



**ABORIGINAL DATA
SOVEREIGNTY**



CLOSING THE GAP

NSW Coalition of Aboriginal Peak Organisations (NSW CAPO)

Aboriginal Data Governance in NSW in Practice.

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Executive Summary

The National Agreement on Closing the Gap's Priority Reform Four (PR4) presents a transformative opportunity for the relationship between Aboriginal communities in New South Wales (NSW) and government data practices. Historically, data concerning Aboriginal peoples has been framed through colonial perspectives, aggregated, and rendered difficult to access, offering partial insights often skewed towards a deficit viewpoint.

Key Concepts:

1. **Aboriginal Data Sovereignty (ADS):** ADS underscores the rights of Aboriginal communities in NSW to govern and control their data, pivoting towards a broader framework emphasising self-determination and governance. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) globally reinforces these rights, emphasising the need for localised application within the NSW context.
2. **Aboriginal Data Governance (ADG):** ADG delves into the tangible mechanisms and processes that govern Indigenous data within Aboriginal communities. This includes vital aspects such as data protocols, privacy, confidentiality, and decision-making structures tailored to reflect and respect Aboriginal community values and priorities.

Principles Explored:

1. **Control of Data Systems:** The call for data ecosystems to be crafted, developed, and overseen by Aboriginal communities, underpinned by their unique governance systems, and grounded in their traditional practices and knowledge.
2. **Contextual and Disaggregated Data:** Advocacy for data that is both available and accessible at varying levels: individual, community, and First Nations.
3. **Relevant and Empowering Data:** The need for data that reinforces sustainable self-determination and effective governance.
4. **Accountable Data Structures:** Ensuring data practices and structures are transparent, responsible, and accountable to Aboriginal communities.
5. **Protective Data:** Emphasis on data practices that safeguard individual and collective interests, prioritising ethics, and active community engagement.

Aboriginal Data Governance, intertwined with the tenets of Aboriginal Data Sovereignty, stands as a beacon of transformation and empowerment for Aboriginal communities in the realm of data. By centering on these communities' aspirations, rights, and well-being, a path is paved for data practices rooted in trust, reciprocity, and mutual respect.

This paper invites dialogue and reflection, and highlights the importance of Aboriginal Data Governance and its pivotal role in championing Aboriginal rights, knowledge, and heritage within data practices.

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Background and Vision

The National Agreement on Closing the Gap's Priority Reform Four (PR4) instructs governments to share the data they collect on Aboriginal peoples with Aboriginal communities. This mandate has given us a historic opportunity to allow Aboriginal peoples and communities to determine their aspirations for data sovereignty and build the relationship between Aboriginal communities and the government around data. Today, data about Aboriginal peoples is often centred on government priorities, aggregated, decontextualised and hard to access. The insights it produces are often partial, reflecting colonial perspectives and deficit based.

Through the next decade or more of work under PR4, we aspire to decolonise and reform knowledge systems to enable Aboriginal people to exercise sovereignty and governance over data about them; and for governments to respect, respond and uphold Aboriginal Data Sovereignty and governance principles and practices concerning Aboriginal data. Doing so means Aboriginal people will have greater ownership, control, custodianship, and access to Aboriginal data. Such data is relevant, reciprocal, reflects Aboriginal people's priorities and perspectives and enables sustainable self-determination and nation-building. Under Closing the Gap, our progress in this direction will enable greater shared decision-making, strengthening of the community-controlled sector, and the transformation of government anchored in a more complete picture of community aspirations and needs. It will also enable the telling of authentic narratives that both celebrate the contributions and strengths of Aboriginal peoples whilst also providing a path towards having more honest conversations to address past and continuing systemic inequities. There is much potential for Aboriginal peoples' knowledge and values to help shape a future Australian society that embeds Aboriginal perspectives and ways of being, doing and knowing.

The Coalition of Aboriginal Peak Organisations (CAPO)

The Coalition of Aboriginal Peak Organisations (CAPO) is a collective of Aboriginal community-controlled peak organisations in NSW. CAPO serves as a strong voice for Aboriginal communities advocating for self-determination and addressing issues of importance across various communities. CAPO will play a significant role in promoting Aboriginal Data Sovereignty and supporting Aboriginal community-led decision-making processes.

Through CAPO, NSW Aboriginal communities will be actively engaged in discussions and initiatives related to data governance frameworks that respect Aboriginal communities' rights, cultural protocols, and self-determination and by ensuring that Aboriginal communities have collective ownership, control, and governance over their data.

Introduction

Aboriginal Data Sovereignty

Indigenous data is knowledge. Indigenous data is community stories, their dreaming, their lore, the stories that make communities who they are. Data is the past, present, and future. Data is information that helps communities improve outcomes and supports them to thrive based on their priorities. Data enables localised decision-making in planning and future-proofing for communities.

Sovereignty is a familiar term with diverse meanings for each individual Nation within NSW. Aboriginal Data Sovereignty as a concept has its own definition within diverse communities. While Indigenous Data Sovereignty (INDSov) and Indigenous Data Governance are commonly acknowledged as the international terms, within the context of this paper, they will be specifically referred to individually as Aboriginal Data Sovereignty and Aboriginal Data Governance.

Aboriginal Data Sovereignty encompasses the rights of Aboriginal communities within NSW to govern and control their own data. Aboriginal Data Sovereignty acknowledges that data holds immense cultural, historical, and community significance and that Aboriginal communities within NSW should have authority and agency over how their data is shared and used.

In NSW, Aboriginal Data Sovereignty goes beyond concepts of ownership and control to encompass the broader framework of self-determination and governance over data by Aboriginal communities. Aboriginal Data Sovereignty asserts that Aboriginal communities within NSW have the inherent right to determine what and how their data is collected, accessed, used, and shared. By exercising Aboriginal Data Sovereignty, Aboriginal communities can reclaim control over their communities' data and shape the stories around communities' own experiences, knowledge, and aspirations.

Aboriginal Data Sovereignty is a relatively new concept; however, its principles and meaning are not new. Aboriginal Data Sovereignty represents a shift from historical patterns of data exploitation, which have marginalised and misrepresented Aboriginal communities in NSW (Walter, 2016). Aboriginal Data Sovereignty as a movement has grown and has become an integral part of the journey to self-determination and nation-building for communities.

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) affirms the rights of Indigenous Peoples worldwide to access and control data about their Peoples, territories, lifeways, and resources (UNDRIP, Davis, 2016). Although the UNDRIP does not explicitly define Indigenous Data Sovereignty, it underscores Indigenous Peoples' rights globally to access and control data concerning their Peoples, territories, lifeways, and resources. This affirms and reinforces the principle of Indigenous Data Sovereignty in protecting collective rights. However, it is essential to note that the UNDRIP was formulated over 25 years through global consensus (Hanson, 2009). Therefore, significant work and time are needed to localise and implement these rights in the NSW context.

Aboriginal Data Sovereignty and Aboriginal Data Governance are integral components of empowering Aboriginal communities in NSW and upholding communities' rights in the digital age when many forms of data are becoming increasingly subject to commodification. These two concepts recognise the significance of Indigenous data as a reflection of cultural identity, knowledge systems and community well-being.

Aboriginal Data Sovereignty asserts the right of Indigenous peoples to control and govern their own data. At the same time, Aboriginal Data Governance provides the frameworks that guide responsible data management within Aboriginal communities (Kukutai & Taylor, 2018).

Aboriginal Data Governance

Aboriginal Data Governance focuses on the processes and mechanisms governing data within Aboriginal communities, including data protocols, privacy and confidentiality considerations, and decision-making structures. Aboriginal Data Governance complements the concept of Aboriginal Data Sovereignty by offering the practical frameworks and principles that enable Aboriginal communities within NSW to manage community data effectively.

Aboriginal Data Governance recognises the unique cultural, social, and political contexts of Aboriginal communities and promotes the development of governance structures that align with community values, protocols, and priorities. Aboriginal Data Governance emphasises the involvement of Aboriginal communities in decision-making processes, the establishment of ethical guidelines and the protection of data privacy and security.

“Exercising Aboriginal Data Governance enables Indigenous Peoples and their representative or governing bodies to accurately reflect their stories. It provides the necessary tools to identify what works, what doesn’t work, and why. Effective Aboriginal Data Governance empowers Aboriginal and Torres Strait Islander peoples to make the best decisions to support their communities and people in the ways that meet their developmental needs and aspirations.” (Maia nayri Wingara, 2018)

The intersection of Aboriginal Data Governance and Aboriginal Data Sovereignty reflects a transformative approach to data management that centres on the rights, self-determination, and well-being of Aboriginal communities. Aboriginal Data Governance recognises that Aboriginal data is more than just information; it embodies cultural heritage, traditional knowledge, and community resilience. By asserting control over their data, Aboriginal communities can counteract historical injustices, challenge data colonisation, and drive positive change within communities (Walter, 2016).

Aboriginal Data Governance is the practice of Aboriginal Data Sovereignty. Ray Lovett, a Wongaibon/Ngiyampaa man, advocated at the recent Aboriginal Data Governance Summit in Cairns (June 13, 2023) that,

“As communities, we need to advocate for structural and systemic change; Aboriginal leadership is required in the governance space. Data is extremely important to governance where we can rebuild our own data/knowledge systems.”

Aboriginal Data Governance establishes the principles and frameworks that guide the responsible collection, storage, access, use and sharing of data within Aboriginal communities. It recognises the unique cultural, social, and political contexts of Aboriginal communities and provides a pathway for self-determination concerning data.

There is significant differentiation between Aboriginal Data Governance and the governance of Aboriginal data. On the one hand, Aboriginal Data Governance is the enactment of data sovereignty through sovereign Indigenous governance groups. Alternatively, the governance of Aboriginal data is merely the rules any institution can apply to the custodianship of the Aboriginal data they hold. The lack of understanding of this differentiation leads to many individuals and institutions claiming Aboriginal Data Sovereignty simply by being custodians of Aboriginal data. However, while they may apply Aboriginal-centred governance practices of that data, it may not align with the worldview or governance principles of the Aboriginal communities concerned. Aboriginal communities have the right to control their data within organisations that are custodians of Aboriginal data as they own it.

This discussion paper explores the key concepts and considerations in Aboriginal Data Governance, focusing on the intersection with Aboriginal Data Sovereignty. It aims to stimulate meaningful discussions and generate insights for Aboriginal Communities within NSW. This paper will explore various concepts, concluding each section with thought provoking-questions to encourage further engagement and reflection.

Principle 1: Exercise Control of the Data Systems, including Creation, Development, Stewardship, Analysis, Dissemination, and Infrastructure.

“Deep yarning, listening, and our own governance systems are required, rooted in Country and part of ecosystems that support our way of doing, being and knowing.” (Ray Lovett, 2023)



The system cannot create what communities know and need, so it needs to form some other place in communities' cultural frameworks. It needs to be informed by a bigger picture, a framework with conditions that allow for life and centres our sovereignty (Raine et al., 2017). This allowance highlights the importance of focusing on how traditional knowledge systems within digital platforms and cyber infrastructures can enhance and create opportunities for diversity, inclusion, and equity (Hudson, 2020).

Exercising control of influence in the data ecosystem means having the ability to manage and influence each of these aspects effectively. This control allows the community to set policies, make decisions, and implement practices that align with community goals and values. By exercising control over the data ecosystem, communities, through their governance principles, can ensure that data is collected responsibly, managed securely, and used ethically to maximise its value and benefit for Aboriginal communities.

Control of the Data System

Control of Aboriginal data extends beyond ownership and encompasses the ability of Aboriginal communities to make decisions about data management and governance policies, establish protocols for data collection, and use and determine how data is shared and protected. Aboriginal communities have the right to determine the purposes for their data utilisation and ensure that this manner respects cultural protocols, customs, and lore.

Control of data empowers communities to shape the narrative around their data and challenges the dominance of external entities in data management. By asserting ownership and control, Aboriginal communities can reclaim their data and assert sovereignty in the digital realm (FNIGC, 2022).

There are challenges to be faced in terms of ensuring systems are secure and protect the rights of all Aboriginal people. Independent community data platforms and warehousing of data would be extremely complex and expensive to independently implement for all communities across NSW. A centralised data warehouse which could be accessed by communities through their own unique security access would create a more stable, secure, and efficient Aboriginal Data Governance model across the state. This approach has been applied in both Canada and New Zealand to ensure there are robust and secure data systems for their Indigenous peoples and is a model that Aboriginal communities of NSW could aspire to achieve (Te Kāhui Raraunga, 2023), (FNIGC, 2022).

Ownership of Data

One fundamental principle of Aboriginal Data Governance is the recognition of Aboriginal ownership and control over data. Aboriginal communities have a deep connection to data, as it encompasses their cultural heritage, traditional knowledge systems, and community narratives. This principle asserts that data about Aboriginal communities should be controlled and managed by and for the benefit of Aboriginal communities rather than by external communities (Global Indigenous Alliance, 2022). This concept challenges historical data extraction and exploitation patterns that have marginalised and misrepresented Aboriginal communities (Carroll et al., 2019). This principle emphasises the importance of recognising and respecting Aboriginal sovereignty and self-determination regarding data governance (GIDA, 2019).

Aboriginal Data Governance strongly emphasises the ownership and control of data by Aboriginal communities. This governance framework recognises that data holds significant cultural and intellectual value and that Aboriginal communities have the right to determine how their data is managed, accessed, and utilised. By asserting ownership and control over their data, Aboriginal communities can safeguard their cultural heritage, protect traditional knowledge, and exercise self-determination in the digital age (UNDRIP G.A. Res. 61/295, 2007).

There is a dominant Western perspective that data is anonymous; yet, arguably, is 'owned' by the holder of the data, be those organisations or the government; in a sense, likened to *terra nullius*. Professor Martin Nakata, a Torres Strait Islander who is internationally recognised as one of the leading Indigenous academics in Australia, contends that Indigenous knowledge (data) is a 'contentious one' and argues that

"Like colonisation, the Indigenous Knowledge enterprise seems to have everything and nothing to do with us."
(Nakata, 2002)

Ownership of Aboriginal data means it belongs to the communities from which it originates. It acknowledges that data is integral to Aboriginal cultural identity, reflecting the lived experiences, traditions, and histories of respective Aboriginal communities. Aboriginal communities have the right to determine who can access and use their data, ensuring that it aligns with community values, priorities, and aspirations.

Possession of Data

Possession refers to the right of Aboriginal communities to have physical and legal control over their data. Physical possession means that Aboriginal communities have the right to physically possess their data, whether stored in digital formats, paper records or any other medium. Data collected from or about the community should be returned to and remain in the community's possession instead of being retained solely by external stakeholders. Patient record data, for example, needs to be easily accessible by and shared with Aboriginal communities at a level of desegregation that meets communities' needs.

Part of possession is also legal control. Aboriginal communities have the right to determine how their data can be stored, accessed and used within limitations that protect community interests and cultural protocols. This legal control ensures that community data cannot be exploited or used for purposes not aligning with community values and aspirations.

Possession is critical to self-determination and Aboriginal Data Governance. Aboriginal communities can assert their rights to govern their data on their terms, ensuring that data is securely held, culturally respected and used in ways that benefit the community.

Question: How can Aboriginal communities effectively assert their rights to own and control data in the face of ongoing challenges such as power imbalances and the potential to misuse and misrepresent Aboriginal data?



Principle 2: Contextual and Disaggregated Data (Available and Accessible at Individual, Community, and First Nations Levels).

Aboriginal Communities: Accessing and Sharing of Data


Data sharing is a vital aspect of Aboriginal Data Governance that involves exchanging and disseminating information between stakeholders. For Aboriginal communities in NSW, data sharing can provide opportunities for collaboration, research, policy development, and evidence decision-making. A careful approach to this data sharing is essential, respecting communities' rights, aspirations, and cultural protocols. Effective data sharing within Aboriginal Data Governance requires key considerations, as discussed below.

Communities must have meaningful control over their data, including the right to determine who can access it, under what circumstances, and for what purposes. Consent processes should be culturally appropriate, transparent, and informed by the data governance framework. Aboriginal communities have the right to ensure that their data is shared securely and responsibly, safeguarding individual and community interests. Data access controls and security measures that combat the risk of data breaches (including access, disclosure, or exposure to unauthorised people and for unintended uses) are essential.

Aboriginal communities have valuable knowledge systems and cultural heritage embedded in their data. Any sharing of this data must be consistent with community values that protect cultural integrity and the ownership of community knowledge. Data sharing must respect and adhere to cultural protocols and intellectual property rights.

Data sharing and access to data should be a collaborative and mutually beneficial process that supports addressing community priorities and ensures that community needs and aspirations are central to the data sharing and access to data.

Establishing formal data governance agreements can provide a framework for respectful and responsible data sharing and access, including the scope, purpose, duration, and protocols for assessing and using the data. The agreements can provide clarity, transparency, and legal safeguards that promote accountability and protect Aboriginal communities' rights. Underpinning these agreements will be the communities' data governance frameworks and principles.



Questions: What are Aboriginal communities' key considerations and concerns regarding accessing and sharing data with government and other data holders and within their own communities? How can these concerns be addressed?

Principle 3: Data that is Relevant and Empowers Sustainable Self-determination and Effective Self-governance.

Exercising the right to Aboriginal Data Sovereignty occurs within a more extensive data system in which other governments, corporations, and entities also control tribes' data. Thus, Aboriginal Data Sovereignty also requires these external entities to incorporate tribal principles into their data governance practices (Raine et al., 2017). Within NSW, lore should be a beacon for defining the values that can guide the governance and aspirations for communities.

Aboriginal communities (as self-determining communities and nations) need access to relational data that organisations hold about them, whether people, cultural, economic, or Country. This access gives these communities opportunities to nation-build, develop, nurture, grow, and enhance community skills in the data space (Raine et al., 2017).

By incorporating this principle into the management and the use of data, communities can harness the power of information to strengthen their self-determination and self-governance processes. Relevant and empowering data fosters community resilience, supports evidence-based decision making and enhances community-led development for a sustainable and self-determined future.

Enhancing Community Capability for Data Governance.

Enhancing community capability plays a crucial role in data governance for Aboriginal communities in NSW. It refers to communities' knowledge, skills, resources, and capacities that enable active engagement, participation, and decision-making in data governance processes. Building capability is essential for communities to navigate and shape their data governance practices effectively.

Data literacy and education are essential for enhancing community capability. This capability building involves identifying training and education opportunities to equip community members with the knowledge and the skills to understand data, interpret findings and make informed decisions. Data literacy empowers community members to actively engage with data, challenge misrepresentations, and strengthen their data governance frameworks.

Knowledge transfer and intergenerational learning is an integral part of enhancing community capability. Traditional knowledge holders play a vital role in guiding data governance practices. Creating spaces for meaningful discussions, mentorship, and knowledge exchange helps preserve Aboriginal communities' cultural wisdoms and empowers future generations to engage in data governance actively. Building community capability is a collaborative practice involving partnerships, resources, and ongoing support.

Questions:

How can it be ensured that data collected and utilised truly reflects the communities' needs, priorities, and aspirations, empowers communities to make informed decisions, and is a driver for self-determination and governance?

What specific data-related skills, knowledge, or training would benefit Aboriginal communities? What are the key challenges or barriers that Aboriginal communities face in building data-related capabilities? How can external stakeholders assist in overcoming those challenges?

Principle 4: Data Structures Accountable to Indigenous Peoples and First Nations.

Transparency and Accountability

Transparency and accountability are essential aspects for obtaining relevant data for communities. Transparent processes allow for clear communication, informed decision-making, and the establishment of trust between data custodians and Aboriginal communities. Accountability mechanisms ensure these practices are responsible and aligned with the communities' interests (Taylor & Kukutai, 2016). In addition, cultural integrity is central to transparency and accountability as it requires that data is relevant to communities and that it respects and aligns with Aboriginal cultural protocols, traditional knowledge systems, and ethical guidelines. Cultural integrity ensures that data practices do not undermine or exploit Aboriginal culture but supports their preservation and transmission for future generations (FNIGC, 2020).

Collaborative Partnerships

Aboriginal Data Governance is currently emerging and requires collective responsibility and reciprocity. Taking this approach to Indigenous Governance creates an opportunity for nation-building and data rebuilding at the intersection of technological indigeneity, ecology, and legal systems that are deeply intergenerational and culturally embedded (Carroll et al., 2019).

Collaboration and partnerships are crucial elements of effective and inclusive Aboriginal Data Governance. They involve establishing relationships based on mutual respect, shared goals, and meaningful engagement between Aboriginal communities, researchers, government, and other stakeholders. Collaborative partnerships enable sharing and the co-creation of data governance frameworks that reflect the needs and aspirations of Aboriginal communities (Taylor & Kukutai, 2018).

Partnerships in Aboriginal Data Governance require open and transparent communication channels between all stakeholders. This communication will allow for exchanging knowledge, experiences, and resources, fostering a collective understanding of the challenges and opportunities in data governance within an Aboriginal community context. Transparent communication will also help to establish trust and overcome historical power imbalances.

Collaborative partnerships acknowledge the importance of capacity building within Aboriginal communities. They provide training, education, and knowledge-sharing opportunities that empower community members to participate in data governance processes actively. By enhancing the data literacy and data management skills of Aboriginal communities, partnerships can strengthen their ability to engage meaningfully in decision-making and contribute to the overall success of data governance initiatives.

Additionally, partnerships in Aboriginal Data Governance support the development of shared protocols, guidelines, and frameworks that align with the values, cultural norms, and ethical considerations of Aboriginal communities. Collaborative decision-making will ensure that all stakeholders' diverse perspectives and voices are heard, leading to more exclusive and contextually relevant Aboriginal Data Governance practices.

The entire data value chain must include Aboriginal communities and any data use must benefit the community. This benefit could include contributions to community advocacy and enhancing capacity building (such as research leadership within the community, traineeships, offering technical advice for funding, and developing educational materials) and ensuring that data sharing will strengthen and empower Aboriginal communities.

Benefit Sharing

Stewardship responsibility is integral to traditional knowledge frameworks. Value-based relationships are the key to moving the focus of data governance to active participation and leadership from Aboriginal communities, not consultation (Lovett, 2023).

The diversity inherent in planned governance is a notable strength of these traditional systems. Such systems offer valuable insights that can guide how Aboriginal communities function in the future. By creating frameworks, these communities can facilitate communication among themselves. They embrace various ways of being, doing, and understanding, especially within the realms of data technologies and infrastructure. A deep respect for this diversity is what strengthens traditional governance in these ever-evolving systems. Furthermore, the range of perspectives adds robustness to the collective.

Community Engagement

Aboriginal Data Governance recognises the critical importance of community engagement and active participation in decision-making processes. It acknowledges that Aboriginal communities should be central in shaping and implementing data governance practices that directly affect them. Community engagement fosters inclusivity, transparency, and empowerment within governance data initiatives.

Meaningful community engagement involves creating spaces for Aboriginal communities to have a voice, share their perspectives and contribute to developing and implementing data governance processes. Beyond mere consultation, it seeks to establish collaborative partnerships honouring Aboriginal knowledge systems, cultural protocols, and community aspirations.

Community engagement in data governance enables Aboriginal communities to articulate their data needs, priorities, and concerns. It allows for identifying specific data requirements that align with community objectives, empowering communities to determine the data types that are meaningful, relevant, and culturally appropriate for community purposes (Doyle, 2023).

Community engagement encourages capacity building within Aboriginal communities. It supports the development of data literacy, data management skills and understanding of data governance processes. By equipping communities with the necessary knowledge and skills, communities can actively participate in decision-making, data collection, analysis, interpretation, and use of their data.

Additionally, community engagement is a mechanism for building relationships between Aboriginal community stakeholders and data custodians. It recognises the value of local knowledge, leadership, cultural expertise, and lived experiences that Aboriginal communities bring to Aboriginal Data Governance initiatives.

Question: What steps are necessary to build strong and respectful relationships between Aboriginal communities and external stakeholders/data custodians who access and use community data? Provide any examples of where this has been successful.

Principle 5: Data that is Protective and Respects Our Individual and Collective Interests.

Collective Benefits and Interests

Aboriginal Data Governance aligns with the principle of collective benefit and interests; it ensures that data management practices must extend beyond project stakeholders and contribute to the collective well-being and self-determination of the entire community.

An essential aspect of this principle is creating collaborative partnerships where stakeholders recognise the expertise and rights of Aboriginal communities as equal partners. They involve meaningful and ongoing engagement beyond tokenistic involvement, integrating Aboriginal perspectives, values, and priorities into decision-making processes and outcomes.

This principle empowers communities to question research projects and stakeholders' data practices on how these projects, data practices and the sharing of their data will benefit their communities as a collective. Collective benefit focuses on long-term impact and sustainable outcomes because it ensures that data practises are community-driven, culturally respectful, and focused on the community's well-being.

Ethical Considerations

One important aspect of ethical considerations in Aboriginal Data Governance is the concept of cultural protocols. These protocols establish respectful and appropriate ways of engaging with Aboriginal communities and their data. They acknowledge the cultural significance of data and guide how data should be collected, accessed, stored, and shared while respecting cultural norms, practices, and protocols (Carroll et al., 2022).

Another critical consideration is the principle of confidentiality and privacy. Aboriginal communities have the right to determine the level of confidentiality and privacy they desire for their data – determining who has access to it, how it is stored and secured, and when and how it is shared with external parties. Respecting confidentiality and privacy ensure appropriate protection for Aboriginal knowledge (Carroll et al., 2019).

Furthermore, the principle of informed consent is paramount in Aboriginal Data Governance. Informed consent ensures that individuals and communities understand the purpose, scope, potential risks, and benefits of using their data. It involves engaging in transparent and culturally appropriate communication and providing information in accessible formats and languages, which allows communities to make voluntary and informed decisions about their data (Taylor & Kukutai, 2018).

Ethical considerations in Aboriginal Data Governance also address potential risks, power imbalances, data collection and use harms. These considerations safeguard against data misuse, misinterpretation, or misrepresentation that could perpetuate stereotypes or further marginalise Aboriginal communities. It involves proactive measures to mitigate potential risks and protect the integrity and dignity of Aboriginal communities and their data.

Ethics play a crucial role in Aboriginal Data Governance to ensure that data management respects the rights, values, and well-being of Aboriginal communities. It encompasses the application of ethical guidelines, cultural protocols, and community norms to guide data governance processes and protect Aboriginal rights and knowledge.



Question: How can the governance of Aboriginal data by Aboriginal communities ensure a collective benefit for all Aboriginal community members?



Conclusion

Aboriginal Data Governance, rooted in the principles of Aboriginal Data Sovereignty, is a transformative approach that recognises the rights, self-determination, and well-being of Aboriginal communities in the realm of data. It empowers Aboriginal communities to reclaim control over their data, shape their narratives, and protect their cultural heritage, traditional knowledge, and community resilience.

Throughout this discussion paper, the various aspects of Aboriginal Data Governance have been explored, including principles, challenges, and opportunities. Aboriginal Data Sovereignty and Governance intersections emphasise the need for self-determination, community engagement, ethical considerations, and collaborative partnerships.

Recognising that Aboriginal Data Governance is not a one-size-fits-all approach is essential. It requires context-specific frameworks that respect the cultural values, protocols, and aspirations of Aboriginal communities. Genuine and meaningful community engagement is at the core of Aboriginal Data Governance, ensuring that the voices and perspectives of Aboriginal communities are central to decision-making processes.

In the future, it will be crucial to continue fostering dialogue, collaboration, and capacity building in Aboriginal Data Governance. This approach requires working collectively to co-create inclusive and culturally appropriate frameworks that recognise the rights and well-being of Aboriginal communities. Successful Aboriginal Data Governance practices will require ongoing efforts to address power imbalances, colonial legacies, and ethical considerations.

Aboriginal Data Governance creates a pathway towards data practices honouring and respecting Aboriginal rights, knowledge, and heritage. Such practices can contribute to the self-determination, empowerment, and holistic development of Aboriginal communities built on trust, reciprocity, and mutual respect. Upholding the principles of Aboriginal Data Governance, where the voices of Aboriginal communities are at the forefront, will be essential to strengthen the rights of Aboriginal communities in the management, protection, and utilisation of their data as the rightful custodians.

This discussion paper is intended as a starting point for dialogue; the questions aim to foster critical reflection and encourage further explorations of the principles and implications of Aboriginal Data Governance. Its purpose is to foster critical thinking and promote discussions on Aboriginal Data Governance and Sovereignty, encouraging collective efforts towards empowering Aboriginal communities in data governance and the promotion of communities' self-determination and well-being.

Glossary

Aboriginal Data Governance Framework	A set of principles, policies, and practices developed by Aboriginal communities to guide the responsible management and use of data.
Aboriginal Data Governance	In NSW, refers to the principles, processes, and frameworks established to ensure the ethical, legal and culturally appropriate management and use of data pertaining to Aboriginal communities in the state of New South Wales, Australia.
Aboriginal Data Sovereignty	The assertion of the inherent right of Aboriginal communities in New South Wales, Australia, over data, including the right to determine its access, ownership, protection, and application.
Aboriginal Research Methods	Approaches that honour Aboriginal ways of doing, knowing and being that incorporate local perspectives, storytelling, and community participation.
Aboriginal Sovereignty	The inherent right of Aboriginal peoples to self-governance, decision-making, control over their lands, resources, and data.
Accountability	Taking responsibility for data-related actions, ensuring transparency, ethical conduct, and alignment with community priorities.
Benefit Sharing	Ensuring that the outcomes of data collection and research contribute to the well-being and development of Aboriginal communities.
Building Capacity	Strengthening the skills, knowledge, and resources of Aboriginal communities to effectively manage data, make informed decisions, and engage in data-driven activities.
CAPO (Coalition of Aboriginal Peak Organisations)	A collective of peak bodies representing the Aboriginal Community-controlled Organisations in New South Wales.
Centralised Data Warehouse	A unified repository that stores and manages data from multiple sources; a centralised data warehouse streamlines data storage, enhances data quality, and supports efficient data analysis and reporting across an organisation or community.
Closing the Gap	A strategic initiative aimed at addressing disparities between Aboriginal and Non-Aboriginal in areas such as health, education, employment, and life expectancy as well as targets which reflects the strengths, culture, and aspirations of Aboriginal peoples.
Colonised Data	Data that has been historically collected and controlled by external entities without the consent and lacking community perspectives perpetuating colonial power dynamics.
Community-controlled Data	Data that is owned, managed, and governed by Aboriginal communities, aligned with their values and priorities.
Community Ownership	The belief that data about Aboriginal communities is a collective asset owned by the community, with decisions about its use driven by the community's interests and needs.

Cyber Infrastructures	Digital systems, networks, and technologies that support the storage, sharing and analysis of data within Aboriginal communities.
Cultural Protocols	Community-specific rules and guidelines that outline respectful and appropriate ways to collect, manage, and share data while honouring Indigenous traditions.
Cultural Safety	Ensuring that data practices and research activities do not harm or disrespect Aboriginal cultural beliefs, practices, or identity.
Data Access	The ability to retrieve and use data for specific purposes, often regulated to ensure data security and ethical use.
Data Ecosystem	The interconnected network of data sources, technologies, organisations, and individuals that collectively influence data collection, sharing and utilisation.
Data Extraction	The process of gathering data from various sources for analysis, decision-making, or research purposes.
Data Literacy	The ability to understand interpret, and critically evaluate data, enabling effective decision-making and informed decisions, and engage in data-related activities.
Data Rebuilding	The process of reconstructing data systems, practices, relationships to empower Aboriginal communities and align with Aboriginal Data Sovereignty principles.
Data Protection	Measures taken to safeguard data from unauthorised access, breaches, or misuse, safeguarding sensitive information.
Data Sharing	The practice of making data available to others for analysis, research, or collaboration, while respecting privacy and ethical considerations.
Digital Divide	The gap between those who have access to digital technologies and those who don't, often impacting Aboriginal communities, access to data-driven opportunities.
Empowerment	Strengthening Aboriginal communities' capacity to make decisions and lead in data-driven initiatives.
Ethical Research	Research conducted in a manner that respects Aboriginal knowledge, values, and practices, and is carried out with informed consent and participation of the community.
Formal Data Governance Agreement	Legally binding arrangement that outline the roles, responsibilities, and rules for managing and using data within and outside Aboriginal communities.

Informed Consent

The practice of seeking permission from individuals or communities before collecting data, ensuring they understand the purpose, risks and potential benefits of collecting their data.

Inclusive Data Practices

Approaches that involve Aboriginal communities in data processes, promoting shared decision making and data exchange.

Independent Community Platform

An autonomous and community controlled digital space where Aboriginal communities manage and share their data according to their own values and needs. It provides a platform for local decision -making, fostering data sovereignty and self-determination.

Maiam nayri Wingara:

A collective body which reflects and supports the aspirations and resilience of Aboriginal communities in terms of Aboriginal Data Sovereignty and Governance.

Nation Rebuilding

The process of Aboriginal communities working to strengthen their cultural identity, revive traditional knowledge. This involves reclaiming ownership of data about their people, culture, and resources to contribute to the empowerment and well-being of the community.

Priority Reform Four (PR4)

The Closing the Gap reform that primarily focuses on data sharing of Aboriginal data from government back to Aboriginal communities; in NSW, this reform also acknowledges Aboriginal Data Sovereignty.

Respectful Engagement

Collaborative and culturally sensitive interactions between, data users, data custodians and Aboriginal communities.

Stewardship

The responsible and ethical management, protection, and oversight of data, ensuring it is used in ways that align with community values and priorities.

Self-Determination

The inherent right of Aboriginal communities to shape their own future, including how data is related to them is collected, managed, and utilised.

Sustainable Development

Holistic development that honours cultural and environmental values, informed by data driven insights.

Traditional Knowledge

The holistic and ancestral wisdom of Aboriginal Peoples, encompassing cultural, kinship, Country, spiritual, and intergenerational insights.

Transparency

Openly sharing information about data practices, ensuring transparency in data collection, usage and sharing.

Warehousing of Data

The practice of storing and organising data in a structured manner, ensuring its accessibility, and proper management; involves collecting data from various sources for analysis, decision-making, and reporting purposes.

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