Submission on discussion document: *Unlocking value from our customer data*

Your name and organisation

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This submission is written as an individual Māori Data and Data Sovereignty expert who works as a Māori AI and emerging technology ethicist.

- The infographics in page 6 that with the accompanying text "*Below are the key issues that we would like to from submitters on, but feedback is welcome on all aspects of the system*" ignores how the consultation reflects the Crown's obligation to Te Tiriti. I also note the appropriated images and the sensitivities of some of the images could possibly prevent Māori from wanting to engage any further.

- Consent: The United Nations Declaration of the Rights of Indigenous Peoples 2007, ratified by New Zealand in 2010. UNDRIP has an article on Full and Informed Prior Consent (FPIC) which should be used for consent.

- The findings of the WAI 262 IP claim which includes data and WAI 2252 findings have not been considered regarding Data and Māori Data Sovereignty.

- He Whakaputanga has been recognised as a legal constriction that affords northern Māori rights is also absent in this consultation paper.

- There needs to be a Te Tiriti o Waitangi clause in this Bill.

- There is an over emphasis on iwi entities having access to personal data, ignoring the fact that many Māori associate with their marae, hapū and other organisations such as Urban Māori authorities and while some Māori may be comfortable with this, many are not. Some consideration of the High Court case re Covid19 Data may be useful to consider in this instance.

- **Section 37.** "Some Māori Data is a Taonga" This is a clear breach of Te Ao Māori and a breach Article II of Te Tiriti. The Eurocentric statement contradicts the findings of the Waitangi Tribunal WAI 2252.

  I also note as one of the Expert Witnesses in the hearing, that this same statement was made by the Crown and was quickly refuted.

  The Tribunal agreed with the claimants that Māori Data with mātauranga Māori is a Taonga and is associated with Article II of Te Tiriti.

  Data cannot exist in te ao Māori without whakapapa and mātauranga, similarly as in a western perspective data has to originate from somewhere and at some stage contained knowledge.

  I also refer to the Paper Māori Data is a Taonga https://www.taiuru.maori.nz/data-is-a-taonga/ and Chapter 10 Māori Data is a Taonga Indigenous Research Design : Transnational Perspectives in Practice https://goodminds.com/products/indigenous-

research-design-transnational-perspectives-in-practice-aug-1-23

- **Section 43.** Appears to misunderstand a Te Ao Māori perspective of Taonga and mātauranga, resulting in several euro centric statements being made about Māori Data. Consideration of the previous Waitangi Tribunal decisions in addition to The Supreme Court ruling in the Ellis case that states Tikanga Māori is New Zealand's first common law should have more serious consideration.

- **Section 55.** It appears to be a Huia feather used here. This is cultural appropriation and very offensive.

- Consideration of how to recognise all of Te Ao Māori society including hapū etc, should be considered and applied in meta data and cataloguing of data so that Māori data sovereignty principles can be meaningfully applied.

ENDS