
Decolonizing Data: Indigenous Data Sovereignty Primer

Prepared by Open North

In collaboration with the British Columbia First Nations Data Governance Initiative (BCFNDGI)

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The Need for Indigenous Data Sovereignty

“This needs to be a Nation-to-Nation conversation. We’re not going to advise you on what you should be doing with your data. We’re going to tell you what we’re going to do with our data”

Gwen Philipps
Citizen, Ktunaxa Nations

In 2017, the ways individuals, organizations and nation states collect, store, use and share data are rapidly changing. In response to this change, data sovereignty has become a hot topic for governments tasked with protecting citizen data, preserving national security and managing information consistent with their laws and cultural norms.

The issue of Indigenous Data Sovereignty is central to a robust definition of data sovereignty in contexts with a colonial past and present. This is in part due to the fact that colonial countries have, by their very essence, multiple governments functioning within them; some recognized, others not. There is a need to have well-defined relationships with the Indigenous nations whose territories fall within their asserted boundaries. Canada is only just beginning to understand the nature of nation to nation relationships with the Indigenous Nations of Canada.

It is equally important to recognize that nation states have traditionally handled and managed Indigenous data in the following ways:

1. Methods and approaches used to gather, analyze and share data on Indigenous communities has reinforced systemic oppression, barriers and unequal power relations;
2. Data on indigenous communities has typically been collected and interpreted through a lens of inherent lack, with a focus on statistics that reflect disadvantage and negative stereotyping;
3. Data on indigenous communities collected by nation state institutions has been of little use to Indigenous communities, further distancing Nations from the information;
4. Data on indigenous communities collected by the nation state government has been assumed to be owned and therefore controlled by said government
5. With a lack of a meaningful Nation-to-Nation dialogue about data sovereignty;

The time for Canada to support the creation of Indigenous-led, Indigenous Data Sovereignty charter(s) is now. The Government of Canada’s dual stated commitment to the reconciliation process and becoming a global leader on open government presents a timely opportunity. This opportunity should be rooted in a Nation-to-Nation dialogue, with Indigenous Nations setting the terms of the ownership and stewardship of their data as it best reflects the aspirations and needs of their peoples and communities.

We are a world ready for this discussion. In April 2016, the Maori people developed a Data Sovereignty Network Charter, which was approved in Te Rangimarie at Papakura Marae. Shortly after, the United States Indigenous Data Sovereignty Network established its own working code, mandate and membership. The first Indigenous Open Data Summit was held in October 2016 and the inclusion of indigenous

leaders in the International Open Data Conference, the Canadian Open Data Summit, and Go-OpenData moving forward has been recognized as necessary. The International Open Data Charter introduces the importance of indigenous peoples, but could go further.

This document serves as a stepping stone towards encouraging this dialogue, and to encourage that it does so with the principles and values of Indigenous Data Sovereignty at its heart.

The Project: Decolonizing Data

This primer is the result of a collaborative project between Open North and the British Columbia First Nations Data Governance Initiative (BCFNDGI) alongside other FN community partners across the country. It is a response to the realities and opportunities mentioned above, and is a step toward a clear vision of data sovereignty as it relates to First Nations values, governance and self-determination.

The principles and values expressed here were developed from conversations held with key First Nations leaders in data sovereignty initiatives across Canada. The goal of this primer is to:

- a) Offer the Government of Canada and the open government community a tool with which to better understand the definition of data sovereignty as it applies to Indigenous realities;
- b) Outline the basic principles and values of Indigenous Data Sovereignty necessary for a skillful Nation-to-Nation dialogue regarding this issue;
- c) Highlight the urgency of this issue and the unique opportunities it presents

Indigenous Data Sovereignty: Ten Key Principles

1. **Indigenous Data Sovereignty** is the right of each Nation to govern the collection, ownership, and application of its data. It needs to be defined by Indigenous communities;
2. **Data is not neutral** - Conversations about data, open data, and data sovereignty have to be defined and understood from the context of colonization, colonizer and colonized - the way information has been collected, owned and interpreted in Canada has a history of systemic barriers, oppression and subjugation that cannot be overlooked;
3. **First Nations are not “stakeholders”** - First Nations are Nations within their own right and as such, should be granted due respect and procedures accordingly;
4. **OCAP®** - The standards that establish how First Nations data should be collected, protected, used, or shared comes from a specific Nation-to-Nation context;
5. **First Nations are not a homogenous group** - There are currently 634 recognized First Nations in Canada, with different forms of culture, governance, needs and positions. There are also approximately 55 language groups that First Nations communities associate with. The government must establish 55 context-specific Nation to Nation relationships and a recognition of these languages as a step towards reconciliation;

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6. **Transforming the 5 “D’s” of Indigenous Data** - We need to shift our mindsets beyond the idea that data collected about Indigenous communities is useful when considered in relation to issues of disparity, deprivation, disadvantage, dysfunction and difference. Data is useful when it informs communities directly on issues of development and nation rebuilding and when confirming that First Nations citizens are achieving the level of wellbeing desired in their communities.
 7. **Acknowledging the past to work smarter moving forward** - It is necessary to understand and acknowledge the reality of where we have come from so that we can commit to changing how we approach data collection for a deeper ethic, ownership and effectiveness across nation state, communities, and Nations. The Reconciliation Commission of Canada (TRC) serves as a call for action to move us forward, helping guide a process of reconciliation led by Indigenous Nations and supported by the nation state.
 8. **Celebrating different world views** - There are differing world views in the Canadian context. Acknowledging the unique perspectives of both nation state and Indigenous approaches to data. It is necessary to move from pan Indigenous thinking to recognition of the Nations and their rebuilding and learning from both worlds and combining knowledge to achieve better outcomes.
 9. **Data needs to be relevant to Indigenous peoples and each Indigenous Nation** - Much data collected by the government is not useful to Indigenous communities - a key principle in the concept of Indigenous Data Sovereignty is the importance of focusing on data that is driven by, and proves useful to, Indigenous communities. This data must be relevant to each Indigenous Nation. Colonization was/is a slow process and not all Nations were/are affected the same way. Data must reflect the Nation’s current situation in relation to their ideal;
 10. **Data collection is not new to Indigenous peoples**; traditional structures included data collection and dissemination processes. Many Nations have rebuilt this capacity while others are beginning to rebuild their systems of accountability. There are data technicians, collectors and users within and across Nations, with a deep history, interest in and commitment to meaningful data and its uses.

Indigenous Data Sovereignty: Five Driving Values

“Our community has a set of tools and blueprints, that have shown themselves to be useful in the past in decision making — songs, legends, historical accounts — all the way from a head of a household or the chief of council to the nation council executive. All of this is data that people have used to make decisions.

Christopher Horsethief, Ph.D.
Union Institute and University
Cincinnati, Ohio

- 1) Indigenous peoples **have the power to determine who should be counted** among them;
- 2) Data sovereignty for Indigenous peoples **must reflect the interests and priorities** of Indigenous peoples;

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- 3) Communities must not only **dictate the content of data collected about them**, but also have the power to **determine who has access** to these data;
 - 4) There will be **different approaches to data sovereignty across Nations**. Nations themselves need to define their data parameters, how it gets protected and how they wish to tell their story historically, today, and into the future;
 - 5) There needs to be investment in Community-driven, Nation-based institutions to manage the transition back to self-government. This includes establishing resources for further capacity building in Indigenous' **compilation of data** and development of use of information

Open Data and Data Sovereignty

"The data spectrum can be helpful in determining how to proceed with open data. Data protection and data collection from government are real concerns for our communities. We need to define our own expertise and we need to be consulted on research that affects us. There is a limit in opening up data, as some data is sacred for us. Establishing different levels of access that are culturally specific is critical"

Marjolaine Sioui

Executive Director

Commission de la santé et des services sociaux des
Premières Nations du Québec et du Labrador (CSSSPNQL)

The current global trend toward the creation and support of Open Data policies, procedures and structures should be encouraged and advocated for. At the same time, there is an urgent need to create clear Indigenous Data Sovereignty parameters (originating from Indigenous voices) to ensure that Open Data as understood by nation state perspectives does not further marginalize/reinforce structural oppression towards Indigenous Nations. The Canadian context would do well to consider that Open Data parameters might need to be nuanced differently and in different ways, given the colonial history. Indigenous communities have experienced misuse and abuse of their data throughout colonialism by nation states and their institutions. This experience cannot be ignored when considering what "open" means to different communities.

The Canadian Government has a challenging task of simultaneously developing Open Data policies, concepts and procedures at the same time as establishing clear lines of support and resources for Indigenous Data Sovereignty. This is not straightforward. Nations must have control over what data is open to nation state institutions and others, and what data is to stay within communities. At the same time, Open Data is an important opportunity for every Nation. Below we outline four opportunities and challenges to consider when thinking about Open Data as it relates to Indigenous Data Sovereignty.

Opportunities

1. Tribes are collecting their own data sets and using them in the same way as the census. These methods serve to develop services and provide raw information that is useful and meaningful to communities in direct, tangible ways. Yet there is limited consistency or capacity to share best practices between these successful data initiatives. There is significant opportunity to aggregate data collected by different Nations. But this process should not diminish specific cultural identity and the needs of individual indigenous peoples when telling their own story.

2. Shared data collaboration among First Nations. In communities facing common challenges and administering similar services, there is an opportunity to develop shared data collaboration protocols that facilitate knowledge and skills sharing, strengthen relationship building. There is an opportunity to gradually build trust and approach the open data conversation without a sense of losing control. Shared data collaboration requires an acknowledgement of risks and barriers to opening data. This can help building of indigenous expertise in the production and management of data and the formation of governance arrangements that allow for institutional oversight of research and data collection in Indigenous communities

3. Data that has been collected about indigenous peoples in Canada represents an opportunity in understanding the limitations and negative impact that such methods can have on the well-being of communities, service design and delivery. There is an opportunity to compare and contrast colonial data and decolonized data by regarding data collection methods as failed methods and recognizing and enhancing the ability of First Nations to demonstrate their expertise and culturally specific approaches.

4. Indigenous leaders recognize that there is a lot of work to do at home, with tribes, and their own governments in raising awareness about the relationship between data sovereignty issues and open data. They are working towards rebuilding institutions of government and rebuilding relationships with other governments and Canadians. They are thinking about the power of networked knowledge within a global context that reaches far beyond discussions within states and have already been advocating for more open data, recognizing the need to balance data access with data protection.

Challenges and Risks

1. Data sovereignty is future focused and indigenous leaders recognize that where we are now isn't where we're going to be in 5-10 years. The conversation about data collection capacities is moving exponentially and data privacy and data ethics are at the core of the relationship between data sovereignty. The data-related decisions of today can impact and render illegitimate the findings and results of future projects.

2. The mechanisms by which data can be released while safeguarding the identities of individuals and communities is receiving greater scrutiny. Data could be opened up according to international open data principles if the interests align with the project and local communities. However, few local Nations are thinking about the possibilities of opening up data. Due to their colonial past and the trauma that they experienced. Fear and distrust persists and is deep seated. A discussion on open data in this context cannot simply focus on the benefits of transparency and accountability.

3. There are inherent risks within data which needs to be addressed before being opened up. Data can be taken out of context, people can have no control over them, the content in terms of quality can be questionable, the issues of consent, low likelihood that indigenous context can USE the data - but there is huge benefits - data is a way to protect our interests, and to collaborate and partner, create legitimate relationships where everyone has their interests represented.

4. Global frameworks such as the *International Open Data Charter* do not do cover or define the relationship between open data and data sovereignty. The global data revolution and associated new technologies can be a double-edged sword for indigenous peoples if the values and principles of indigenous data sovereignty are not respected. There needs to be an *Inter-Nation Open Data Charter* within colonial countries to acknowledge Nation to Nation relationships and Indigenous data sovereignty. This Charter could be required of colonial countries to participate in the stewardship of the Open Data Charter. Furthermore, acknowledging the Nation to Nation relationship and Indigenous data sovereignty could be a prerequisite for governments wishing to adopt the International Open Data Charter or become its Steward.