

CHI Māori Data Sovereignty Statement and Commitment. V2



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The purpose of this document is to formalise as an internal and public document that CHI as an organisation and its staff are committed to upholding the principles of Te Tiriti o Waitangi and UNDRIP by engaging with and for Iwi and Māori.

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Introduction

The Christchurch Heart Institute (CHI) recognise their Te Tiriti obligations and that Māori Data is a Taonga. Therefore, the CHI will treat Māori Data as a taonga and recognise that all data whether digital or biological, identifiable or deanonymized has a whakapapa.

Māori Data is information or knowledge, in any format or medium, which is about, from, produced by Māori, describes Māori and the environments Māori have relationships with, made by Māori or contains any Māori content or association or may affect Māori, whānau, hapū, iwi and Māori organisations either collectively or individually (Taiuru, 2020).

The Christchurch Heart Institute identify and use the following definitions related to Māori Data Sovereignty:

“Māori Data Sovereignty refers to the inherent rights and interests of Māori, whānau, hapū, iwi and Māori organisations have in relation to the creation, collection, access, analysis, interpretation, management, dissemination, re-use and control of data relating to Māori, whānau, hapū, iwi and Māori organisations as guaranteed in He Whakaputanga and or Te Tiriti and the provided recognition of rights with the United Declaration of Rights of Indigenous Peoples” (Taiuru, 2020).

“Marae/Rūnanga Data Sovereignty refers to the inherent rights and interests of Marae/Rūnanga (individual or collectively) in relation to the creation, collection, access, analysis, interpretation, management, dissemination, re-use and control of data relating to a Marae/Rūnanga as inherited by whakapapa with mana atua, mana tangata and or reflected in He Whakaputanga and or Te Tiriti and provided recognition of rights with the United Declaration of Rights of Indigenous Peoples ” (Taiuru, 2020).

“Rōpū Māori Data Sovereignty refers to the inherent rights and interests of Māori organisations (commercial, not for profit, collectives, representatives, consortiums) have in relation to the creation, collection, access, analysis, interpretation, management, dissemination, re-use and control of data relating to Māori organisations Māori Peoples as inherited by whakapapa with mana atua, mana tangata and or guaranteed to Māori Peoples members in He Whakaputanga, Te Tiriti and the provided recognition of rights with the United Declaration of Rights of Indigenous Peoples” (Taiuru, 2020).

“Whānau Māori Data Sovereignty refers to the inherent rights and interests Whānau Māori, whānau have in relation to the creation, collection, access, analysis, interpretation, management, dissemination, re-use and control of data relating to whānau Māori as inherited by whakapapa with mana atua, mana tangata and as guaranteed in He Whakaputanga and or Te Tiriti and the provided recognition of rights with the United Declaration of Rights of Indigenous Peoples” (Taiuru, 2020).

Principles of Māori Data Sovereignty

The CHI follow the Māori Data Sovereignty Principles as described by Te Mana Raraunga¹.

01 Rangatiratanga | Authority

- 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.

CHI's recognition of Rangatira

The CHI Data Governance Group has a Māori data expert representative who also works with the CHI database administration team to ensure Māori, whānau, hapū and Iwi rights and desires are considered.

All CHI Data is stored in New Zealand servers unless otherwise stated. If the data is to be stored overseas, then the donor of the data is notified and may choose to remove their permission for data to be used.

All Data is used in research outcomes that identify benefits and, in some cases, has the ability to empower Māori, whānau, hapū and Iwi tino rangatiratanga.

¹<https://www.temanararaunga.maori.nz/>

02 Whakapapa | Relationships

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.

CHI's recognition of Whakapapa of Data

Iwi

The CHI database lists participants iwi affiliation. Unlike many other databases that are Eurocentric and only allow a maximum of three iwi that are based on StatsNZ iwi list and not a mixture of traditional iwi and post treaty settlement iwi groups, the CHI Database recognises all iwi groups (described below) and allows an individual to select as many as they identify to.

CHI use the following definition of iwi as widely recognised in te ao Māori:

“A collective of a number of whānau and hapū that trace their ancestry to a common ancestor. An iwi usually is comprised of two or more hapū, although a number of smaller iwi have marae but no hapū.”

In addition to traditional iwi, CHI recognises following iwi groupings as recognised in New Zealand Legislation and by Te Puni Kōkiri ²:

Electoral Iwi Organisation and Other Māori Organisation

For the purposes of sections 111A to 111F of the Electoral Act 1993, iwi organisation and other Māori organisation means any organisation listed in the Schedule.

Iwi Authority/Other Iwi Authority

The term “iwi authority” is defined in the RMA only for the purposes of that Act. An iwi authority is not, therefore, necessarily the same thing as other representative iwi organisations recognised by the Crown. Consequently, entry as an “Other Iwi Authority” does not in itself specifically imply formal Crown recognition of that group as an iwi, nor formal Crown recognition of that “iwi authority” to act on behalf of that group.

² <http://www.tpk.govt.nz>

Iwi Aquaculture Organisation (IAO)

Iwi Aquaculture Organisation under the Māori Commercial Aquaculture Claims Settlement Act 2004³ an iwi aquaculture organisation is also a mandated iwi organisation under the Māori Fisheries Act 2004, authorised to act on behalf of its iwi in relation to aquaculture claims and aquaculture settlement assets.

Mandated iwi organisation in the Māori Fisheries Act (MIO)

Recognised iwi organisation in the Maori Fisheries Act 2004⁴ when a recognised iwi organisation has met the governance criteria set out in the Māori Fisheries Act it is entitled to receive fisheries assets as the mandated iwi organisation for that iwi. There can be only one mandated iwi organisation per iwi.

Iwi authority

Resource Management Act consultation the authority which represents an iwi for the purposes of the Resource Management Act 1991 (RMA) and which is recognised by that iwi as having authority to do so. Note that the term “iwi authority” is defined in the RMA only for the purposes of that Act. This does not in itself specifically imply formal Crown recognition of that group as an iwi, nor formal recognition by the Crown of that “iwi authority” to act on behalf of that iwi.

Post-Treaty settlement governance entity

Post-Treaty settlement governance entity the representative organisation established after a Treaty settlement with the Crown that has the purpose of representing the iwi members and managing any assets resulting from the settlement.

Recognised iwi in the Māori Fisheries Act

Recognised iwi in the Maori Fisheries Act 2004. The Act identified a finite list of iwi for the purposes of allocation of fisheries assets; the list is comprehensive and means that all Māori can affiliate by whakapapa to at least one iwi.

Recognised iwi organisation in the Māori Fisheries Act (RIO)

Recognised iwi organisation in the Maori Fisheries Act 2004. an organisation recognised by Te Ohu Kai Moana Trustee Limited⁵ under section 27 as representing a particular iwi but not to receive fisheries assets; each iwi can have only one recognised iwi organisation; see Schedule 4 of the Act for the full list.

³ <https://www.legislation.govt.nz/act/public/2004/0107/latest/DLM324349.html>

⁴ <https://www.legislation.govt.nz/act/public/2004/0078/latest/DLM311464.html>

⁵ <https://teohu.maori.nz/>

Representative Māori Organisation in the Māori Fisheries Act 2004

Representative Maori Organisation in the Maori Fisheries Act 2004 under section 29 of the Māori Fisheries Act 2004 a Representative Māori Organisation is entitled to participate in the procedures to appoint or remove a member or alternate member of Te Kawai Taumata as provided for in Schedule 8, and to appoint a member of any committee of representatives established under section 116.

Representative Organisation

The organisation which holds a mandate to represent the specific kinship groups [hapū and iwi].

Hapū

A development that nationally and within te Ao Māori has never had an opportunity to do is to allow Māori to recognise their own hapū data sovereignty.

CHI have created the nation's first data set of Hapū names that allow an individual to select which hapū they identify to and created a new Hapū License that recognises the rangatiratanga, whakapapa, whanaungatanga, kotahitanga, kaitiakitanga and Te Tiriti principles.

Within the database, there is no limit to the number of hapū chosen.

Marae

CHI have created the nation's first data set of Marae names that allow an individual to select which marae they identify to and created a new Marae License that recognises the rangatiratanga, whakapapa, whanaungatanga, kotahitanga, kaitiakitanga and Te Tiriti principles.

This sub set will implemented at a later date when required.

03 Whanaungatanga | Obligations

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.

CHI's recognition of Whanaungatanga of Data

The CHI has recognised and implemented this principle with the Iwi, hapū and marae data sets that allow extraction of Māori data by Iwi, hapū and marae groupings.

04 Kotahitanga | Collective benefit

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 Connect. 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.

CHI's recognition of Whanaungatanga of Data

The CHI Data Governance Group has a Māori data expert representative who also works with the CHI database administration team to ensure Māori, whānau, hapū and Iwi rights and desires are considered.

05 Manaakitanga | Reciprocity

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)⁶. (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.

CHI's recognition of Manaakitanga of Data

The CHI has committed to working with an Artificial Intelligence (AI) Expert to develop algorithms that will look for potential biases in the data CHI and the wider University have in the system.

Any biases that are identified will be addressed and used for positive outcomes.

The CHI have a commitment and a policy document "Te Tiriti and the UN Declaration of the Rights of Indigenous Peoples" that includes the UNDRIP article of Free, prior and informed consent (FPIC). All new consent forms will include the principles of FPIC.

We have ethical approval on all older consultations and data collected that prevent the CHI changing previous consent forms.

⁶ <https://www.un.org/development/desa/indigenouspeoples/publications/2016/10/free-prior-and-informed-consent-an-indigenous-peoples-right-and-a-good-practice-for-local-communities-fao/>

06 Kaitiakitanga | Guardianship

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.

CHI's recognition of Manaakitanga of Data

All data within the CHI is subject to tikanga Māori principles that is associated with any Taonga Māori including karakia, whakatau and mihimihi.

The CHI has committed to kaupapa Māori principles in its day to day operations including research via its "CHI Tikanga Values and philosophy" commitment document.

References

Taiuru, K. (2020). Tikanga and Sovereignty of genetic Data. PhD Thesis. Te Whare Wānanga o Awanuiārangī.