global Positioning Systems (GPS)
3 in farm machinery, decisionmaking software, and all other related systems
4 utilizing GPS in agricultural practices;

5 (10) Historical yield data means data connected to individual
6 parcels of land, including yield metrics related to the success of crops
7 cultivated in individual parcels;

8 (11) Irrigation data means data related to the method, timing, and
9 usage of irrigation resources and equipment;

10 (12) Maintenance data means data related to maintenance actions of
11 equipment, including services, service intervals, and other related
12 personally identifiable data;

13 (13) Marketing strategy and decisions data means data related to
14 transactions of commodities, livestock, and land, including marketing
15 plans, marketing actions, and related metrics;

16 (14) Process or processing means an operation or set of operations
17 performed, whether by manual or automated means, on agricultural data or
18 on sets of agricultural data, such as the collection, use, storage,
19 disclosure, analysis, deletion, or modification of agricultural data;

20 (15) Processor means a person that processes agricultural data on
21 behalf of a controller;

22 (16) Purchase sell information means data related to the acquisition
23 or selling of livestock and metrics associated with the transaction;

24 (17) Usage data means data concerning the operation of machinery
25 related to common agricultural practices; and

26 (18) Yield data means data connected to the harvest of commodities,
27 including yield and production metrics, as well as date of harvest and
28 other personally identifiable data.

29 **Sec. 4.** (1) A person may provide written consent to any potential
30 controller of such person's agricultural data that authorizes:

31 (a) The potential controller to process such person's agricultural

1 data; or

2 (b) A third party to process such person's agricultural data on
3 behalf of the potential controller.

4 (2) A person that has provided written consent under this section
5 may rescind such consent by providing a written notice of such rescission
6 to the controller of the agricultural data.

7 **Sec. 5.** (1) A controller shall not:

8 (a) Require any person to submit to any processing of such person's
9 agricultural data without the written consent of such person;

10 (b) Provide any difference in any service, good, benefit, or reward
11 provided to any person who does not consent to the collection or
12 possession of agricultural data; or

13 (c) Sell, provide, or use the agricultural data of any person
14 without such person's authorization.

15 (2) A controller shall delete the agricultural data relating to a
16 person that has provided a written notice rescinding the authorization
17 pursuant to section 4 of this act within thirty days after receiving such
18 written notice.

19 **Sec. 6.** A processor shall not process, sell to any person, provide
20 to any person, or use the agricultural data of a person without such
21 person providing written consent that authorizes such processing to the
22 controller of the agricultural data under section 4 of this act.

23 **Sec. 7.** The Agricultural Data Privacy Act does not apply to the
24 processing of agricultural data by a person if such person is the owner
25 of the agricultural data.

26 **Sec. 8.** Any provision of a contract or agreement that waives or
27 limits in any way any requirement for a controller or processor described
28 in sections 5 or 6 of this act is contrary to public policy and is void
29 and unenforceable.

30 **Sec. 9.** The Attorney General has exclusive authority to enforce the
31 Agricultural Data Privacy Act and may bring an action against any

1 controller or processor to:

2 (1) Seek injunctive relief; or

3 (2) Recover a civil penalty in the amount of [XXXX] dollars for each
4 separate violation of the Agricultural Data Privacy Act. All such civil
5 penalties shall be remitted to the State Treasurer for distribution in
6 accordance with Article VII, section 5, of the Constitution of Nebraska.

7 **Sec. 10.** The Attorney General shall post on the Attorney General's
8 website:

9 (1) Information relating to:

10 (a) The responsibilities of a controller under the Agricultural Data
11 Privacy Act;

12 (b) The responsibilities of a processor under the Agricultural Data
13 Privacy Act; and

14 (c) A consumer's rights under the Agricultural Data Privacy Act; and

15 (2) An online mechanism through which a person may submit a
16 complaint under the Agricultural Data Privacy Act to the Attorney
17 General.

18 **Sec. 11.** The Agricultural Data Privacy Act shall not be construed
19 as providing a basis for, or being subject to, a private right of action
20 for a violation of the Agricultural Data Privacy Act or any other law.