



Appendix A – Confidentiality Policy

Stewardship Index for Specialty Crops Pilot Program Confidentiality Policy

I. Background and Rationale

The Stewardship Index for Specialty Crops (SISC) is a stakeholder collaboration of leading grower organizations, food buyers, trade associations and public interest organizations developing sustainability metrics for the specialty crop industry. SISC will not develop pass-fail standards, but will instead develop outcomes-based metrics so that all industry participants can measure their current level of performance, compare to their industry peer group, and benchmark continual improvement over time. SISC relies on volunteers from industry to test or “pilot” draft metrics in their operations to evaluate the metrics’ utility and practicality for users.

SISC has developed this policy to preserve the confidentiality of the data that is contributed by volunteer pilot participants, while enabling the sharing of anonymized data and lessons learned with the SISC community. As described below, the balance between confidentiality and data sharing is as follows: First and foremost, SISC is fully committed to preserving the confidentiality of individual data contributed by pilot participants and will not disclose data that can be attributed to an individual person, company, farm or facility to any party, including other SISC members.

However, SISC may share data, feedback and other pilot results that are truly anonymized, i.e., when the data cannot directly or indirectly be attributed to a particular pilot participant, under certain circumstances. Pilot feedback about the experience of piloting, e.g., difficulty, usefulness, availability of data, is not considered confidential (so long as it is anonymized). Quantitative performance data collected from pilot participants, e.g., pounds of nitrogen applied per acre, may be shared by the Coordinating Council that governs SISC if a majority of each of the three stakeholder groups (growers, buyers, NGOs) agree to do so, and, again, only if the data are fully anonymized.

This policy seeks to advance the following goals:

- a. Provide assurance that SISC will not release data from pilot participants that can be attributed to a particular participant;
- b. Enable SISC participants to freely exchange the lessons learned from the experiences of people using and testing SISC metrics;
- c. Enable the SISC Coordinating Council, at its discretion, to share anonymized data from the pilots if it deems that sharing this information will be beneficial to the project or of interest to pilot participants, Metric Review Committee workgroups or others. Figure 1, attached, provides one possible example of how such data might be presented.

II. Definitions

- a. “Anonymized data” means data that cannot directly or indirectly be attributed to any individual person, company, farm, or facility.



- b. “Confidential Information” means any data provided by a Discloser that 1) quantitatively describes the participant’s business operations, including the calculation of SISC metrics and their sub-parts, for their farm or facility (quantitative performance data); or 2) can be attributed to any specific person, company, farm or facility. Confidential Information may include information that is transferred, manipulated, or used in writing, orally, electronically, or by drawings or inspection of samples, equipment or facilities.

Exceptions:

- 1) Process data collected by the Data Administrator from a SISC pilot participant that describes the process of using SISC metrics (but not the quantitative metric calculations or their sub-parts, which are confidential as described above) is not Confidential Information. See II.h. below for a definition of “Process data.”
 - 2) Any material, data or information that is or becomes generally known or available to the public through no act or failure to act on the part of Administrators’ employees, volunteers, independent contractors, and board members is not confidential Information; and
 - 3) Data or information that is the subject of a written permission to disclose provided by the Discloser is not Confidential Information.
- c. “Coordinating Council” means the body of supplier, buyer, and NGO organizations/companies responsible for making significant decisions to advance the SISC project including the approval of draft and final metrics. (For a list of Coordinating Council members, go to http://www.stewardshipindex.org/current_participants.php.)
- d. “Data Administrator” means an Ag Innovations Network employee or other contractor approved by SISC to manage pilot data.
- e. “Discloser” means any SISC pilot participant who provides Confidential Information to the Data Administrator.
- f. “Eligible Recipient” means any SISC participant who has signed an approved binding Non-Disclosure Agreement (NDA) with the Data Administrator, including but not limited to members of the Coordinating Council and Metric Review Committee workgroups, who receive Confidential Information in relation to the SISC pilot program.
- g. “Metrics Review Committee” means the body of individuals who participate in the development of metrics and/or monitor the metrics development process. (For a list of Metric Review Committee members, go to http://www.stewardshipindex.org/metrics_review_committee.php)
- h. “Process data” means written or verbal feedback describing the pilot participant’s experience in using the metrics, including cost, difficulty, complexity, utility, value, merit, suggested improvement, experience or other learning.

III. Collecting and maintaining data from pilot participants

The Data Administrator shall invite pilot participants to submit data describing their operations as calculated with SISC metrics and their sub-parts and may review, analyze and maintain such data in accordance with this policy. Prior to accepting data from any participant, the Data Administrator will



obtain a written (including electronic mail) acknowledgement from the Discloser confirming that the Discloser understands and consents to this Data Confidentiality Policy.

The Data Administrator and other Recipients authorized to receive Confidential Information shall hold in confidence all Confidential Information in any form or medium disclosed or made available to them in confidence and/or used by them in the conduct of their duties and responsibilities with regard to SISC, regardless of whether such Confidential Information is (a) marked as confidential or secret or otherwise designated as proprietary, or (b) disclosed verbally, reduced to writing, and marked confidential. All such recipients of Confidential Information shall take precautions to prevent any unauthorized disclosure or use of any Confidential Information as described by this policy. Confidential Information shall remain confidential and subject to the terms of this Policy both during and after participation in the SISC pilot program.

IV. Sharing process data

The Data Administrator may share anonymized process data collected from pilot participants with the greater SISC community or other party. By definition, process data does not include quantitative data describing the business operations, metric calculations or data used to calculate SISC metrics. The Data Administrator may share only process data that is fully anonymized, and cannot be attributed to a particular person, company, farm or facility. Process data that can be attributed to an individual person, company, farm or facility is Confidential Information and cannot be shared or disclosed (unless a different exception applies, as described in Section I.b.3 or is required by law as described in Section VI).

V. Sharing anonymized quantitative performance data

Quantitative performance data includes the measurement of a farm or facility's operations using SISC's metrics, the sub-parts of SISC metrics and the data used to calculate these metrics and sub-parts. Examples include units of energy consumed, volume of water used or applied to crops, pounds of nitrogen applied to land, etc. Performance data may include the final metric calculation (e.g., the ratio of Btus per unit of production) or may include the sub-parts (e.g., the values for fuel and electricity consumed; crop yield, etc). As described above, this type of data is Confidential Information and may not be shared or disclosed except under the conditions described below.

- a. Sharing anonymized data with an Eligible Recipient. The Data Administrator may share anonymized quantitative performance data with Eligible Recipients, as defined above, who have signed a binding non-disclosure agreement. Prior to sharing this information, the Data Administrator shall ensure that the data are fully anonymized and that no number, calculation or other information can be attributed to a particular person, company, farm or facility.
- b. Sharing anonymized quantitative performance data with other parties. Upon a majority vote from each of the three SISC Coordinating Council stakeholder groups (i.e. a majority each of the grower, buyer and NGO organizations on the Council), the Council may freely share anonymized performance data with Metric Review Committee members, pilot participants, or other parties or the public, so long as this data is fully anonymized. See Figure 1, attached, for one possible example of such data.

VI. Intellectual property

This Policy does not grant or imply any license to individuals to use for their personal or business activities, any proprietary information or intellectual property, regardless of whether it is deemed confidential under this Policy.



VII. Limitations

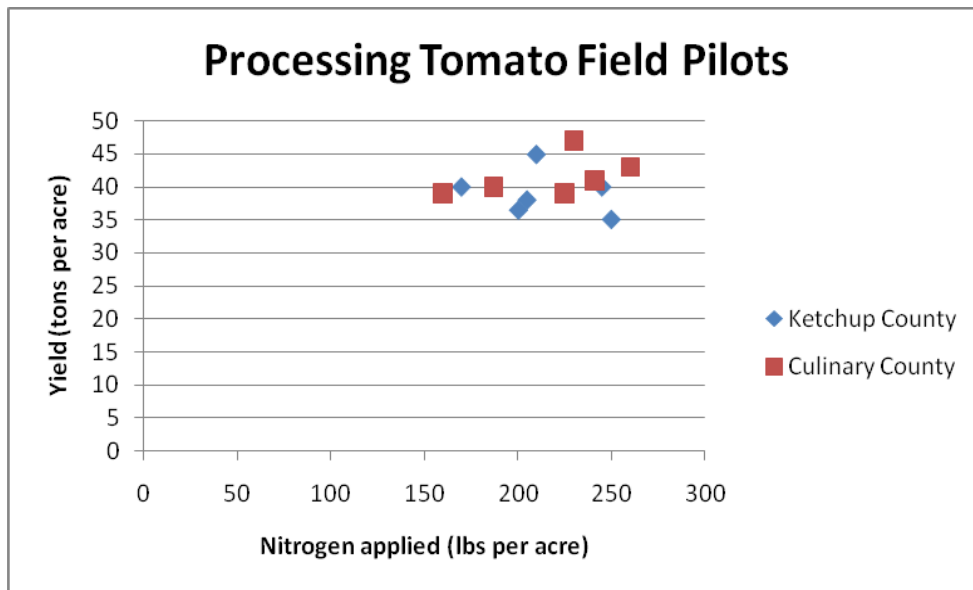
This Policy is not intended to preclude the disclosure of Confidential Information under any of the following circumstances:

- a. In response to a valid order of the court or other governmental body of the United States or any political subdivision thereof, *provided, however*, that the party intending to disclose Confidential Information first gives written notice to the Discloser so they may seek to obtain a protective order requiring that the Confidential Information be used only for the purposes for which the order was issued and the disclosing party uses reasonable efforts to have such information be treated as confidential and under seal); or
- b. Disclosure is otherwise required by law.

VIII. Violations

Recipient shall immediately give notice to Discloser of any unauthorized use or disclosure of Confidential Information. Recipient shall assist Discloser in remedying any such unauthorized use or disclosure of Confidential Information. Violations of the Confidentiality Policy are considered very serious and may result in removal from the project and/or legal liability.

Figure 1: Sample presentation of anonymized quantitative performance data collected from SISC pilot participants.



Disclaimer: The data above were collected through pilot projects seeking to evaluate proposed Stewardship Index for Specialty Crops Metric. These data are preliminary, have been collected as part of a learning process designed to evaluate the validity of the Metric themselves, and may not be indicative of the region or industry represented.



Confirmation and Acceptance of SISC Pilot Data Confidentiality Policy

I have read and understood the attached SISC Pilot Data Confidentiality Policy. I hereby agree to share the data from my piloting effort with Ag Innovations Network, its representative, under the terms of this policy.

Printed name: _____

Signature: _____

Date: _____