

Data sharing principles for Traditional Owner organisations or individuals



Core principles

Data sharing refers to the transfer, access, exchange, or joint use of any information between an Indigenous-governed or Indigenous-representative body and another entity (such as a government agency, university, corporation, or NGO).

Understanding and upholding these principles are critical to ensure that data sharing is conducted in ways that respect Indigenous data sovereignty, are grounded in community consent and control, and are structured to ensure mutual benefit and cultural integrity.

Self-determination and benefit sharing

- Any data shared by Indigenous people should benefit them and further their interests.
- Indigenous people have rights to decide what data is collected that relates to their country and/or people, how it is used, where and how it is stored, and with whom it is shared.
- Data should be seen as an expression of Indigenous culture, with underlying connections to cultural authority, identity and sovereignty.
- Partners have a responsibility to make sure that Indigenous peoples benefit from data collection and sharing (i.e. contribute to community development, cultural strengthening, and capacity-building).

Data ownership

- Indigenous peoples have rights to data that relates to their people, lands, and waters, regardless of who collects or holds it.
- Data ownership should reflect the OCAP principles (Ownership, Control, Access, Possession) which were developed in Canada and are often used/adapted in Australia.

Data access and custodianship

- Indigenous communities and organisations must have full access to any data that relates to their Country, culture, and people, regardless of who has collected it and how it has been collected.
- Data custodianship means that Indigenous people have the rights and ability to protect, maintain, store and present data in culturally appropriate ways.
- Indigenous organisations must have appropriate skills and tools for managing their data may seek support to acquire these skills and tools. This ensures that they may collect, manage, and use their data to their advantage.

Control and governance of data

- Indigenous organisations must understand and control data governance processes. These processes include data sharing requests and agreements, consent to collect, store and use data in particular ways.
- Cultural governance and community decision-making must be at the heart of data control, collection, storage and sharing arrangements.

Data privacy and confidentiality

- Respecting individual and community privacy is central.
- Sensitive cultural, spiritual, and ecological knowledge must be safeguarded in accordance with cultural knowledge protocols to protect against misuse.
- Some or all data can also belong to a community and or an individual.

Transparency of data processes

- All data processes (collection, storage, analysis, sharing, presentation) must be clear and accountable and fully understood by Indigenous peoples who hold rights to the data.
- Indigenous organisations should understand where all data they have collected (or has been collected about them and/or their Country) is stored, shared, who can access it, and for what purpose.

Free, Prior, and Informed Consent (FPIC)

- Consent processes for the use of data must be ongoing, informed, and community-driven, not just one-off signatures.
- FPIC applies to all types of data and data processes, including research, monitoring, evaluation, and program delivery data.

Data sharing principles for Traditional Owner organisations or individuals



Mechanisms to ensure data sharing principles are followed

These are some relevant and useful frameworks and protocols to consider when considering data sharing. Together, they demonstrate best-practice examples of how data sharing involving Indigenous peoples should occur.

Maiaam nayri Wingara Principles

- A set of principles that emphasise the rights of Indigenous peoples to access, govern, and benefit from data that relates to them.
- Developed by a network of Australian Indigenous researchers and data practitioners with experience in data collection, management and sharing.
- For more information, see www.maiaamnayriwingara.org/mnw-principles

AIATSIS Code of Ethics for Aboriginal and Torres Strait Islander Research (2020)

- Provides information for how researchers should work with Indigenous communities.
- Sets standards for ethical research with Indigenous people based on the four principles of Indigenous self-determination, Indigenous leadership, impact and value, and sustainability and accountability.

CARE Principles for Indigenous Data Governance (Collective Benefit, Authority to Control, Responsibility, Ethics):

- Internationally developed and recognised [framework](#).
- Sets principles to ensure data is collected and managed for the benefit of Indigenous peoples and recognises Indigenous rights and interests in data.

FAIR Principles

- **Findable** – published in your [institutional](#) or other repository, with rich [metadata](#) and a persistent identifier, like a DOI (Digital Object identifier).
- **Accessible** – by humans and machines through standardised communication protocols, with authentication and authorisation where necessary.
- **Interoperable** – the data and metadata use community accepted vocabularies and formats, and the relationship to other data is described.

- **Reusable** – datasets have a clear usage licence and provenance information on how the data was created and contextual information to allow reuse.

Firesticks Indigenous Data Governance Framework

- Developed by Firesticks to guide how their organisation and staff collect, create, use, share, manage, store or repatriate data.
- Provides a background on data sharing pillars and principles and describes best-practice related to data sharing with Indigenous people and organisations.

Frameworks related to Indigenous data sharing principles

These mechanisms are important tools for ensuring that the core principles for data sharing are protected in practice.

Data Sharing Agreements

- Used to establish rules for the collection, use, storage, and sharing of Indigenous data based on the principles of FPIC and Indigenous Data Sovereignty.
- Specify how Indigenous Cultural and Intellectual Property (ICIP) will be protected, ensure data access and control for Indigenous communities, and outline data ownership and benefit-sharing arrangements.

Memoranda of Understanding (MOUs).

- Establish clear rules for data governance, consent, access, and ownership, and benefit sharing - guided by principles such as FPIC and Indigenous data sovereignty.
- Define how data is collected, stored, and used, ensuring Indigenous communities have authority over their data, including intellectual property rights and control over cultural information

Community-led protocols for Indigenous data

- Developed by Indigenous organisations to outline cultural permissions, restrictions, and conditions of use for specific datasets and data types.
- Used to guide what data may be shared and the conditions under which this occurs.