



MĀORI DATA SOVEREIGNTY

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Introduction to Data Ethics
Wellington School of Medicine
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THE UNIVERSITY OF
WAIKATO
Te Whare Wānanga o Waikato

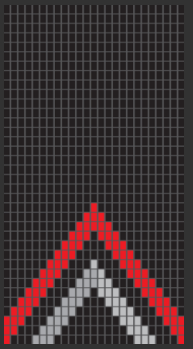
BACKGROUND

1. Indigenous Data Sovereignty
2. Maori Data Sovereignty
 - a. Data for Governance
 - b. Governance of Data
 - c. Data supports Development
 - d. Control serves Rights

“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*

INDIGENOUS DATA SOVEREIGNTY



WHAT IS ID-SOV?

Data Sovereignty = jurisdiction.
Data is subject to the laws of the nation **within which it is stored**



ID-Sov is about the rights of a nation to govern the collection, ownership, and application of its own data (USIDSN).



Indigenous Data Sovereignty –

data is subject to the laws of the nation **from which it is collected** (including Tribal nations)

GROWING GLOBAL RECOGNITION

2007 UN Declaration on the Rights of Indigenous Peoples

2008 WHO Commission on the Social Determinants of Health

a 'Minimum Health Equity Surveillance System'. As part of the system, 'good-quality data on the health of Indigenous Peoples should be available, where applicable'.

Indigenous recognition in the **International Open Data Charter** – under development

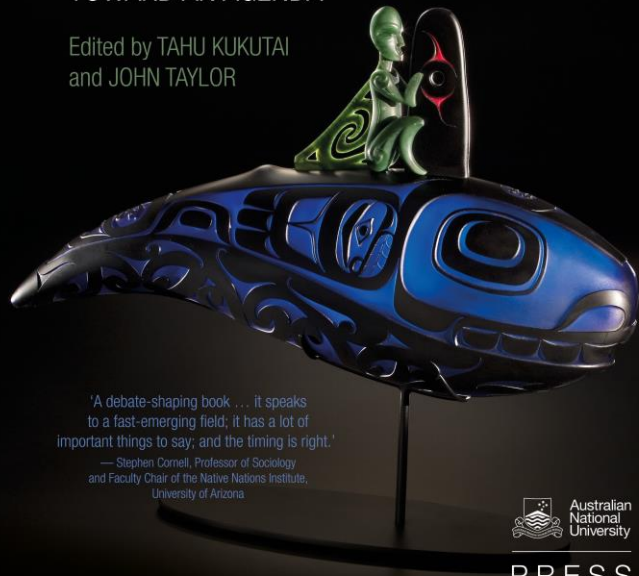
ID-Sov is supported by international policy

THERE'S A BOOK

INDIGENOUS DATA SOVEREIGNTY

TOWARD AN AGENDA

Edited by TAHU KUKUTAI
and JOHN TAYLOR



'A debate-shaping book ... it speaks to a fast-emerging field; it has a lot of important things to say; and the timing is right.'

— Stephen Cornell, Professor of Sociology
and Faculty Chair of the Native Nations Institute,
University of Arizona



PRESS

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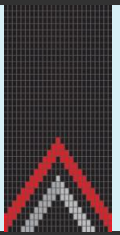
**'Whalerider', Preston Singletary &
Lewis Tamihana Gardiner**

ID-SOV IS A SIGNIFICANT ISSUE IN AOTEAROA

Iwi wanting access to and possession of data for their own development

Regional health data sharing agreement includes Māori D-Sov

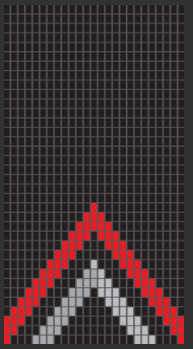
Te Mana Raraunga



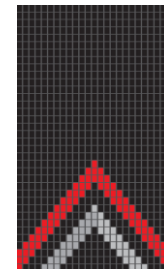
**Iwi Chairs Forum
Data Iwi Leadership Group**

**Independent Maori Statutory Board :
Data Strategy Expert Panel**

MĀORI DATA SOVEREIGNTY



WHAT ARE MĀORI DATA?



Data from Māori (self-generated)

From iwi, Māori organisations and businesses

Data about Māori (generated by others)

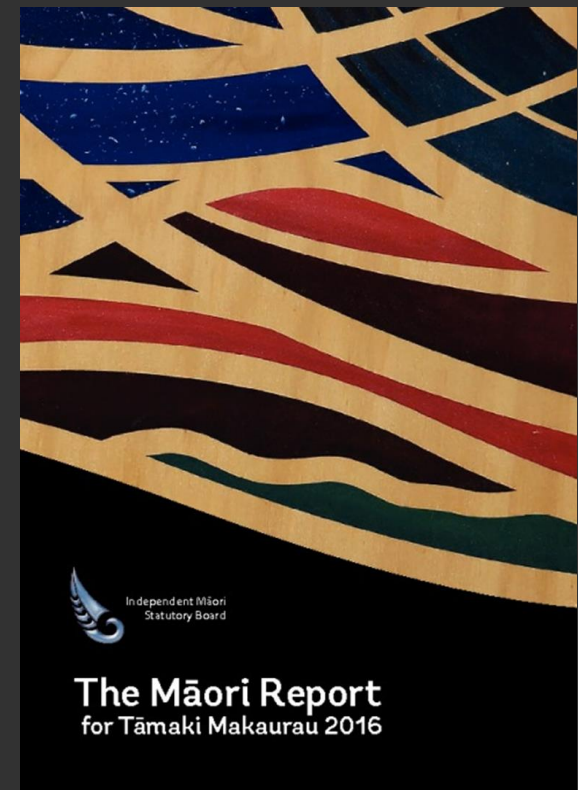
Used to describe or compare Māori collectives

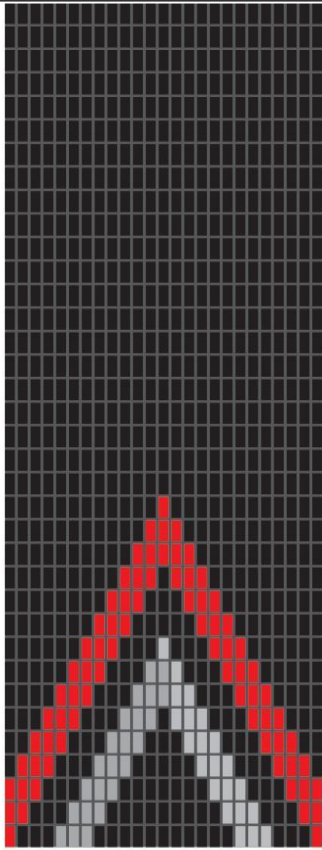
Data about Māori resources

Generated by self and/or others

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)





TE MANA RARAUNGA

Māori Data Sovereignty Network

ADVOCACY FOR MĀORI

- Data rights and interests
- Data governance
- Data storage and security
- Data access and control

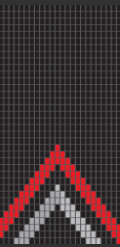
<https://www.temanararaunga.maori.nz/>

DATA AND THE TREATY

Maori Data Sovereignty' recognizes that Māori data should, at the very least, be subject to Māori governance (**Article 1**)

The '**Cultural License**' focuses on the social contract between Crown and Iwi through their Treaty relationship (**Article 2**).

The '**Social License**' relates to a social contract or expectation that the government will act in the interest of its citizens. (**Article 3**)



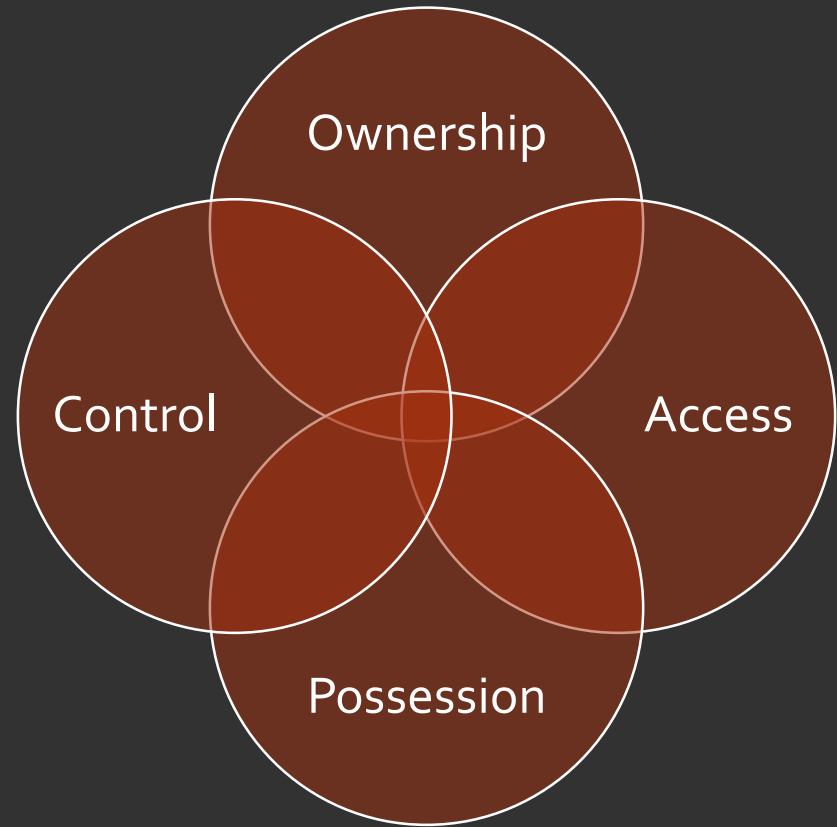
SOCIAL & CULTURAL LICENSE

- **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)



CONTROL SERVES RIGHTS

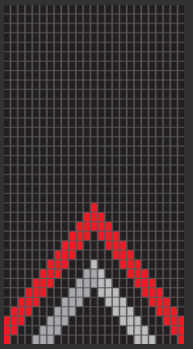
- **Indigenous Data Sovereignty is a discourse about rights and interests**
- Treaty rights
- Cultural Intellectual Property rights
- Ownership – Exclusive or Shared

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

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.

IS DATA A TAONGA?



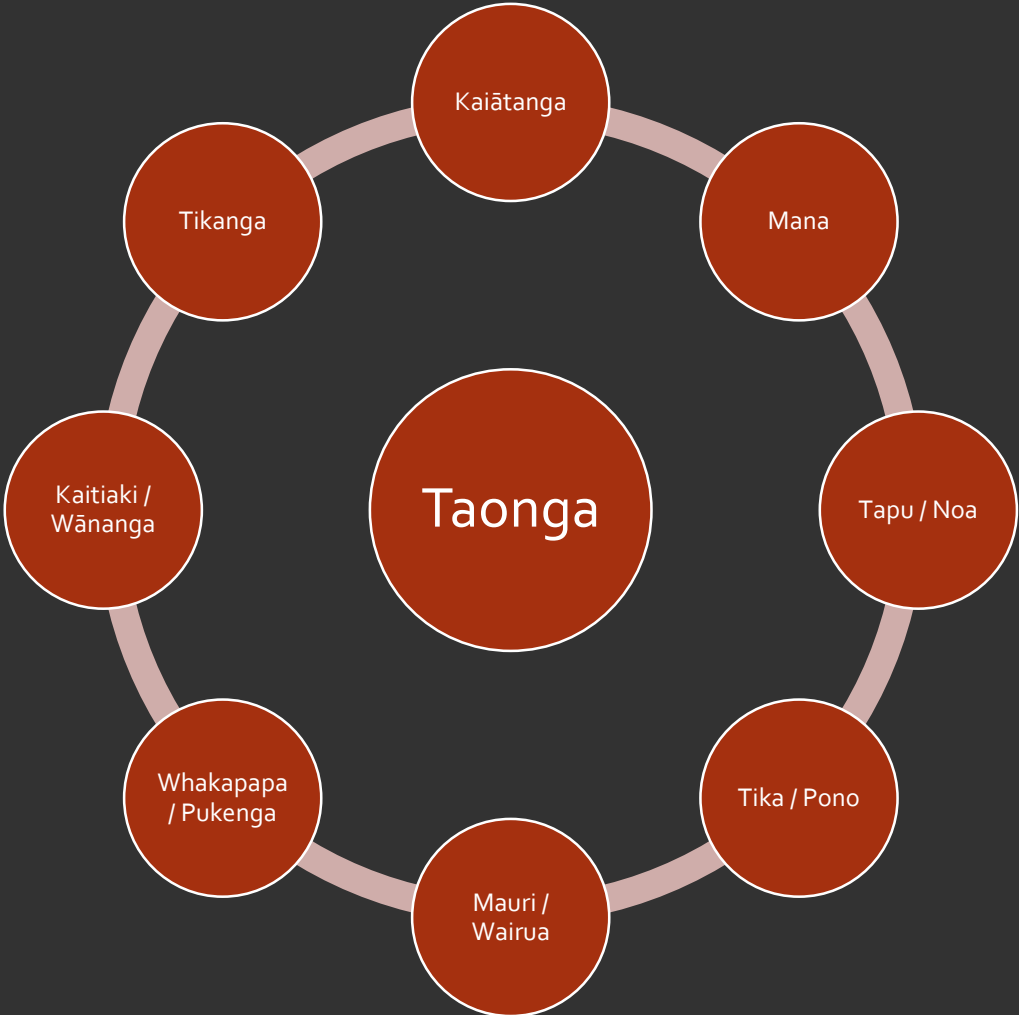
IS DATA A TAONGA? THE TRIBUNAL...

- 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?*

MĀORI CONCEPTS RELEVANT TO DATA USE



CASE STUDY: TOWARDS MĀORI DATA GOVERNANCE

**THINK ABOUT DATA IN YOUR
ORGANISATION**

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?

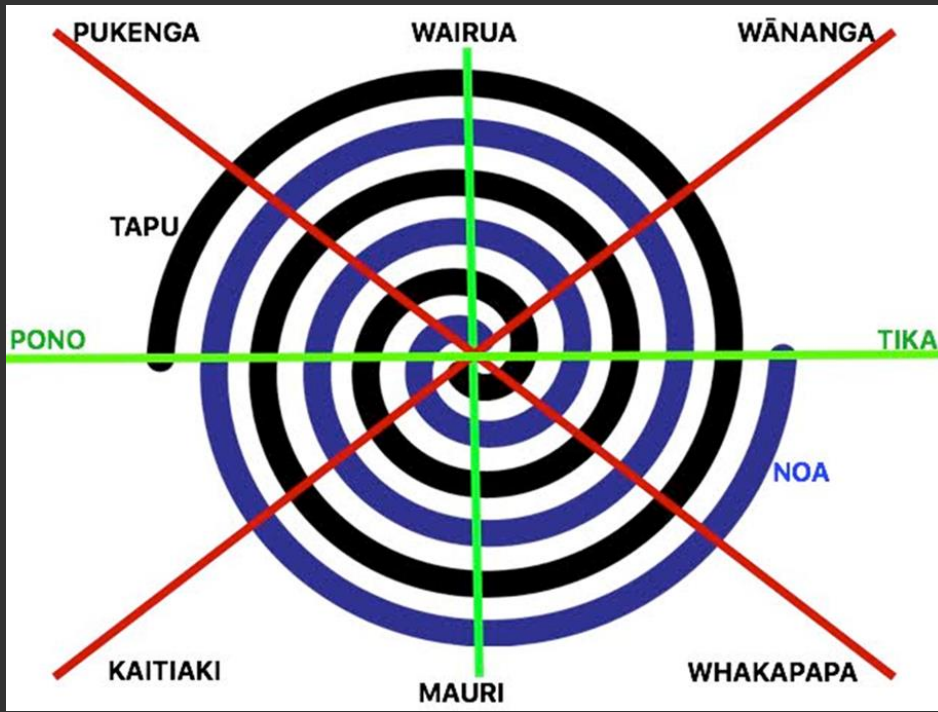
IF YES then move to STEP 2

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



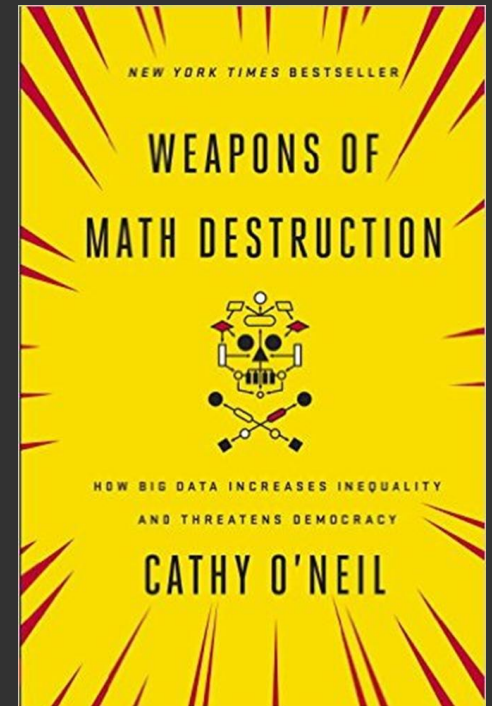
- Uses the Takarangi to reflect the duality that informs Te Ao Māori
- Assessment of the Data
 - Sensitivity - Tapu / Noa
- Assessment of the Data Use
 - Integrity - Tika / Pono
 - Authenticity - Mauri / Wairua
- Assessment of the Data Users
 - Mandate - Whakapapa / Pukenga
 - Stewardship - Kaitiaki / Wānanga

STEP 3. ASSESSMENT QUESTIONS

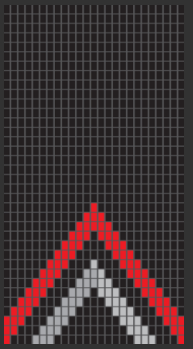
Concept	Characteristic	Assessment Question	High	Med	Low
Tapu	Level of sensitivity	"How sensitive is the data?"	Red	Yellow	Green
Noa	Level of accessibility	"How accessible should this data be?"	Green	Yellow	Red
Tika	Level of value	"How does the use of this data add value to the community?"	Green	Yellow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

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



THINK ABOUT THE DATA WITHIN YOUR ORGANISATION

- 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 organisation?

Data Governance Activities & TMR Mana-Mahi Framework

Whakapapa

- Acknowledge partner relationships with Māori/Iwi

Whanaungatanga

- Establish a process for disseminating actionable findings

Rangatiratanga

- Increase Māori/Iwi representation

Kotahitanga

- Enable Māori/Iwi providers to access data

Kaitiakitanga

- Establish Māori Data Governance Framework

Manaakitanga

- Integrate Māori principles in data use policy