

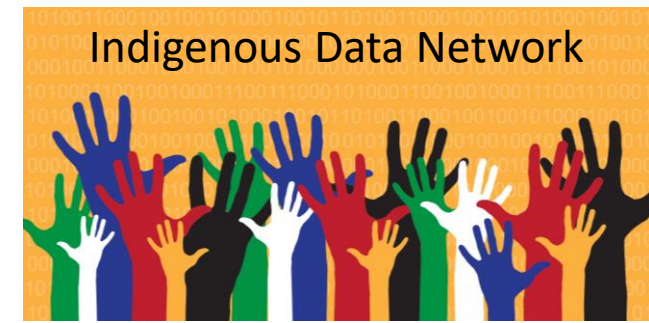
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3rd international DARIAH Beyond Europe workshop



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Data Sovereignty in a Colonial Context: Towards an Integrated National Governance Framework for Australia

The Indigenous Data Network

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Paper Structure

- **Motivation:** Inequality in degrees of access and control over data, between between Indigenous & non-Indigenous Australians;
- **Goal:** Establishment of a federated national Indigenous-controlled entity for regulating the collection of, access to, and distribution of Indigenous data, i.e. a governance framework;
- **Strategy:** (1) Contribution to the standardization of terms and definitions from which such a governance framework might be built.



Data Sovereignty in a Colonial Context



***Data* Sovereignty in a Colonial Context**



*Data **Sovereignty** in a Colonial Context*



*Data Sovereignty in a **Colonial Context***



Data



Data: Semogenetic Product



Data: An Intangible Asset

- The emergence of the **data economy**, Web 2.0, social media;
- **The World Economic Forum (WEF 2011)** defines data as the product of intellectual work, and therefore an asset class on par with tangible assets, such as capital, real estate and infrastructure;
- **The International Accounting Standards Board (IASB)** and **International Financial Reporting Standards Foundation (IFRS)**, define the data as “a resource controlled by [an] entity as a result of past events and from which future economic benefits are expected to flow to the entity.”
- The **EU’s GDPR (2018)** has compelled data management entities operating in that jurisdiction to establish data asset registries.



Colonial Context



Colonization: Unilateral Asset Transfer via Alienation

Indigenous → British → Australian Commonwealth

→
Alienation of land, natural resources, labour, information, and data



Colonial Alienation of Data

- Alienation of land and natural resources from Indigenous access and control;
- Alienation of labour, referred to as 'stolen wages' or 'slavery';
- Alienation of information, including location, distribution, and composition of natural resources;
- As colonial administration consolidates, alienation of data about the distribution, variation, and strength of Indigenous populations;
- Development of social anthropology as a branch of government specialising in the harvesting of Indigenous data.



Sovereignty



Data Sovereignty: Federated Jurisdictional Domains

- The specification of Indigenous data as a discrete asset class gives rise to a discrete class of property rights;
- A precedent for the legal prosecution of such property rights exists in the recognition of Indigenous title under the Commonwealth Native Title Act (1993), which establishes mechanisms for Indigenous control of tangible assets;
- Comparable mechanisms for the control of data do not yet exist;
- A federated model of data control would provide an efficient mechanism for the integration of a standardized distributed asset access and control.



Indigenous Data Network

