

DATA201

Week 11 - Lecture 3

IDSov in Aotearoa: Māori Data Sovereignty (MDSov)

Previous Lecture

Aotearoa Context

- He Whakaputanga o te Rangatira o Nu Tireni (NZ Declaration of Independence) 1835
- Te Tiriti o Waitangi/Treaty of Waitangi 1840
- The Treaty of Waitangi Act 1975 (WAI 262, WAI 2522)
- The NZ Royal Commission on Social Policy (1988) – the Principles of Te Tiriti/The Treaty
- Human Rights Act 1993
- Data and Statistics Act 2022

Te Tiriti o Waitangi (very brief...)

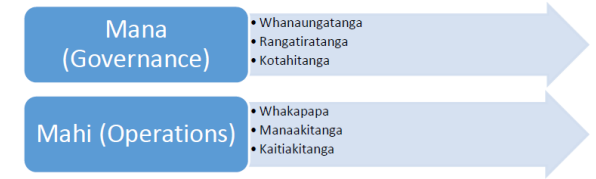
- Article 1 – Kāwanatanga
 - Authority granted to the crown to govern those under the crown
- Article 2 – Tino Rangatiratanga
 - Recognition of the authority structures that existed in Aotearoa
 - Authority exercised by the Rangatira (chiefs)
 - Taonga (not already bought by the crown) belong to Māori
- Article 3 – Citizenship rights for Individuals
 - All people are equal under the law (Māori and non-Māori)
 - Note: who makes the laws, enforces etc?

Māori Data Sovereignty (MDSov)

- Recognises that Māori data should be subject to Māori governance, and Māori organisations should be able to access Māori data to support their development aspirations
- Māori data – data produced by Māori, that is about Māori individuals/collectives, or about the environments Māori have rights and interests in (similar definition to Indigenous data)
- Māori data is considered a taonga
- Iwi Data Sovereignty (IwiDSov) – application of MDSov principles at the Iwi-level

MDSov Principles

Mana-Mahi Framework



Mana (Governance)

- **Rangatiratanga (Authority)**
 - Control, Jurisdiction, Self-Determination
- **Whanaungatanga (Obligations)**
 - Balancing rights, Accountability
- **Kotahitanga (Collective Benefits)**
 - Benefits, Capacity Building, Connections

Mahi (Operations)

- **Whakapapa (Relationships)**
 - Context, Data Disaggregation, Future Use
- **Manaakitanga (Reciprocity)**
 - Respect, Consent
- **Kaitiakitanga (Guardianship)**
 - Guardianship, Ethics, Restrictions

Principles can be found at:

<https://www.temanararaunga.maori.nz/s/TMR-Maori-Data-Sovereignty-Principles-Oct-2018.pdf>

Rangatiratanga (Authority)

Rangatiratanga speaks to the aspiration of Māori for self-determination – to be in control of their own affairs and their own data. This is especially true for activities that have the potential to impact Māori people and environments.

1.1 Control: Māori have an inherent right to exercise control over Māori data and Māori data ecosystems. This right includes, but is not limited to, the creation, collection, access, analysis, interpretation, management, security, dissemination, use and reuse of Māori data.

1.2 Jurisdiction: Decisions about the physical and virtual storage of Māori data shall enhance control for current and future generations. Whenever possible, Māori data shall be stored in Aotearoa New Zealand.

1.3 Self-determination: Māori have the right to data that is relevant and empowers sustainable self-determination and effective self-governance.

Whakapapa (Relationships)

Whakapapa speaks to genealogy. It is a fundamental value in Māori culture and is a way of describing relationship structures between individuals and collectives (whānau, hapu, iwi). From a Māori perspective, everything has an origin, therefore has a whakapapa (including data).

2.1 Context: All data has a whakapapa (genealogy). Accurate metadata should, at minimum, provide information about the provenance of the data, the purpose(s) for its collection, the context of its collection, and the parties involved.

2.2 Data disaggregation: The ability to disaggregate Māori data increases its relevance for Māori communities and iwi. Māori data shall be collected and coded using categories that prioritise Māori needs and aspirations.

2.3 Future use: Current decision-making over data can have long-term consequences, good and bad, for future generations of Māori. A key goal of Māori data governance should be to protect against future harm.

Whanaungatanga (Obligations)

Whanaungatanga denotes the fact that in Māori thinking and philosophy, relationships between mankind, Te Ao Turoa (the natural world), and Taha Wairua (spirit) are everything. There is an interconnectedness between all things and we all have a duty of care to all things.

3.1 Balancing rights. Individuals' rights (including privacy rights), risks and benefits in relation to data need to be balanced with those of the groups of which they are a part. In some contexts, collective Māori rights will prevail over those of individuals.

3.2 Accountabilities. Individuals and organisations responsible for the creation, collection, analysis, management, access, security or dissemination of Māori data are accountable to the communities, groups and individuals from whom the data derive.

Kotahitanga (Benefits)

Kotahitanga speaks to a collective vision of unity and purpose, whilst recognising and respecting Māori aspirations for self-determination and sovereignty over their own affairs. Data is a tool that should be used to improve lives and promote solidarity within populations.

4.1 Benefit. Data ecosystems shall be designed and function in ways that enable Māori to derive individual and collective benefit.

4.2 Build capacity. Māori Data Sovereignty requires the development of a Māori workforce to enable the creation, collection, management, security, governance and application of data.

4.3 Connection. Connections between Māori and other Indigenous peoples shall be supported to enable the sharing of strategies, resources and ideas in relation to data, and the attainment of common goals.

Manaakitanga (Reciprocity)

Manaakitanga can be expressed through the responsibility to provide hospitality and protection to individuals, groups, and the environment, as a token of appreciation and respect. Respect between those who collect and use the data, and those who the data is about should be a key aspect of the relationship.

5.1 Respect. The collection, use and interpretation of data shall uphold the dignity of Māori communities, groups and individuals. Data analysis that stigmatises or blames Māori can result in collective and individual harm and should be actively avoided.

5.2 Consent. Free, prior and informed consent (FPIC) shall underpin the collection and use of all data from or about Māori. Less defined types of consent shall be balanced by stronger governance arrangements.

Kaitiakitanga (Guardianship)

Kaitiakitanga speaks to the responsibility to be an effective steward and relates to actions to ensure a sustainable future for all people. Data should not necessarily be owned by those that hold it, but should be effectively protected and used in collaboration with data subjects.

6.1 Guardianship. Māori data shall be stored and transferred in such a way that it enables and reinforces the capacity of Māori to exercise kaitiakitanga over Māori data.

6.2 Ethics. Tikanga, kawa (protocols) and mātauranga (knowledge) shall underpin the protection, access and use of Māori data.

6.3 Restrictions. Māori shall decide which Māori data shall be controlled (tapu) or open (noa) access.

Beyond MDSov

- He matapihi o te mana raraunga (Hudson et al., 2017)
 - Considerations for the use of Māori data within big data ecosystems
- Ngā Tikanga Paihere (Stats NZ, 2020)
 - Framework for guiding the ethical and culturally appropriate data use
- Māori Data Governance Model (Kukutai et al., 2023)
 - A model outlining how Māori data should be governed for use
- Māori Data Privacy and Data Sovereignty (Kukutai et al., 2023)
 - A framework guiding individual and collective privacy of Māori data
- Māori Algorithmic Sovereignty (Brown et al., 2023)
 - A re-framing of MDSov to extend to responsible algorithm use with Māori data

(Knowledge and expertise)
Researchers demonstrate an awareness of and intention to work with data in culturally appropriate ways.



Pūkenga

(Accountability and transparency)
Level of accountability to communities of interest is explained and there is community support for the research.



Pono

(Organisations)
Institutions have established systems, policies, and procedures to support culturally appropriate practices when working with data.



Wānanga

(Community good)
Community objectives align with research objectives and any potential harm is considered.



Wairua

(Sensitivity and risk)
Sensitivities in the use of data are identified including privacy issues for whānau and identifiable groups.



Tapu

Have appropriate expertise, skills, and relationships with communities

Maintain public confidence and trust to use data

Use good data standards and practices

Have clear purpose and action

Balance benefits and risks



**Ngā Tikanga
Paihere**

(Community relationships)
Researchers establish suitable relationships with communities before undertaking substantive research.



Whakapapa

(Value for all)
Research should be part of a body of work that contributes towards better outcomes for Māori and New Zealanders.



Tika

(Data stewardship and governance)
Communities of interest are identified and involved in research decisions as early as possible.



Kaitiaki

(Data transformation and provenance)
Researchers show how data transforms from its original collection purpose to support research objectives.



Mauri

(Benefit and opportunity)
Data is readily accessible and there is demonstrated awareness of the impact on communities of interest.



Noa

Mā ngā tikanga e arahina - Be guided by good principles