

Data Sovereignty and Development: How do Native Americans view data sharing by tribal governments?¹

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Abstract

Data sovereignty affirms the role of governing institutions as sovereigns over data about the communities they represent. There are, however, incentives for sovereigns to trade off privacy against openness, as comprehensive and accessible data are crucial for policymaking. In the United States context, American Indian tribes have legally-grounded rights to exercise data sovereignty. How do tribal governments navigate trade-offs? To provide insight, we poll Native American public opinion in a unique, nationwide survey. We find that individual Native Americans support their tribe in sharing data for economic benefit and that respondents who vote in tribal elections are particularly supportive. As tribal leaders, Native communities, and external research partners address potentially harmful data gaps, our findings suggest the importance of carefully considering and communicating data purposes—and of those purposes explicitly benefiting the economic development of Native communities.

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Introduction

Data on economic, political, and social topics can empower the communities from which data are collected. At the same time, communities incur risks when their data are shared. Inaccurate data or data disseminated under unclear terms may be used in ways that harm the originating community. Even when researchers or governments act in good faith, tension can arise between the need for more and better data and a community's right to protect and self-govern its data. Ethical concerns around data collection, dissemination, and use are prevalent in many contexts, especially among populations previously harmed by researchers or other actors that have used data in disquieting ways (Hummel et al. 2021).

Unethical data practices have repeatedly victimized Indigenous peoples, and in recent years, interdisciplinary groups of scholars and activists have made great strides in confronting these issues (e.g., Brockie et al. 2022; Carroll et al. 2021). What has come to be known as the Indigenous data sovereignty movement concerns the “proper locus of authority over the management of data about Indigenous peoples” (Kukutai and Taylor 2016, p. 14). Given Indigenous rights to self-determination, as affirmed in the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), Indigenous peoples have advocated for the right to govern, steward, and control their data (Walter et al. 2021; Kukutai and Taylor 2016).

American Indian communities have been victims of damaging research practices, and contemporary tribal governments are exercising their sovereign authority to use, control, and transfer data on their terms (Pacheco et al. 2013). At the same time, tribal governments must weigh their exercise of data sovereignty against the benefits that can be gained through data collection and sharing. Consistent under-sampling of Native respondents in US surveys

means that “comprehensive, geographically specific, and reliable data” concerning Native Americans is under-provided. Filling in data gaps can potentially improve Native economic development (Gregg et al., 2022).

As public opinion is an essential input into how governments manage difficult trade-offs, we examine the issue of data sharing by tribal governments by polling Native Americans. Understanding public opinion on data sharing can help inform tribal leaders and researchers in their data collection and dissemination decision-making. We asked a large sample of Native Americans about their data-sharing preferences in the Collaborative Multiracial Post-Election Survey (CMPS), the national survey housed at the University of California, Los Angeles, that solicits American public opinion following national elections with specific attention to surveying respondents from diverse ethnic and racial groups. Nearly 2,000 self-identified Native Americans responded between December 2020 and February 2022.²

We expect that Native American respondents thinking about data sharing implicitly balance their concerns about the potential harms of data sharing against the desire for their families and communities to benefit from it materially. In line with this expectation, our survey results suggest that more Native American respondents support sharing tribal data when doing so is tied to material gains. Further, we find evidence that support for data-sharing increases as the gains widen, from a positive financial impact on the respondent’s household to the respondent’s tribe to economic development for all Native Americans. Among respondents, those who are likely voters in tribal elections are more supportive of data sharing, implying that data sharing can be consistent with democratic accountability

² In the context of this analysis, *Native Americans* refers to those who self-identify as American Indian/Native American, singularly or in combination with other racial or ethnic groups.

mechanisms in tribal governance. We also find that a large proportion of respondents are neither supportive nor unsupportive of data sharing in the various scenarios proposed, suggesting that public support for data sharing depends on the details. As tribal leaders, Native communities, and external research partners address harmful data gaps, our findings suggest the importance of carefully considering and communicating data purposes—and of those purposes explicitly benefiting the economic development of Native communities.

Data sovereignty

For Indigenous peoples, historical experience with their data being misused has led to significant mistrust in research (Brockie et al. 2022; Drawson, Toombs and Mushquash 2017; Pacheo et al. 2013). It is of particular concern when data are shared for purposes that do not have the community's consent, in ways that portray the community negatively, or that do not align with the ethical importance of reciprocity in Indigenous research (Feir and Hancock 2016; Carroll et al. 2020; Hayward et al. 2021). In response to these concerns, the Indigenous data sovereignty movement has gained traction in the United States and Indigenous communities internationally. Carroll et al. (2019) define data sovereignty as the “right of Indigenous peoples to control data from and about their communities and lands, articulating both individual and collective rights to data access and to privacy.” The data sovereignty movement can be thought of as an effort by governing bodies to reestablish authoritative property rights over data about themselves to mitigate the possibility of data being used in ways counter to their interests.³ In a call to action, scholar-activists argue that

³ As a normative goal, data sovereignty—which includes the right to choose not to share data—is in tension with researcher initiatives that see legal limitations on data sharing as an obstacle to be overcome (Van Atteveldt, Althaus, and Wessler 2020).

“decolonizing data” and “Indigenizing data governance” are core tasks necessary to “fully realize the power of data” (Rainie et al. 2017).

In the US context, federally-recognized tribes in Indian Country have a unique legal status from which to establish authoritative property rights over data, compared to other minoritized communities.⁴ Tribal governments have a legalized capacity to put guardrails on collecting and disseminating data about their communities, which gives them a pivotal role in determining tradeoffs between data privacy and openness. For example, the US Federal Reserve Bank’s Center for Indian Country Development (CICD), which works to advance “the economic self-determination and prosperity of Native nations and Indigenous communities,” includes elected tribal leaders on its Leadership Council.⁵ The Leadership Council maintains a set of Principles for Research and Data Use, which makes explicit that the CICD “understands that it is the right of tribal nations to govern the collection, ownership, and application of their respective data” and that data governance is “a fundamental element of sovereignty.”⁶

At the same time, scholars and practitioners connect good governance with transparent and accessible information (Carlitz and McLellan, 2020). The Open Government Partnership, which since 2011 has grown to include over 75 countries, calls for “transparent, participatory, inclusive, and accountable governance.”⁷ The OECD’s Open Government Data

⁴ At the time of writing, there are 574 federally-recognized tribes and 326 federally-recognized Indian Reservations, for which Indian Country is the standard nomenclature. For First Nations in Canada, see Hayward et al. 2021.

⁵ The CICD’s operations are in furtherance of the 1977 Community Reinvestment Act that instructed financial regulators to direct attention to low- and moderate-income communities in the US (Rose 2023).

⁶ “Principles for Research and Data Use.” Center for Indian Country Development, Federal Reserve Bank of Minneapolis. Last updated July 2022.

⁷ “Open Government Partnership: About.” <https://www.opengovpartnership.org/about/>. Last accessed 18 December 2023.

initiative is “a philosophy...that promotes transparency, accountability, and value creation by making government data available to all” (Ubaldi, 2013). Priorities of open data movements include policies such as institutionalized access to information laws and baseline fiscal transparency. From that perspective, a sovereign government's choice not to share data is circumspect and an indicator of limited democratic accountability (Hollyer et al., 2018).

In the Indigenous context, history points to concerns over whether allowing blanket access to community data to those outside the community is a net positive consistent with good governance. Empirically, to our knowledge no Native American tribe has legislation equivalent to the US Freedom of Information Act (FOIA), whereby government data is publicly disclosed upon request. Many tribal governments have formal Institutional Review Boards (IRBs), which operate as an arm of the government and hold the authority to review research applications, proposed processes, and final products from potential researchers. While IRBs in academia focus on ensuring that research prevents harm to human subjects, innovative tribal IRBs also include provisions that prevent harm to the tribe and its culture. From data sovereignty as the starting point, the appropriateness of sharing data is a context-dependent choice housed within tribal governance institutions.

Public opinion on tribal data sharing

How do Native Americans view data sharing by tribal governments? There is limited survey research on Native American populations in a political science context, especially as national surveys consistently under-sample Native respondents (Akee and Jorgensen, 2014; Schroedel et al., 2020). To gather Native public opinion on data sharing, we administered questions via the Collaborative Multiracial Post-Election Survey (CMPS), a national survey

housed at the University of California, Los Angeles, which oversamples groups within the US population that are often underrepresented in national data-collection efforts, including Native Americans. We focused on respondents who self-identified as American Indian/Native American, whether singularly or in combination with other racial or ethnic groups. Nearly 2,000 self-identified Native Americans responded to the CMPS between December 2020 and February 2022.⁸ Based on US Census regions, approximately 38 percent of the nearly 2,000 respondents lived in the South, 31 percent in the West, 17 percent in the Midwest, and 13 percent in the Northeast.

To solicit respondent views on tribal data sharing issues, we began a question block with the following: “American Indian tribes can keep financial data private, or tribes can choose to make data public. To what extent do you think your tribe should share data?” By focusing on financial data, we intended to raise the salience of privacy concerns in the respondent’s mind. We asked respondents’ views about the extent to which they agree or disagree on a five-point scale with a subsequent series of statements.

First, we asked respondents to rate their agreement with the following general statement: “My tribal government should NOT share financial data outside the tribe.” This wording was intended to reinforce the starting point of data sovereignty and that data sharing is a choice. About 35 percent of respondents agreed that data should NOT be shared, 48 percent neither agreed nor disagreed, and 17 percent of respondents disagreed with the

⁸ COVID-19 and other circumstances delayed the completion of data collection for the Native oversample. Respondents who are registered voters were drawn from national voter registration files. For respondents who are not registered voters, CMPS principal investigators worked with nationally reputable survey vendors to randomly select respondents in a way that maximized coverage of traditionally underrepresented groups.

statement. Put differently, only 17 percent of respondents expressed a clear preference in support of data sharing, absent any additional context.

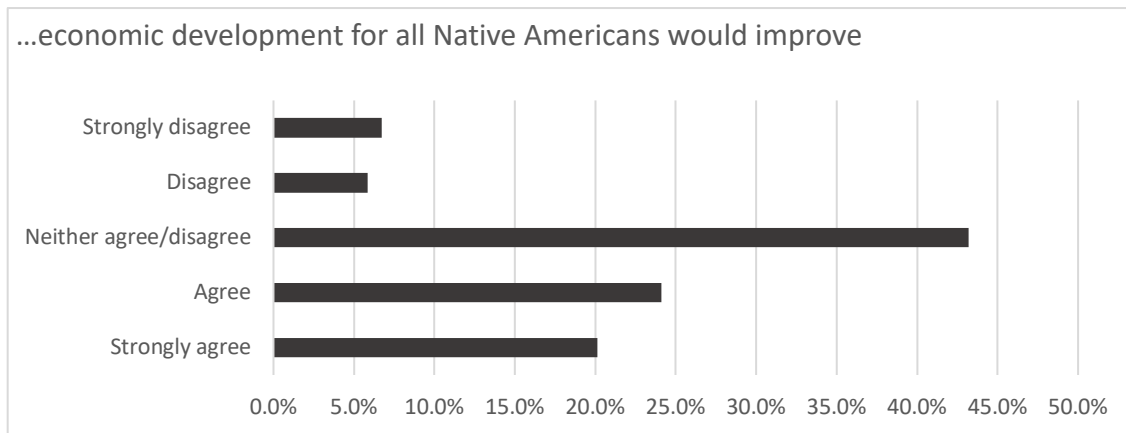
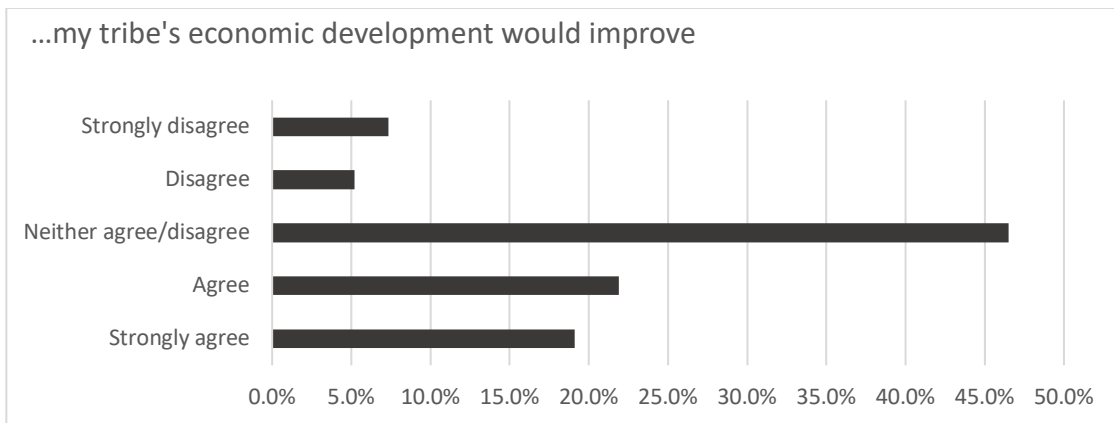
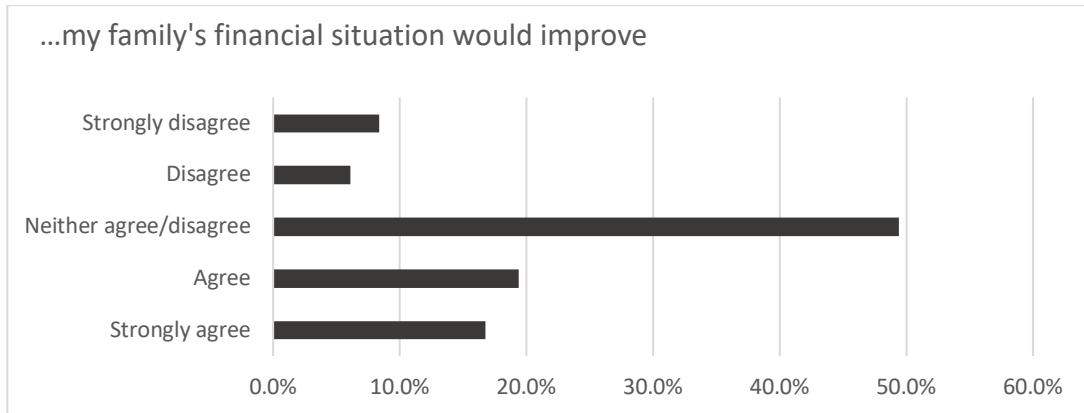
We then asked respondents to rate their agreement with three statements about data sharing for specific purposes. We focused the purpose on material gains. In priming financial data, we intended to establish a more intuitive link between sharing it and economic development outcomes, which is less intuitive for other kinds of data. We sequence statements from more direct benefits to the respondent to broader benefits:

- My tribal government should share financial data outside the tribe IF it means that my family's financial situation would improve.
- My tribe should share data IF it means that my tribe's economic development would improve.
- My tribe should share data IF it means that economic development for all Native Americans would improve.

Results are shown in Figure 1. Over 35 percent of respondents agreed to data sharing for each purpose – whether to benefit their family, their tribe, or Native American economic development as a whole. Respondents tended to express preferences in the same direction across the three scenarios, meaning that respondents who agreed with data sharing for one purpose tended to also agree with the other two purposes; correlations across the three variables are above 0.6. Over 10 percent of respondents disagreed to some extent with data sharing in each instance, consistent with our expectations that the potential downsides of data sharing are concerns for many Native Americans. Nonetheless, support for data sharing increased as the material beneficiaries expanded, indicative of pro-social attitudes among respondents whose preferences on data sharing were moveable.

[Figure 1 about here.]

Figure 1: My tribe should share data if it means that....



Share of Respondents

Notes: National sample of 1,956 self-identified Native American respondents. Shares are weighted using sampling weights. Percentages may not add to 100 due to rounding. Source: CMPS, administered December 2020 – February 2022.

Figure 1 also shows that, like the data-sharing statement offered without context, many respondents chose the middle-of-the-road answer “neither agree nor disagree” in response to each statement. One way to interpret this is that, as is common in survey research, respondents without strong preferences choose a middle-of-the-road answer. That said, it could also be that Native Americans care a lot about how data are shared. The specific purpose of data sharing or the context of how the data will be protected and collected may be insufficient for them to form a strong preference. It is also possible that data sharing is not a polarizing issue for many Native Americans as anticipated. However, it is helpful to understand who has strong preferences on data sovereignty in the context of economic development goals, presuming that those with strong preferences are likely to be the most vocal and influential on the issue.

Who supports data sharing?

As contemporary American Indian tribes are generally governed as constitutional democracies, the preferences of voters in tribal elections may be especially important in shaping government policy, compared to the preferences of non-voters. We therefore explore whether heterogeneous effects are present by voting behavior. Specifically, we use another question in the CMPS that asks respondents how often they vote in tribal elections and split the sample between those who self-report voting “Sometimes or always votes in tribal elections” and those who do not. Figure 2 replicates Figure 1 but distinguishes between these two groups. Overall, voters were more likely to express a preference over data sharing, as fewer chose the middle-of-the-road response compared to non-voters across each condition. Those who vote in tribal elections are more likely to support data sharing. Across all three prompts, voters were more likely to agree with data sharing than non-voters, and

their support also increased across conditions. A majority of voters in tribal elections (53.2 percent) agreed or strongly agreed with data sharing for the benefit of general Native American economic development. In contrast, only 42 percent of non-voters expressed agreed.

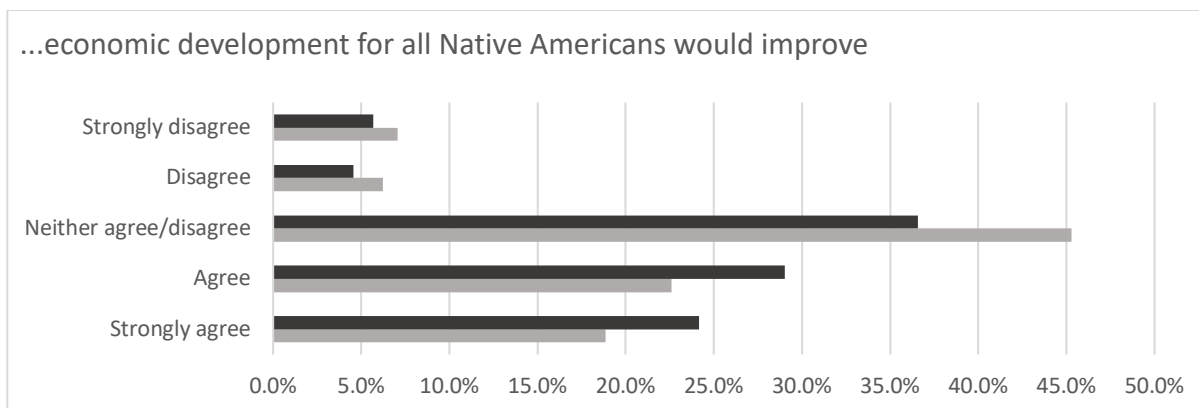
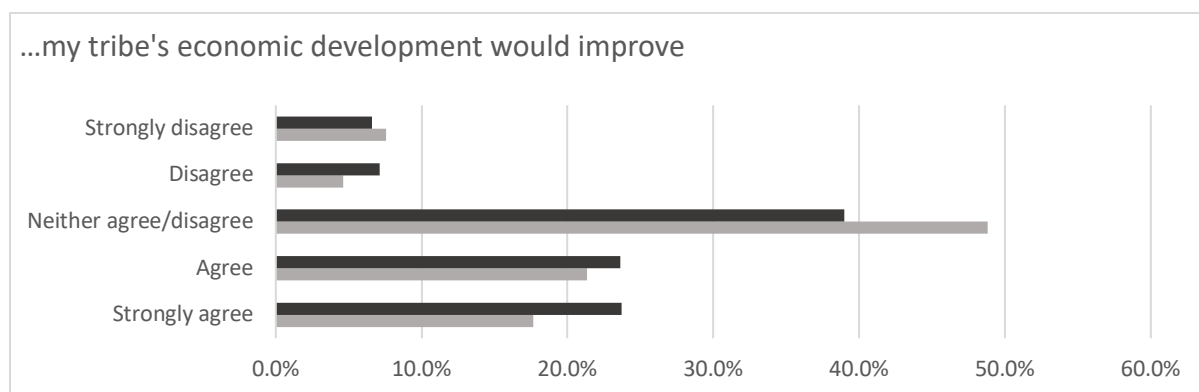
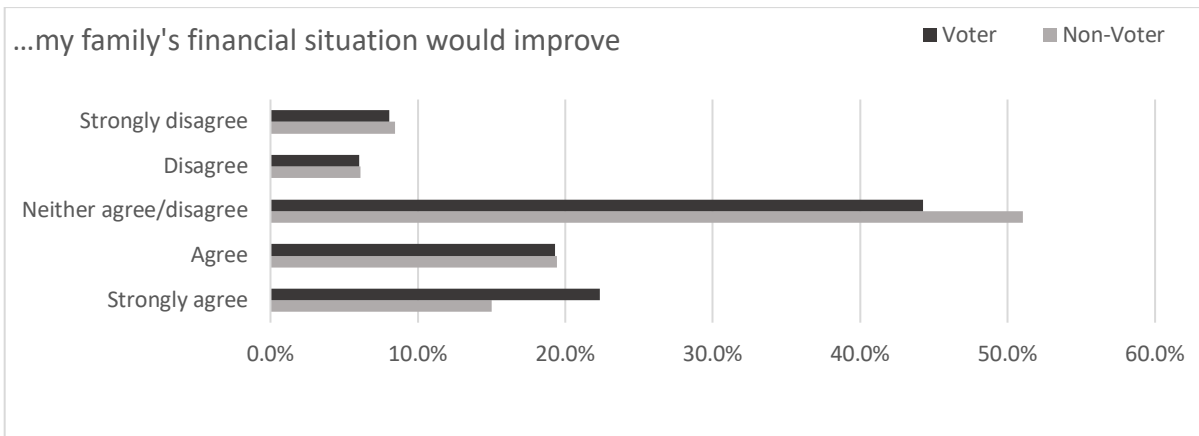
[Figure 2 about here.]

What mechanism might lead voters to support data-sharing more than non-voters? One possible explanation is that voting in tribal elections signals greater care for the economic development of Native communities and Indian Country more generally. If this were the case, respondents who otherwise indicate strong connections to their Native identity would also be more supportive of data sharing. Indeed, respondents were more likely to agree or strongly agree with sharing for development purposes if they reported attending Native cultural events, speaking a Native language to any degree, or perceiving being Native American as important to their identity. Respondents living in a ZIP code associated with a reservation were also more likely to support data sharing.⁹

We also probe whether respondents' views on political institutions outside Indian Country correlate with their willingness to be open about tribal financial data for any of the three specified purposes. Support for data sharing was higher among those who indicated more faith in the US political system, as measured by believing that public officials work hard, at least some of the time or more, on behalf of Native Americans or that Native Americans, at least sometimes, have a say in how the government handles important issues.

⁹ Note that those living on reservations are likely underrepresented in the data. Out of the 1,956 respondents, only 182 lived in ZIP Codes that contained a reservation.

Figure 2: My tribe should share data if it means that....



Share of Respondents

Notes: National sample of 1,956 self-identified Native American respondents, including 499 respondents who report sometimes or always voting in tribal elections. Non-voters are shown in the dark color, while voters are shown in the light color. Shares are weighted using sampling weights. Percentages may not add to 100 due to rounding. Source: CMPS, administered December 2020 – February 2022.

Additionally, those who signaled more faith in the economy—by being hopeful about their personal economic well-being or the state of the national economy—were more supportive of data sharing. Last, respondents under age 29 were more likely to support data sharing, as were those assigned male at birth and those with at least some college education.

Conclusions

Overall, results from the CMPS survey of nearly 2,000 Native Americans suggest that more Native Americans support data sharing than not, particularly as the potential developmental benefits of sharing data increase. Support was more pronounced among Native Americans who report being voters in tribal elections, which suggests that democratic accountability can reinforce data-sharing efforts in Indian Country.

Indian Country is gaining momentum in building data resources, as tribal leaders, federal policymakers, researchers, and activists recognize that data gaps can hinder service delivery (Mohr, 2023). Given tribes' right to data sovereignty and democratic tribal governance, public opinion over tribal data is salient and relevant. Our results suggest that communication enumerating the potential benefits of data sharing can be important in shaping public opinion. Purpose-driven data sharing, with broad potential benefits for Native well-being, appears likely to garner public support.

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