Data Ethics

By Jackson Kerr (2942572)

Data and information are power. When you are well informed, you are able to make better[1] decisions. Holding more relevant information allows you to present the case for the best option more easily in most any given situation. Unfortunately, with a bit of dirty-work or simply by mistake it is easy to use data to create a convincing argument for decisions which are harmful to the collective or disproportionately harmful to a minority group. Even when the results of a decision are clear, data can be used to fool others or ourselves that we are in a lesser of two evils situation when in truth, we are not. To make things worse, people are well aware that there often exist situations where causing (preferably small) harm to one group for a much greater good which applies to a larger group is worthwhile. Especially if the benefiting group was worse off to begin with.

Data ethics is the idea that data should be collected, stored, processed and shared only in situations that will cause the best outcome for the collective. Data ethics is different to computer ethics which is more focused on the problem that advancements in information technology can make overtly unethical actions much easier. A data ethics framework is usually a non-legally binding set of rules whose purpose is to prevent accidental harm that can be caused by the misuse of data by making human concerns a bigger challenge to completing a goal than technical concerns. The goal of ethics frameworks is to ensure that each project fulfils a public need. The key components of an ethics framework are encouraging privacy, transparency, preventing bias and discrimination, and accountability[2]. However, in New Zealand unlike most countries, we also have to consider indigenous data sovereignty, meaning many out of the box frameworks which are applied in other countries are not useful here.

Data sovereignty is defined as "managing information in a way that is consistent with the laws, practices and customs of the nation-state in which it is located[3] ". So naturally, indigenous data sovereignty refers to managing information in a way that is consistent with the laws of the state and aligns with the practices and customs of the indigenous groups to which the data "belongs". Here things get a little muddy for New Zealand because "the indigenous groups to which the data belongs" is open to interpretation. For example, do Iwi have the right to data about fish populations collected by a private company in New Zealand? Do they need to be consulted before that data is collected? What about anonymised data collected indiscriminately by sensors of which some are Maori? Suddenly we are having a debate about Te Tiriti, what the meaning of it's text is, if it was even legally possible for the Maori chiefs to sign to protect or give up these rights 180 years ago, and if they were aware they were doing so. This is a debate that is unlikely to ever be settled and in the meantime we are still collecting, processing, and being informed on many important decisions by the data collected in New Zealand.

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[1] Here the word "better" is used in the sense of "better for the collective".
[2] Discussion paper: International data ethics frameworks - data.govt.nz
[3] Indigenous Data Sovereignty: Toward an Agenda—John Taylor and Tahu Kukutai - Direct Link

In order to bring some form or order to this clash of privacy legislation, data ethics, and the reality of how data is being used in a globalised world, The Data Ethics Advisory Group was formed with the aim "to help maximise the opportunities and benefits from new and emerging uses of data, while responsibly managing potential risk and harms". By providing advice based on their expertise in privacy law, ethics, innovative data use, Te Ao Māori, and government interests in the use of data among other things.[4]

There exists some New Zealand frameworks such as the Data Toolkit produced by Data.govt.nz (who lists receiving consultation from The Data Ethics Advisory Group) which provides a set of *five data ethics principles*[5] organisations in New Zealand should follow which are described in detail on their website. Those being:
- Have appropriate expertise, skills, and relationships with communities.
- Maintain public confidence and trust to use data.
- Use good standards and practices.
- Have clear purpose and action.
- Balance benefits and risks.

Data collection, processing, and storage is a vital part of all information technology projects whether their creators aim to serve society, shareholders, or themselves. It is vital that as a society we continue to develop concrete rules for what is and is not an acceptable use of our data. Some seem to frame indigenous data sovereignty as a separate issue to overarching data ethics. However, the issue of indigenous data sovereignty is more of a loophole with the potential to preserve some peoples control of their own data. It's just that the legal opportunity to provide the same level of control to the population as a whole seems to have passed.

"Indigenous peoples have a real window of opportunity, with no historical precedent, to achieve data sovereignty—an opportunity available because of the fortunate coincidence of a number of factors....as individuals, all citizens want this, but here I am referring to indigenous peoples as collectivities, as identifiable subgroups" [6].

The issue of indigenous data sovereignty seems in some ways to be an effort to account for society's failures to put privacy decisions in the hands of those who will be most affected by the outcomes.

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[4] [New Zealand Data Ethics Advisory Group](#)
[5] [The Data Ethics Advisory Group - The Principals in Detail](#)
[6] [Indigenous Data Sovereignty: Toward an Agenda—John Taylor and Tahu Kukutai](#) - [Direct Link](#)