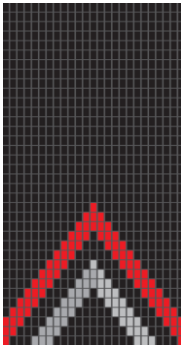# DATA FOR GOVERNANCE: GOVERNANCE OF DATA

AProf Maui Hudson, Prof Tahu Kukutai, Dr Donna Cormack

Māori Data Sovereignty: Opportunities for Policy Agencies

TPK, Wellington

26 July 2017

BACKGROUND

1. Data supports Development
2. Control serves Rights
3. Data for Governance
4. Governance of Data

"All data is potential taonga in relation to its utility, through technology or usefulness to the collective"

Dr Will Edwards, Ngāruahine &
Data Iwi Leaders Group

DATA FOR MĀORI DEVELOPMENT

- **Access and Use** to transform the lives of our people.

- **Governance and Control** to ensure the data is relevant and responsive.

- Building Trust and Value for Māori
  - How do we set up a system that recognises use of data as **dependent and dynamic**? (recognising context)
  - How will **Maori derive value** from the use of data? (realising benefits)
  - How will Maori trust the system that **governs the use** of data? (managing risk)

Independent Māori Statutory Board

The Māori Report
for Tāmaki Makaurau 2016
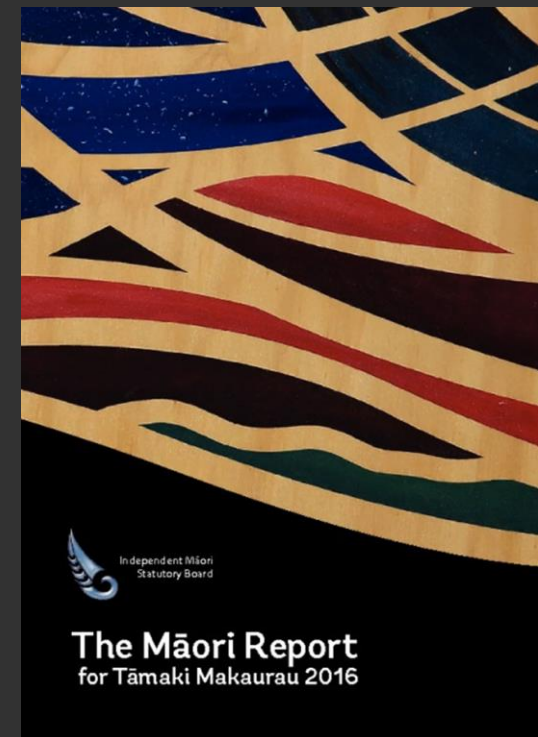
TRUSTED USE OF DATA

- The **secondary use of data** is the key issue in the data use context as individuals will have agreed to its collection for its primary purpose.

- Subsequent uses, without explicit permission, through data linkage, data sharing, or data aggregation, create the potential for misuse and (mis)appropriation (**kaiātanga**).

- **Individuals** should **consent** for their data to be included in aggregated data resources.

- **Collectives** should **govern** how those data resources are then used. This can be thought of as supporting processes of collective consent.

- Collective concerns about privacy, benefits and harms can't be addressed through individually focused consent mechanisms.

SOCIAL & CULTURAL LICENSE

- **Social license** is the ability of an organisation to use and share data because of the confidence that **individuals** have that the organisation will operate in a legitimate and acceptable way*

- **Cultural license** is the ability of an organisation to use and share data because of the confidence **Iwi and Māori Treaty partners** (collectives) have that it will operate in a legitimate and culturally acceptable way*

- Social License determines consensus through individual participation

- Cultural License determines consensus through collective representation

*Definition adopted from MPI Primary Sector Science Roadmap

DEPENDENCY -> GOVERNANCE -> SOVEREIGNTY

- **OCAP Principles**
- Data from Māori (OCAP)
- Data about Māori (A)
- Data about Māori Resources (A)
- Shift from Benefit-sharing (A) to Power-sharing (A->C->P->O)

Ownership

Control

Access

Possession
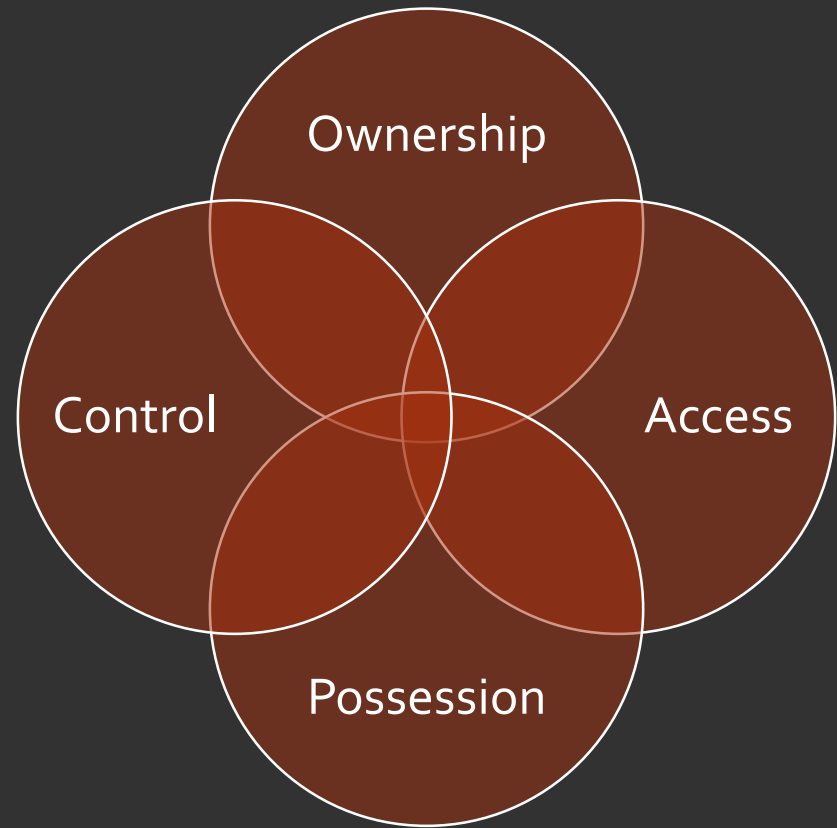
CONTROL SERVES RIGHTS

- **Indigenous Data Sovereignty is a discourse about rights and interests**
- Treaty rights
- Cultural Intellectual Property rights
- Ownership – Exclusive or Shared

- **Control serves Rights**
- Infrastructure influences ownership and possession
- Information influences access and use
- Data Governance controls access and use

IS DATA A TAONGA? THE TRIBUNAL…

- Waitangi Tribunal has not specifically considered whether Māori data is a taonga

- Based on existing Tribunal reports, for something to be classified as taonga
  - it must be valued and treasured by Māori
  - it must be significant and important to Māori.

- In relation to data this is likely to be context specific

- Māori data held by the Crown could be classified on a spectrum with a sliding scale of Crown obligations and Māori rights and interests

- *Kahui Legal (2016). Māori Data Sovereignty – Rights, Interests & Obligations Analysis. Memorandum to the Independent Māori Statutory Board.*

# IS DATA A 'TAONGA'? KEY INFORMANTS…

- Dewes (2017) identified from interviews with Māori key informants three key factors that relate to determining the taonga nature of any data set

- **Provenance** of the data
  - *Does the dataset come from a significant source?*

- **Opportunity** for the data
  - *Can the dataset support Māori aspirations for their people or their whenua?*

- **Utility** of the data
  - *Does the dataset have multiple uses?*

- **Who are the most appropriate people to decide what a taonga is?*

TOWARDS MĀORI DATA GOVERNANCE

MĀORI CONCEPTS RELEVANT TO DATA USE
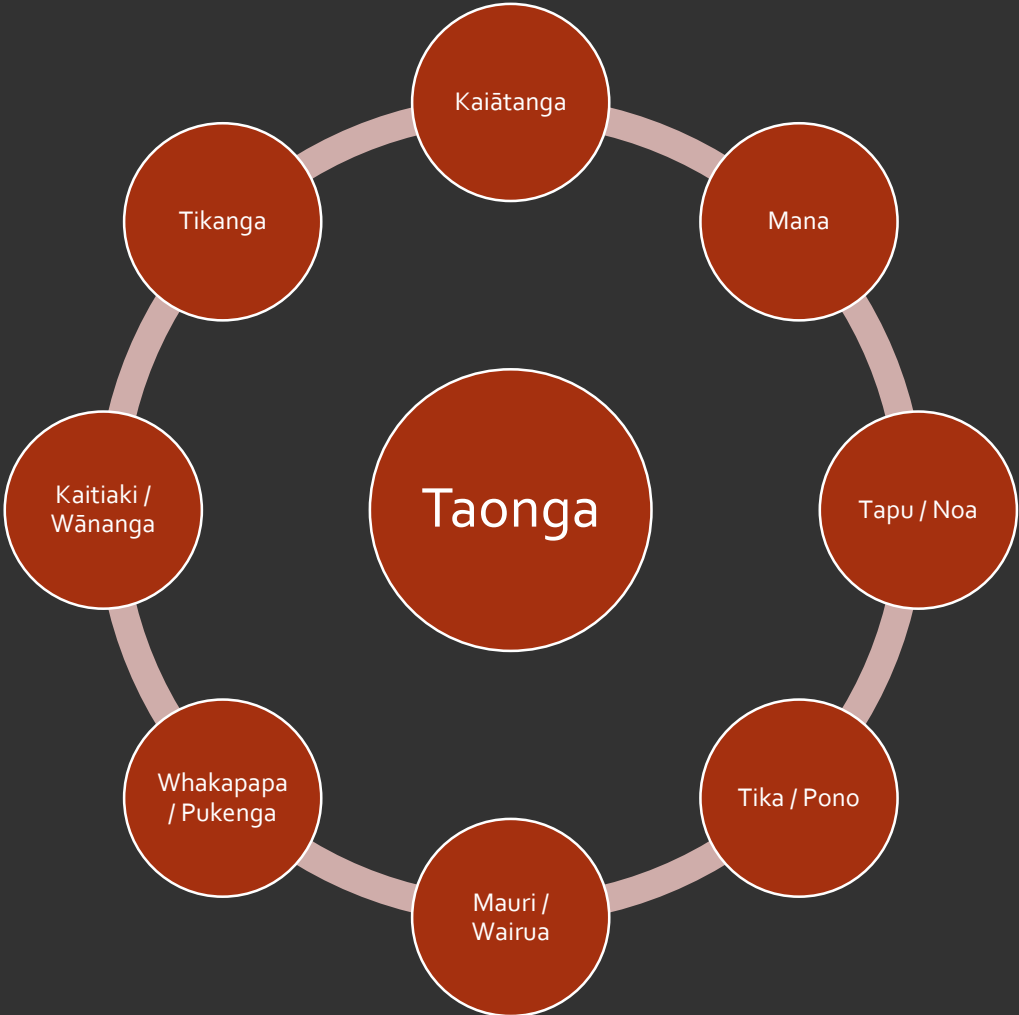
EMERGING FRAMEWORK
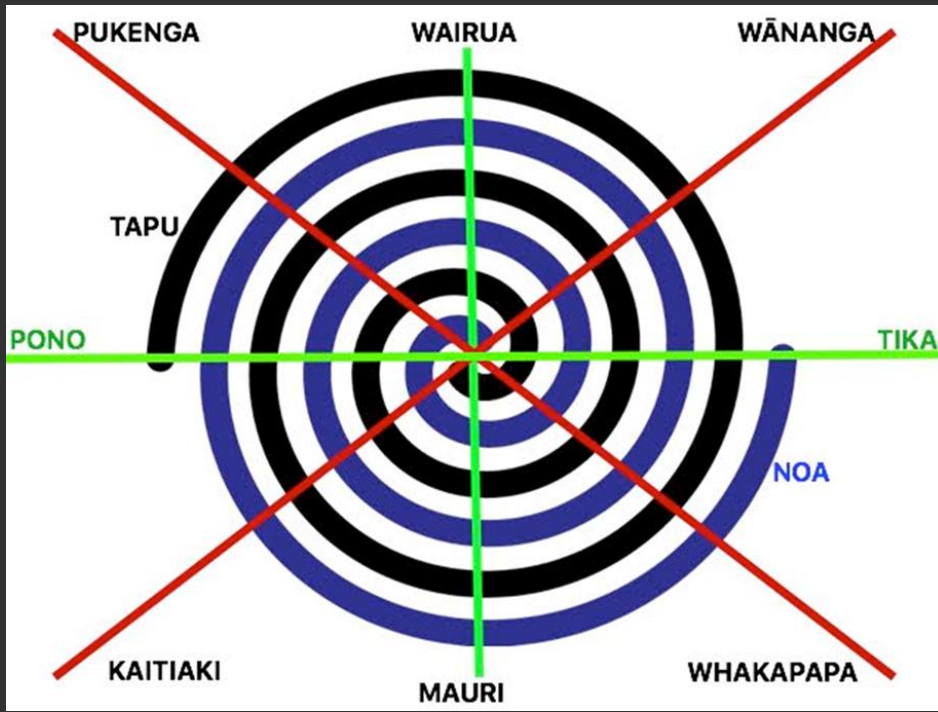
- Uses the Takarangi to reflect the duality that informs Te Ao Māori

- Assessment of the Data
  - Sensitivity - Tapu / Noa

- Assessment of the Data Use
  - Integrity - Tika / Pono
  - Authenticity - Mauri / Wairua

- Assessment of the Data Users
  - Mandate - Whakapapa / Pukenga
  - Stewardship - Kaitiaki / Wānanga

STEP 1. ARE WE USING MAORI DATA?

MĀORI DATA AUDIT TOOL (amended)

1. Does the dataset hold Māori Data?
   a. Is the Māori data definition consistent with the Te Mana Raraunga charter
   b. Is ethnicity data collected
   c. Is Iwi affiliation collected

2. Could the dataset support the creation of additional Māori-specific/iwi-specific data sets?

IF YES then move to STEP 2

STEP 2. IS THE DATA A TAONGA?

- This needs to be done in conjunction with Iwi / Māori Treaty Partners

- **Provenance** of the data
  - *Does the dataset come from a significant source?*

- **Opportunity** for the data
  - *Can the dataset support Māori aspirations for their people or their whenua?*

- **Utility** of the data
 - *Does the dataset have multiple uses?*

IF YES then move to STEP 3

STEP 3. EMERGING FRAMEWORK FOR TRUSTED USE OF MĀORI DATA

Concept	Characteristic	Assessment Question	High	Med	Low
Tapu	Level of sensitivity	"How sensitive is the data?"	🟥	🟨	🟩
Noa	Level of accessibility	"How accessible should this data be?"	🟩	🟨	🟥
Tika	Level of value	"How does the use of this data add value to the community?"	🟩	🟨	🟥
Pono	Level of trust	"Will the community support this use of the data?"	🟩	🟨	🟥
Mauri	Level of originality	"How unique is the data?"	🟥	🟨	🟩
Wairua	Nature of the application	"Is the data being used in the same spirit as its original purpose?"	🟩	🟨	🟥
Whakapapa	Level of relationship	"Does the user have an existing relationship with the data?"	🟩	🟨	🟥
Pukenga	Level of expertise	"Does the user have the expertise and experience to use data in a culturally appropriate manner?"	🟩	🟨	🟥
Kaitiaki	Level of authority	"Will the data be protected from inappropriate use?"	🟩	🟨	🟥
Wananga	Level of responsibility	"Does the institution have the necessary infrastructure to ensure the use of the data in a culturally appropriate and ethical manner?"	🟩	🟨	🟥

STEP 4. LEVELS OF GOVERNANCE

- Assessment predominantly RED

- High Sensitivity - Active Governance Required
  - (a) Māori having control over data;
  - (b) Māori partnership arrangement in relation to the data;

- Assessment predominantly ORANGE

- Medium Sensitivity – Passive Governance an Option
  - (c) Māori being consulted in respect of the use of Māori data; and
  - (d) the use of Māori data being disclosed to Māori.

- Assessment predominantly GREEN

- Low Sensitivity – Creative Commons or Open Data approach
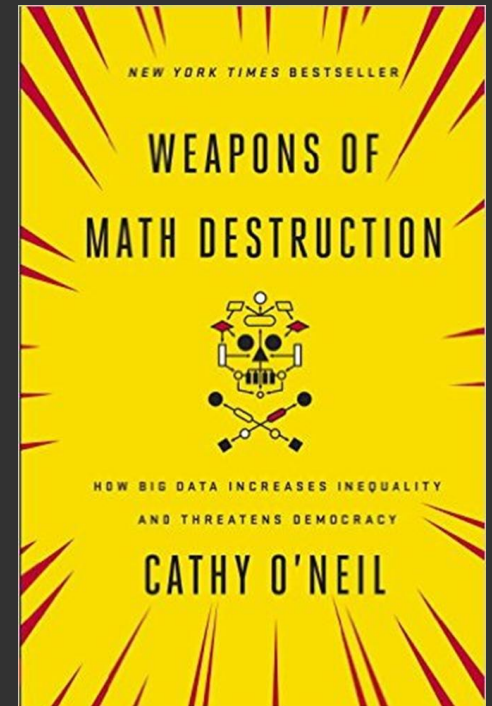
QUESTIONS
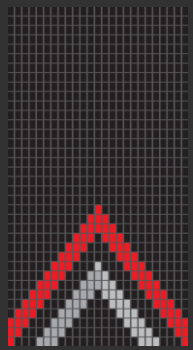
What data sets are you sharing with other organisations?

Does the dataset include Māori/Iwi data?

How are decisions about access made?

Can Māori/Iwi groups access the data?

Are Māori/Iwi involved in decisions about access to data?

What would Maori Data Governance look like for your data sharing activities?

What are the opportunities for Māori Data Governance to enhance trust in your organisation?

What are the challenges for operationalising Māori Data Governance in your sector?