

Treaty Authority's First Peoples Data Sovereignty and Governance Framework



Effective Date: 1 July 2024

This Framework explains how the Treaty Authority will safeguard First Peoples' information and knowledge (data) that it receives in any format.

If you want to contact us about your data, email info@treatyauthority.au or call 1300 133 033

First Peoples who want to participate in Treaty negotiations will need to give the Treaty Authority data at different points.

When managing First Peoples' data, the Treaty Authority will uphold and respect Australia's Indigenous Data Sovereignty and Indigenous Data Governance principles* to the fullest extent possible having regard to applicable laws. This is required by the Treaty Authority Agreement.

The Treaty Authority has strong practices to protect and manage appropriately First Peoples' data that it receives. These practices span the Treaty Authority's data lifecycle – from decisions about what information is needed to managing and applying it.

The Treaty Authority's use of these principles shows our dedication to trust, transparency, self-determination and community benefit.

1. Trust

We will keep First Peoples' data secure and use practices that build First Peoples' trust. Our practices will protect First Peoples' cultures and knowledges.

2. Transparency

We will be upfront about our practices, explain how First Peoples' data is needed to participate in the Treaty process and seek agreement to collecting and managing that data.

3. Self-determination

We will build First Peoples' control into each stage of the 'data lifecycle' – when data is created, managed and applied. Our practices are accountable to First Peoples.

4. Community benefit

Our practices enable First Peoples to decide how their data is used to protect their culture and knowledges, to serve their interests aligned with their values and worldviews, and support community benefit.

What is Indigenous Data Sovereignty?

Indigenous Data Sovereignty is about First Peoples' rights to the collection, ownership and application of their data. First Peoples who provide their data to the Treaty Authority will retain ownership and control of that data.

First Peoples' data will be stored securely and decisions about that data will be made by First Peoples, including in the Treaty Authority.

What is Indigenous Data Governance?

Indigenous Data Governance is about First Peoples' practices of ownership. First Peoples, including in the Treaty Authority, will be making decisions about First Peoples' data across the data lifecycle.

Treaty Authority's data lifecycle

The Treaty Authority's data lifecycle represents the typical flow of First Peoples' data that relates to the Treaty Authority's functions and roles.

The Treaty Authority will be accountable to other First Peoples across the lifecycle.

Data Lifecycle	This point in the lifecycle considers how First Peoples are...
Conceptualisation	Deciding what data is needed and why? What questions are important?
Creation	Controlling what data is created and for what purpose?
Collection	Informing what is collected? Are First Peoples required to collect it?
Storage	Controlling what storage systems are used, where they are located and under what law/s are they governed?
Access	Controlling who can access what data and why?
Analysis	Controlling what insights are drawn from the data?
Interpretation	Controlling or having input into how to understand the data?
Dissemination	Controlling how the data is used, i.e. in what products and for what purpose? How is the story being told, does the data enable First Peoples' self-governance and community benefit?
Reuse	Controlling how the data are reused by others (possibly not connected to the owner), such as in research?
Review	Controlling reviews about data practices and decisions?
Retire	Controlling when data should be deleted?

*Maiam nayri Wingara (2018 and 2023)

What are the Indigenous Data Sovereignty Principles?

Created by Aboriginal and Torres Strait Islander experts in 2018, they include:

- Exercise Indigenous control of the data ecosystem including creation, development, stewardship, analysis, dissemination and infrastructure.
- Data that are contextual and disaggregated (available and accessible at individual, community and First Nations levels).
- Data that are relevant and empowers sustainable self-determination and effective self-governance.
- Data structures that are accountable to Indigenous peoples and First Nations.
- Data that are protective and respects our individual and collective interests.

See *Maiam nayri Wingara (2018) Indigenous Data Sovereignty Communique Indigenous Data Sovereignty Summit 20th June 2018, Canberra, ACT*

To find out more, go to Maiam nayri Wingara at <https://www.maiamnayriwingara.org/>

What are the Indigenous Data Governance Principles?

Created by Aboriginal and Torres Strait Islander experts in 2023, they include:

- Must be integrated at all data lifecycle stages, utilising mechanisms aligned with Indigenous-determined needs and aspirations.
- Requires Indigenous leadership and control over all Indigenous Data Governance processes.
- Requires widespread Indigenous data literacy and capability by allocating resources for Indigenous workforce expansion, and investing in digital infrastructure and systems aligned with Indigenous priorities.
- Is based on ensuring accountability of entities that hold Indigenous data, ensuring that data are available to and accessible by the Indigenous Peoples and lands to which they relate.
- Requires the creation of new data incorporate Indigenous Data Governance mechanisms, guaranteeing that data production is ethical, representative, and beneficial.

See *Maiam nayri Wingara (2023) Indigenous Data Governance Communique National Indigenous Data Sovereignty Summit 13 June 2023, Cairns, QLD*

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