



Data protection aspects by merging cattle data of various origins

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Speaker: Christa Egger-Danner





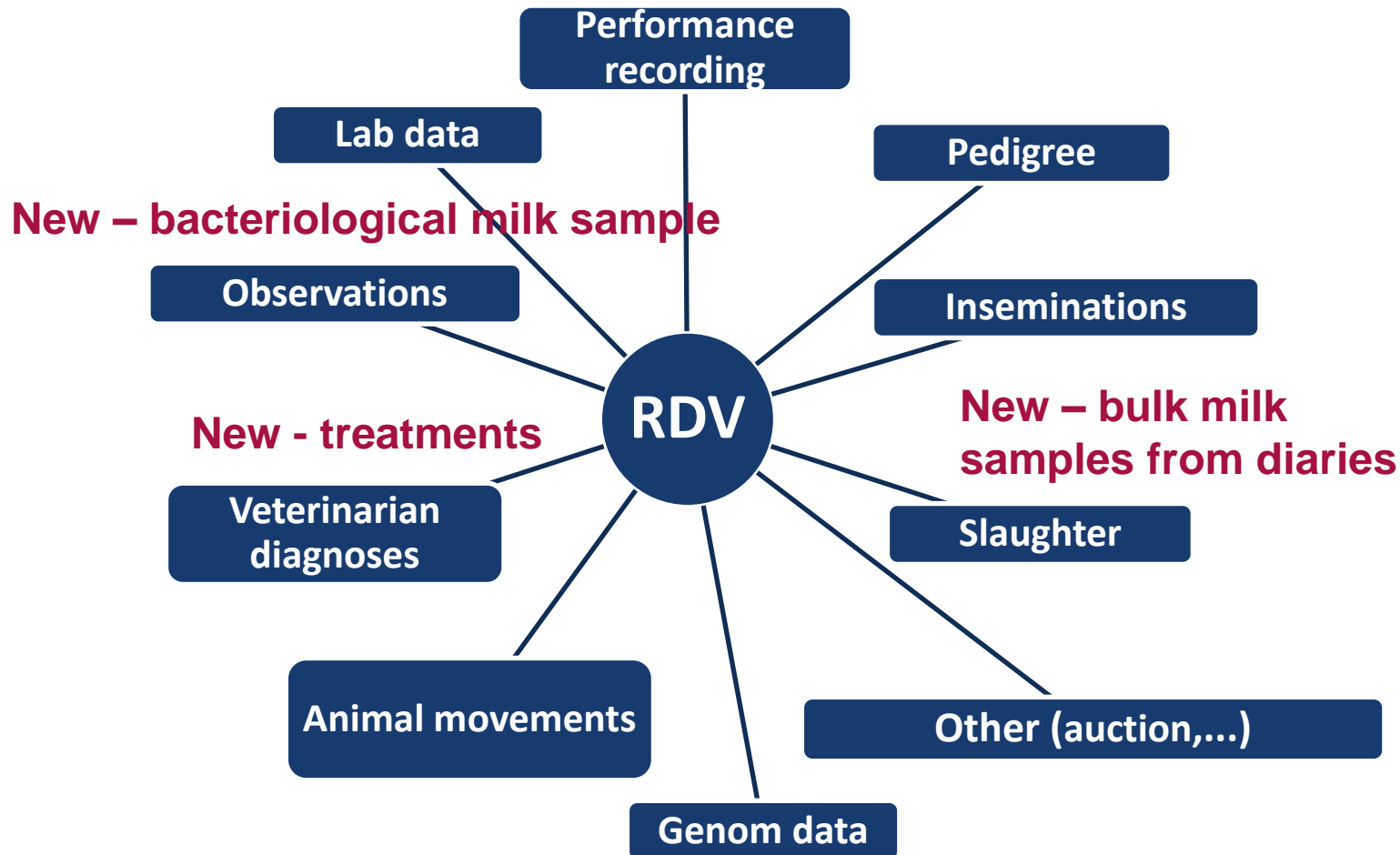
DATA PROTECTION ASPECTS BY MERGING CATTLE DATA OF VARIOUS ORIGINS

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Central cattle database (RDV)



AIM: Clarification of data protection aspects within project together with partners to **create a basis for joint further development.**

What can you expect?

- 1. Background and aim**
2. Basics on legal data protection issues
3. Structure of data processing within cattle breeding in Austria
4. Legitimacy of data processing
5. Examples for implementation based on health data
6. Special issues

Challenges of data integration

- Willingness of stakeholders/partners/players
- Standardisation and comparability of data
- Technical solutions to link data
- **Data protection issues**

Fundamental right of data protection

Constitutional basis on data protection law in § 1 *DSG 2000 (Austria)* is fundamental right such as e.g. fundamental right to freedom

(General Data Protection Regulation) – 25.5.2018 directly applicable in EU member states

“Everybody shall have the right to secrecy for the personal data concerning him”

Such data must be processed fairly for specified purposes and on the basis of a statutory obligation or authorization, a consent of the person concerned or other legitimate basis laid down by law.

Everyone has the right of access to data which has been collected concerning him or her, and the right to have it rectified

Fundamental right only for „**personal data**“

Definitions – types of data

Personal data: Any information relating to an identified or identifiable person.

Sensitive data: Data of persons about their racial and ethnic origin, political opinion, religious or philosophical beliefs, health or their sexual life.

➡ Animal data also about health are no sensitive data

Indirect personal data („pseudo-anonymised data“): Data for a controller, service provider or recipient of a transmission, if the data relate to the person in such a manner that its identity can not be determined with legally permissible means

„**Anonymised data**“: Are not traceable to individual affected person by anyone

➡ Measures on data protection depending on the type of data

Who is the owner of the data ?
eg. veterinarian diagnoses



Farmer



VET fills out the
receipt for drug use
including diagnoses
(law on drug use)

?

VET



There is no data ownership !
(no civil law on ownership of data)

Definitions - roles

Contracting authority/controller: natural persons and corporate bodies, Associations of persons or bodies of a local authority or business entities of such bodies if, on their own or jointly with others, they have taken the decision to use data, regardless of whether they use the data themselves or commission a service provider to do so

Data subject: Any natural or legal person or consortium whose data are used (RDV: “affected” = cattle – holder of cattle only indirectly affected)

Service provider/processor: natural persons and corporate bodies, Associations of persons or bodies of a local authority or commercial entities if they use data only for the production of a work applied to them

The different roles have to be defined and assigned to the data processed!

Structure of data processing

Members

| |
|-----------------------------------|
| 8 Federal chambers of agriculture |
| 8 Federal recording organisations |
| 17 Breeding associations |
| 6 Breed organisations |
| 4 Semen collection centers |
| 8 Semen storage centers |

Organisation



100%

Organisation



Tasks

| |
|-----------------------------|
| Representation of interests |
| Subsidies management |
| Marketing |
| Research |
| Education |

Tasks

| |
|-----------------------|
| Breeding and genetics |
| Performance recording |
| Herd book |

Different roles assigned. *The contracting authority is responsible for registration of data processing (presently) and holding updated information available about data processed.*

Roles of different players e.g. ZAR

Federation of Austrian Cattle Breeders (ZAR):

Overall aim: improvement of Austrian Cattle Breeding

Tasks:

- ***Provision and implementation** of services for the processing, evaluation and publication of data on pedigree and performance*
- ***Development of strategies** for computerization, breeding programs, artificial insemination, marketing and performance testing*
- *Determination of the content and requirements of the Austrian **proof of pedigree** for cattle*
- *Development, control and controlling the **breeding programs***
- *Planing and implementation of **marketing measures**.*

Roles do change based on the different legal bases:

- *Law on animal breeding*
- *Law on drug use in animals*
- *Bylaw on animal health organisations*
- *Residue control regulation*
- *Producer regulation*

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Legals circumstances for data processing

Purpose of data processing

Law of animal breeding / Animal breeding regulation: data within performance recording, genetic evaluation, breeding program

Chamber of Agriculture: contracting authority

ZAR: service provider, ZuchtData: sub service provider

Data subjects: farmers and veterinarians

Law on drug control / Residue Control Regulation / Veterinary

Antibiotic Volume Flow Regulation:

Receipt for drug use has to be issued by the veterinarian (information on animal, farm, diagnoses, treatment and date of treatment, Vet-ID,.. has to be documented and issued by Vet.

Contracting person for documentation: veterinarians

Data subjects : farmers

Who has the right to collect and process data?

Example veterinarian diagnoses

Formal legitimacy (§§ 6-9 DSG 2000, § 13 DSG 2000, §§ 17ff, § 50 DSG 2000, § 10f DSG 2000)

There has to be a purpose/reason for collection of data (e.g. bylaw of an organisation,...)

- aim of the organisation includes improvement of animal health by genetics
- membership arrangement include the collection of this data for this purpose

100712016

Arzneimittelanwendungs-, Arzneimittelabgabe- und Arzneimittelrückgabebeleg Urd. Nr. / Jahr

| | | | |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
| Betrieb: (Name und Anschrift) Hans Mustermann Lindenstrasse 12 / Wels LFBIS-Nr.: 27 21 212 | | Legende: B=Behandlung durch Tierarzt NB=Nachbehandlung durch Tierarzt A=Abgabe von TAM R=Rückgabe an den Tierarzt (Arten/Tier) | Tierarzt: (Name, Anschrift und Nr.) DR. MUSTER DOC Eichenstr. 12 4120 WIEN |
| TA: [] AO: [] RO: [] | Menge an-gegeben 5ml Bayhil 5ml Romefar | Arzneimittelbezeichnung (Handelsname)/ChargenNr. Bayhil Romefar | Genaue Anleitung (Anwendungsmenge / art, Dosierung pro Tier und Tag, Dauer der Anwendung, Mischanleitung) 1. ml |
| Wartzeit in Tagen Reiz: 12 Min: 6 | | | |

(Note: In the original image, red circles highlight the farm name, LFBIS number, vet name, and the date 08.09.2020.)

Tierarzt, dem in dem Amtlichen Veterinärnachrichten veröffentlichten Diagnosenverzeichnisse
 nicht bestätigt, dass ich vom Tierarzt über die Einhaltung der Vorschriften gemäß § 12 Rückstellanforderung 2009 informiert wurde

Unterschrift des Tierarztes: *Dr. Mustermann*
 Unterschrift des Tierbesitzers: *H. Mustermann*
 Datum (Tages/Monat/Jahr): 08.09.2020

Veterinarian diagnoses from data from official receipt on drug application and use can be processed

If the identity of the vet is recorded the vet has to agree!

Farmer is affected but has agreed already due to agreement within membership in breeding organisation.

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Implementation of agreement on use „consent“

‘**consent**’ of the data subject means any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her

Challenge:

- many different data sources – many different agreements to administer
- update of consent if new data are added

Different possibilities to agree:

- Bylaw of organisation (separate from other text and active confirmation!)
- Membership agreement (if it is within the purpose of membership)
- Separate agreement / consent (written, email, internet platform,..)
- If online agreement is possible for all members – easy to update

Electronic consent

The screenshot displays the 'Electronic consent' interface. At the top, a blue header bar contains the text 'Electronic consent'. Below this, a dark blue sidebar on the left shows a 'Home' menu item with a dropdown arrow and a link labeled 'Übersicht Zustimmungserklär...'. The main content area has a breadcrumb 'Home \', a large blue button labeled 'Overview agreements on „consent“', and a section titled 'Zustimmungserklärungen'. This section contains a list of items, each with a small icon and a pencil icon for editing:

- ▶ Mitgliedschaften
- ▼ Datenweitergabe - Schnittstellen
 - Herdenmanagementdaten
 - Tagesbericht
 - Jahresbericht Gesundheitsmonitoring
 - Tierstammdaten TGD-GMON
 - Tierstammdaten Besamungstierarzt
- ▼ Onlinezugriff auf Betriebsdaten
 - Onlinezugriff Tierarzt auf RDV4Vet
 - Onlinezugriff BU-Labor auf RDV4M

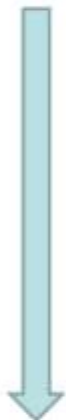


Aim: more transparent and easier to administer!

Example for implementation of farmers' consent with external partners

Data are generated by external partners e.g. lab data, bulk milk samples for diaries, veterinarians, hoof trimmers, data from slaughter houses,....
Example results on bact. milk samples for external labs

Laboratories



Verwendete Codes:

| Laboratorien | |
|--------------|----------------------------|
| 01 | Laboratorium |
| 02 | MLL-Friedrichshagen |
| 03 | MLL-Friedrichshagen (HSE) |
| 04 | MLL-Friedrichshagen (LHSE) |
| 05 | MLL-Friedrichshagen (LHSE) |
| 06 | MLL-Friedrichshagen (LHSE) |
| 07 | MLL-Friedrichshagen (LHSE) |
| 08 | MLL-Friedrichshagen (LHSE) |
| 09 | MLL-Friedrichshagen (LHSE) |
| 10 | MLL-Friedrichshagen (LHSE) |

SCHNITTSTELLE BAKTERIOLOGISCHE EUTERBEFUNDE
 Die Schnittstelle dient zur Meldung von bakteriologischen Euterbefunden in den Melkdatenverbund.

| Labor ID | | WFL-Teilung | Arbeitsnr. | Ergebnis |
|----------|----------------|-------------|------------|------------|
| 1 | Labor ID | 01 | 1011 | LACTO |
| 2 | LACTO | 01 | 1011 | LACTO |
| 3 | LACTO | 01 | 1011 | LACTO |
| 4 | Produktionsnr. | 01 | 1011 | 01.01.2014 |
| 5 | Produktionsnr. | 01 | 1011 | 01.01.2014 |
| 6 | Produktionsnr. | 01 | 1011 | 01.01.2014 |
| 7 | Produktionsnr. | 01 | 1011 | 01.01.2014 |

Beschreibung der Felder:

- Labor ID nach Festlegung der einzelnen Läden der Labors
- LACTO-Bereich
- Teil-Labornummer im Format AT1234567 oder auch mit Interpunktion oder Bsp. Labornummer im Format D4567890123456789
- Produktionsnr. Datum der Produktion auf dem Betrieb
- MLL-Teilung entsprechend der Melkdaten-Liste
- Labornummer entsprechend der Melkdaten-Liste
- Für jeden Euterbefund wird eine eigene Datensätze gebildet
- Laborname Produktionsnr. auf Erkennung von Änderungsüberlegungen

• **Cattle database**

| | |
|----|----------|
| 01 | Labor ID |
| 02 | Labor ID |
| 03 | Labor ID |
| 04 | Labor ID |
| 05 | Labor ID |
| 06 | Labor ID |
| 07 | Labor ID |
| 08 | Labor ID |
| 09 | Labor ID |
| 10 | Labor ID |

Farmer has to agree that **the lab is allowed** to transfer the results of his cow to the central cattle database !
 - responsibility of lab to have the consent of the farmer (external partner!)



External partners don't want to have additional work and responsibility concerning data protection issues if they transfer the results to a third party!

Service agreement

External partner (e.g. lab, veterinarian, dairy,...) signs a service agreement with the Federation of Austrian Cattle Breeders (ZAR, contracting authority for central data base)

Content:

- LAB assigns task to administer the agreements of the farmers for data transfer to the RDV to ZAR
- ZAR agrees to administer the agreements on consent of the farmer
- ZAR checks whether the consent is active and does a reduction of data according data protection legitimacy (filtering)
- ZAR assigns the work of filtering to the service provider ZuchtData (extra agreement ZAR and ZuchtData)
- The consent of the farmer is included in the membership agreement or a separate agreement administered by the performance recording organisations on behalf of ZAR



External partners can significantly reduce the effort required for data protection via a Service Agreement!

Agriculture 4.0

Many chances by merging data for added value – new possibilities.

Affected persons have to be careful who is allowed to use the data

- Who is sharing the data ?
- With whom? Who is informed?
- Who is benefiting from sharing data?

Clear structures, agreements on use of personal data, transparency e.g. are important to build up trust of the stakeholders and affected persons (data subject)

**Awareness of data protection !
Protection of personal data -
fundamental right!**

Acknowledgement

Electronich Herdbook



ADvancement of Dairying in Austria



Thank you to all project partners, funding organisations, colleagues and especially farmers and veterinarians !



THANK YOU FOR YOUR ATTENTION!