Indigenous Data Sovereignty Agreement

This Indigenous Data Sovereignty Agreement (the IDSA) is between the Local Contexts HUB (the HUB) and Users.

The purpose of the IDSA is to support Indigenous Data Sovereignty and enhance Indigenous control of Indigenous data.

Version 1 of the IDSA dated 26 August 2021
1. Interpretation

In this agreement, unless the context otherwise requires,-

**Agreement** means this document.

**Data** includes but is not limited to records, files or other evidence, irrespective of their content or form (e.g. in print, digital, recordings, physical or other forms) that
comprise research observations, findings or outcomes, including primary materials and analysed data, transcriptions, translations, photographs, recordings collected or produced. Data can also take the form of characters such as letters, numbers, punctuation marks, mathematical operators, and control characters and includes factual information in a form that can be input to, created by, processed by, stored in, and output by a computer.

HUB (the HUB) is the Local Contexts Hub

Indigenous Peoples are distinct social and cultural groups that share collective ancestral ties to the lands and natural resources where they live, occupy or from which they have been displaced. The land and natural resources to which they relate are inextricably linked to Indigenous Peoples identities, cultures, livelihoods, as well as physical and spiritual well-being. Indigenous Peoples are inheritors and practitioners of unique cultures and have complex and embedded relationships with the environment. Indigenous Peoples have retained social, cultural, economic and political characteristics that are distinct from those of the dominant societies in which they live. Despite their cultural differences, Indigenous Peoples from around the world share common problems related to the protection of their rights and enactment of their responsibilities as distinct peoples.

Indigenous Peoples Data includes Indigenous or traditional knowledge, data of significance to Indigenous Peoples, as well as other forms of administrative, cultural, biological and/or scientific data that relates to Indigenous Peoples and their traditional and present day territories and waters. Indigenous Peoples data may or may not have been produced through consultation and engagement with Indigenous Peoples as the primary legal and cultural owners and custodians.

Indigenous Knowledge/Traditional Knowledge is knowledge, know-how, skills and practices that are developed, sustained and passed on from generation to generation within a community, often formed as part of its cultural or spiritual identity. In a general sense, traditional knowledge embraces the content of knowledge itself as well as traditional cultural practices including distinctive signs and symbols associated with traditional knowledge. Traditional knowledge can be found in a wide variety of contexts, including agricultural, scientific, technical, ecological and medicinal knowledge as well as biodiversity related knowledge.
Traditional knowledge is cared for and transmitted by a community of knowledge holders who act as custodians of the knowledge.

**Indigenous Data Sovereignty (IDSov)** expresses a legitimate right of Indigenous Peoples to control the access, the collection, ownership, application and governance of their own data or knowledge and/or information that derives from unique cultural histories, expressions, practices, and contexts. IDSov promotes a paradigm where Indigenous Peoples can directly create, participate, govern and share benefits that arise from access and use of Indigenous Peoples data.

**Intellectual Property** includes all original materials produced in the course of a research project including but not limited to written materials, transcriptions, translations, photographs, recordings collected or produced by the researcher and/or funding institution pursuant to this Agreement. It further includes all copyright including future copyright, trademarks, designs, patents registered and unregistered, inventions, trade secrets and know-how, new plant varieties and registered plant breeders rights, semiconductor or circuit layouts and all other intellectual property as defined in the convention of 1967 establishing the World Intellectual Property Organisation.

**Intellectual Property Rights** means any and all;

- (a) copyrights and other rights associated with works of authorship throughout the world, including neighboring rights, moral rights, and mask works.

- (b) For the avoidance of doubt, all content on the Local Contexts website is licensed generally under a Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International License. Local Contexts holds copyright in the Labels and Notice icons. Local Contexts grants a perpetual non-exclusive license for the use of the Labels by Indigenous communities. Indigenous community users of the Hub hold and retain copyright in their own Label text.

**Local Contexts** includes the Local Contexts website and the Local Contexts Hub at [https://localcontexts.org/](https://localcontexts.org/)
Projects and/or Activities include, but are not limited to, research, publications, data collection, implementation, recording motion, visual sound whether oral, written, via multimedia or other mechanical devices discovered or yet to be discovered.

Research includes, but is not exclusive to, information and/or data collected for a particular purpose, work conducted through social science, science and humanities strands, including, not limited to, ethnology, history, linguistic, biogenetic, medical, behavioral, ethnobotany, agronomy, ecology, anthropology, archaeology, and microbiology.

2. Purpose

2.1 Indigenous Data Sovereignty promotes Indigenous control and governance over Indigenous data. This IDSA describes the rights and responsibilities of the Local Contexts Hub and user communities, researchers, and/or institutions. This pertains to the data collected, stored, and shared on the Local Contexts Hub.

2.2 Indigenous Peoples retain ownership, control and governance over their unique suite of customized Traditional Knowledge (TK) and Biocultural (BC) Labels developed on the Hub. This includes exclusive decision-making and control over how and with whom the unique community customized suite of Labels is shared with.

2.4 A community customized suite of Labels is shared with institutions and individual researchers under an exclusive license for use in institutional content management systems, information infrastructures, catalogue records, databases, data repositories and publications where appropriate. Other uses will need to be approved by each community as needed.

3. Responsibilities

3.1. The role of the Local Contexts

3.1.1. The primary objectives of Local Contexts is to enhance and legitimize locally based decision-making and Indigenous governance frameworks for determining ownership, access, and culturally appropriate conditions for sharing historical, contemporary and future collections of cultural and biological heritage and Indigenous data. Local Contexts is focused on increasing Indigenous involvement in data governance through the integration of Indigenous values into data systems. Local Contexts offers digital strategies for Indigenous
communities, cultural institutions and researchers through the TK (Traditional Knowledge) & BC (Biocultural) Labels and Notices. Together they function as a practical mechanism to advance aspirations for Indigenous data sovereignty and Indigenous innovation.

3.2. Responsibilities of the Local Contexts Hub

3.2.1. The responsibility of the Hub is to act as a portal that allows communities to adapt the TK and BC Labels to contextual needs and to be shared and implemented nationally and internationally. The Local Context Hub also allows researchers and institutions to generate Notices that disclose Indigenous rights and interests, and that function as a precursor to the implementation of the community customized Labels when appropriate.

3.2.2. To facilitate connection between Indigenous communities, institutions and data repositories and researchers around the world.

3.2.3 To provide human and machine readable Labels and Notices that support the practice of disclosing proper provenance of research and data derived from Indigenous peoples, knowledge, places, lands and waters.

3.2.4. The Hub seeks to promote the highest standards in the management of Indigenous data as fundamental to Indigenous sovereignty and to support both high quality research and academic integrity.

3.2.5. The Hub recognises the inherent sovereignty of Indigenous peoples over data about them or collected from them, and which pertain to indigenous peoples' knowledge systems, customs and territories.

3.2.6. The Hub is designed to provide practical mechanisms that support the expression of Indigenous rights, interests and responsibilities in Indigenous knowledge, Indigenous data, and intellectual and cultural property.

3.2.7. The Hub is not an authorizing or policing entity, and it is not the responsibility of the Hub to act in this manner.