

2026 POLICY GUIDES

Agricultural Data Privacy

Issue

In 2026, the Nebraska State Legislature passed LB 525, the Agricultural Data Privacy Act. Among its many provisions, the bill focused on protecting data being generated on farms or ranches, however implementation and expansion of the law remains an important topic.

Background

Agricultural data is becoming more valuable as producers rely on precision agriculture tools, livestock technology, software, telematics, sustainability programs and digital platforms. This data can include information tied to land, crops, livestock, farm management, sustainability practices, finances and production decisions.

During the 2026 legislative session, LB 525 passed and adopted the Agricultural Data Privacy Act. The bill states that agricultural data is a proprietary business asset that originates from the farm, land, devices and equipment of agricultural producers. It also provides that producers own and control agricultural data originating from their farm, land, device or equipment.

LB 525 prohibits the sale of agricultural data without the producer's express written consent and requires contracts involving agricultural data to include language prohibiting sale without that consent. The bill also requires reasonable safeguards to protect producers' data.

While LB 525 was a major step forward, questions remain. The bill includes exemptions for aggregated data, derived data, certain service-related uses, legal obligations, cybersecurity responses and other disclosures. It is enforced by the state attorney general and does not create a private right of action.

For Nebraska Farm Bureau (NEFB) members, the question is whether LB 525 is enough or whether additional protections are needed to ensure farmers and ranchers remain in control of their agricultural data.

Farm Bureau Policy

AGRICULTURE DATA (2026). We believe that an agricultural producer retains all rights, title, and interest in and to any agricultural data originating on the farm. Producers should not be denied access to their data or the right to its portability. Anyone who possesses or uses producer data without permission or uses it in a way that harms the producer, should be held accountable.

CYBERSECURITY (2022). The protection of data within the food production and processing sector is vital to the economic future of our state and nation. NEFB supports continued investment in infrastructure needed to defend against cyberattacks, the inclusion of agriculture as a critical industry, and preparedness education for critical industries.

Questions

- Given that LB 525 relies solely on attorney general enforcement, should NEFB advocate for a private right of action or statutory liquidated damages to ensure producers can directly hold bad actors accountable?
- How should NEFB define the legal boundaries of aggregated and derived data in future legislation to prevent tech providers from using a producer's raw data to build proprietary tools without fair compensation or true anonymity?
- To uphold our policy on data portability, should NEFB support legislation that penalizes manufacturers who use proprietary software locks or format restrictions to block producers from transferring their data to third-party competitors?
- As artificial intelligence and machine learning models increasingly ingest ag data, what specific guardrails should NEFB propose to ensure that a farmer's proprietary production decisions are not used to train commercial AI models without explicit, secondary consent?