Te Tiriti-guided national DNA reference library wānanga series

Wānanga 6: Data governance and sovereignty

The following questions were submitted during our wānanga but due to time restrictions were only addressed in the chat. Some answers have been modified in the interest of clarity.

Is it a matter of decolonising departments and their methodologies of control?
Answered by Tahu Kukutai: Āe and more - we situate decolonising data in the wider context of decolonisation which requires the cessation of practices that exploit and extract from Indigenous land, life, and knowledges. Decolonising data involves shifting the focus of control over Māori data back to Māori.

Is it correct that Crown Research Institutes (CRIs) and Universities as data stewards were not part of the 2020 co-design process?
Answered by Tahu Kukutai: Correct. The Mana Ōrite Agreement covers the public service not the wider public sector, although the Model of course is applicable to the wider sector.

Is data sovereignty part of Wai 262?
Answered by Maui Hudson: The language of Indigenous data sovereignty wasn't around when the Wai262 hearings and report were completed. However, Māori data sovereignty draws on some of the key concepts around Indigenous and cultural intellectual property and Indigenous research ethics, and treaty rights.
Added to by Tahu Kukutai: The Comprehensive and Progressive Agreement for Trans-Pacific Partnership (WAI 2522) has some interesting discussion on data sovereignty.

For Governance of Data vs Data for Governance, is the ambition that over time these two in some way operate in tandem on the same for all Māori data? And on the way there, do we move pragmatically to ensure Data for Governance is made available, even if Governance of that Data hasn't yet been achieved?
Answered by Tahu Kukutai: The way we talk about it in the model (and the discourse in the wider global context - e.g. Global Indigenous Data Alliance) is that it's an AND AND solution - we need both. Usually, agencies are comfortable with some form of data governance - less proactive when it comes to data for governance. There are lots of ways to pragmatically ensure data for governance is made available, as you say. Need more tangible examples/exemplars.

What steps are taken to ensure Indigenous data protection during international research collaboration projects?
Answered by Tahu Kukutai: In the New Zealand government arrangement with Horizon Europe, we tried to get a Māori data sovereignty clause. We weren't successful but there is a Tiriti clause which should enable Article 2, active protection of data as a taonga.

A challenge is educating project partners in European universities regarding the use of Māori data and Māori data governance in Horizon Europe. I am aware of three potential projects not going ahead because the lead European institutions felt the conditions around the use of New Zealand data, and the potential for that to be classified as Māori data, made the situation very difficult for them given the Open Access data requirements of the funding.

Answered by Tahu Kukutai: Yes. It may be that the recent establishment of the Sámi Research Data Governance across Norway, Sweden and Finland might begin to raise awareness of Indigenous data sovereignty issues in Europe. There are already a number of Sámi projects funded that could readily include Indigenous data sovereignty requirements - ongoing kōrero.

What is the risk/opportunity of Artificial Intelligence (AI) evolution given the extensive data harvesting that has already gone on and will become more pervasive? Are we developing necessary capabilities fast enough to stay in front of this as it seems to operate beyond the normal legislative control functions? Web3 protocols, ontology and machinery is a necessary frontier to further grow our engagement and capacity.

Answered by Tahu Kukutai*: Yes, this is tricky, especially given the lack of AI regulation here. Canada has a proposed AI and Data Act. The European Union has a proposed AI Act. The power of big tech is largely unfettered here. Te Hiku have written some interesting critiques of exploitation of te reo data in AI tools: https://blog.papareo.nz/whisper-is-another-case-study-in-colonisation/

This is also interesting: https://www.scientificamerican.com/article/how-indigenous-groups-are-leading-the-way-on-data-privacy/

This question was also addressed live during the wānanga

Can you please share the links to some of the reports and sites referenced during the wānanga?

- When the Crown controls Mātauranga
- Te Kāhui Raraunga Māori Data Governance Model
- Te Whata
- Rakeiora Genomics Platform
- Te Ara Paerangi – Future Pathways: Embedding te Tiriti o Waitangi
- A bridge between: Te Ao Māori and Te Ara Paerangi