



EcoNet Charitable Trust

Māori Data Sovereignty Policy

JULY 2022

Te Tiriti Commitment Statement

With this commitment statement, we express our commitment to the Treaty of Waitangi/ Te Tiriti, the founding document of Aotearoa New Zealand. We acknowledge that Te Tiriti must be the foundation for our relationships with Māori peoples, hapū and iwi in the way we engage, design, operate and govern our data ecosystems.

Te Tiriti enshrines the constitutional arrangements between the Crown and Māori hapū/iwi through its articles and the evolving principles it evokes. Under Article I the Crown may govern (kāwanatanga) the land and its people and make laws provided these comply with the other articles and principles. Under Article II hapū are guaranteed rangatiratanga (authority) over their lands, papakāinga, and taonga. Article III guarantees citizenship and equity of outcome between the general public and Māori generally. As 'tangata Tiriti' all New Zealanders have a role upholding the rights and privileges of Māori as tangata whenua of Aotearoa.

To realise the promises of Te Tiriti, our relationship with Māori, hapū, marae, and iwi will continue to evolve. As an organisation we are committed to self-reflection, and how we can improve our understanding and commitment to Te Tiriti. This approach and commitment enriches our organisation.

Incorporating Te Tiriti into our everyday work will include:

- improving our understanding of Te Tiriti and what it means to all of our staff
- learning more te reo Māori and using it when speaking and writing
- normalisation of tikanga Māori within our organisation
- identifying new ways to partner with Māori, hapū, marae, and iwi within our individual roles

The principles of Te Tiriti o Waitangi, as articulated by the Courts and the Waitangi Tribunal, provide the framework for how we will meet our obligations under Te Tiriti in our day-to-day work.

We honour our Te Tiriti Statement through the principles of:

Principle 1: Recognition and protection of tino rangatiratanga

We guarantee to whānau, hapū, marae, iwi to exercise autonomy and self-determination to the greatest extent in the design, delivery of all of our data ecosystems and the protection of Māori data.

Principle 2: Equity

We commit to ensuring Māori data and data ecosystems are not biased, and that they are truly representative of Māori. We will commit to ensuring that Māori data is accessible to achieve Māori equitable outcomes.

Principle 3: Active protection

We will act, to the fullest extent practicable, to achieve equitable data outcomes for Māori, to ensure the right to tino rangatiratanga. We will ensure that our agents and Te Tiriti partners have Free, Prior and Informed Consent.

Principle 4: Partnership

We recognise the need to be a good governor and recognise and respect the status and authority of Māori to be self-determining in the governance, design, delivery, and monitoring of data ecosystems and the protection of Māori data.

Principle 5: Options

We will commit to creating and exploring how Kaupapa Māori research and Design methodologies can be adapted with all new system developments and Māori Data projects.

We acknowledge in the context of Te Tiriti rights as applied to indigenous flora and fauna the relevance of the Treaty of Waitangi Tribunal Wai 262 Claim. Wai 262 has at its core rangatiratanga over taonga and 'Māori control over things Māori'.

United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) Commitment Statement Example

Our organisation has a commitment to UNDRIP, with special consideration to the following articles that relate directly to Māori Data and Māori Data ecosystems: 1, 2, 3, 4, 7, 8, 11, 15, 18, 19, 32, 37, 38, 39:

Article 1,2, 3,7,8, and 9

We acknowledge these articles as also being Te Tiriti commitments and legal obligations of any citizen in New Zealand

Article 11, 12, 15

As a part of our commitment to Data Sovereignty principles, we acknowledge that Māori Data is a taonga that has customary protocols associated with it. Our commitment to work with relevant Māori stakeholder groups will help us to understand these customs.

Article 16

When designing Māori data ecosystems, we will where ever possible offer the interface in te Reo Māori and associated promotional materials in at least English and Māori.

Article 21

We are committed to ensuring our data and data ecosystems do not discriminate against Māori. We do this by co-designing and engaging with Māori stakeholders.

Article 27

We recognise that the term Māori is a post-colonial term for the multi represented Indigenous Peoples of New Zealand. As a part of our commitment, we recognise whānau, hapū, iwi, marae and rōpū Māori sovereignty rights and that there are different tikanga Māori associated with different types of data and data ecosystems. Most importantly, that Māori data is on loan, and we are the current guardians of the data. That any data ecosystem may be considered sacred and also to have whakapapa.

Article 31

Will be recognised and respected via meaningful and transparent engagement with Māori stakeholders.

Article 39

Through our partnerships with Māori stakeholders, we will offer training and employment opportunities.

Mataatua Declaration Commitment Statement Example

This statement is only applicable to Iwi Data that is sourced from or uses Māori Data from the Mataatua waka.

We regard Māori Data as an intellectual and cultural property, and that the rights of the Māori Data remain with the Māori of the Mataatua area.

We will work with the Mataatua Māori to co design and co create cultural ethics and beneficial outcomes for Māori of the Mataatua waka.

Māori Data Principles Commitment Statement Example

Our commitments to each of the seven Māori Data Sovereignty principles are outlined below.

WHAKAPAPA | Record Keeping

We recognise our Te Tiriti obligations and that Māori Data and digital ecosystems that use Māori Data are Taonga. As a result of this, we will treat Māori Data as a taonga and recognise that all data whether digital or biological, identifiable or deanonymized has a whakapapa (genealogy) and a mauri (life force).

We will commit to accurate metadata, provide information about the provenance of the data, the purpose(s) for its collection, the context of its collection, and identify where possible the whānau, hapū, iwi, marae, where the data is from and represents.

We recognise that Māori Data Sovereignty is not all inclusive of Māori society, therefore we also recognise and will utilise appropriate data sovereignty datasets and permissions that recognise the sovereignty of whānau, hapū, iwi, and marae.

RANGATIRATANGA | Authority

We acknowledge that Māori, whānau, hapū, iwi, marae, rōpū Māori have inherent rights to exercise control over Māori data and Māori data ecosystems. Therefore, we will appoint at least one Māori cultural representative to our governance structure and ensure that Māori, whānau, hapū, iwi, marae, rōpū Māori are engaged with the design process at the start.

EcoNet uses very secure cloud-based software. Microsoft and ArcGIS data is stored offshore. In cases that this is not acceptable, we will engage in discussions with our Māori stakeholders in a transparent manner to negotiate appropriate solution

MĀTAURANGA MĀORI | Cultural Values

We acknowledge and respect Māori knowledge systems (mātauranga Māori) and processes are not only a matter of courtesy but also recognition that such knowledge can make a significant contribution to the design and implementation process of data ecosystems. Our system developers will respect the intergenerational cultural property rights of Māori Peoples in relation to knowledge, ideas, cultural expressions, and cultural materials (mātauranga Māori).

WHANAUNGATANGA | Identity

All data that identifies benefits or the ability to empower Māori Peoples, hapū, marae, and lwi tino rangatiratanga will be shared (by agreement) with the relevant Māori Peoples and organisations. Among the tangible benefits that Māori Peoples, hapū, marae and lwi should be able to expect from a digital system project is the provision of information in a form that is useful and accessible.

KOTAHITANGA | Collective Benefit

Data ecosystems shall be designed and function in ways that enable Māori Peoples, hapū, marae, and lwi to derive individual and collective benefit and where possible, we will train whānau, hapū, iwi, marae, and other Māori stakeholders to use the system and to identify other benefits that our systems can be used for.

MANAAKITANGA | Care and Consideration

Principle of working with Māori stakeholders to ensure that systems do not generate bias against Māori Peoples, hapū, marae, Māori groups and lwi. Any biases that are identified will be addressed and used for positive outcomes.

KAITIAKITANGA | Guardianship

EcoNet acknowledges that Māori data is not owned by EcoNet, but that we are guardians of the data.

A recognition that all data and systems will be subject to tikanga Māori principles that are associated with any Taonga.

Hosting

Many of the current concerns that surround data sovereignty relate to enforcing privacy regulations and preventing data that is stored in a foreign country from being subpoenaed by the host country's government (Taiuru, 2017). Three primary pieces of legislation from the United States of America directly impact New Zealanders and in particular Māori Data Sovereign Rights for any data that is stored overseas or by a company that is owned by an American entity or individual. These are:

1. The Clarifying Lawful Overseas Use of Data Act (CLOUD Act) (H.R. 4943) was enacted on 23 March 2018. The CLOUD Act amends the Stored Communications Act of 1986 (SCA) to allow federal law enforcement to compel US-based technology companies via warrant or subpoena to provide requested data stored on servers regardless of whether the data are stored in the US or foreign jurisdictions.
2. The USA PATRIOT Act (commonly known as the Patriot Act) is an Act of the United States Congress allows American law enforcement agencies a wide and varying scope of powers to seize, analyse and copy data in certain circumstances.
3. The Stored Communications Act (SCA, codified at 18 U.S.C. Chapter 121, 2701–2712) permits the United States government to seize data of any American companies, whether physically located or the data is stored in New Zealand.

EcoNet uses Microsoft Dynamics and Esri ArcGIS cloud based software. These systems currently store data offshore. Microsoft is building an Aotearoa New Zealand data centre. Ideally Māori Data is hosted locally in New Zealand by New Zealand owned companies to ensure Māori Data Sovereignty and Te Tiriti are recognised and respected.

EcoNet welcomes discussion/kōrero on this issue.