

UN Expert Mechanism on the Rights of Indigenous Peoples
Office of the United Nations High Commissioner for Human Rights
United Nations Office at Geneva
CH 1211 Geneva 10, Switzerland

Input to study on “Indigenous Peoples right to data, including data collection and disaggregation”

We refer to the call for input to the study on Indigenous Peoples' right to data, including data collection and disaggregation. The Saami Council welcomes this work, as data governance is crucial for Indigenous Peoples' rights, self-determination, and the protection of cultural heritage. We would like to share with you our own set of principles on data governance.

In 2024, the Saami Council adopted the Sámi Ownership and Data Access (SODA) principles, which are based on the well-established CARE Principles for Indigenous Data Governance. The purpose of these principles is to ensure that the Sámi People and their representative institutions have the ability to control and administer data they have been involved in producing.

Indigenous Peoples have long expressed concerns about the ways research data involving them is collected, stored, and used. Too often, such data does not benefit the very communities that contributed to its creation. Indigenous Peoples frequently lack ownership, control, and decision-making power over the data they have co-produced. As a result, research data is sometimes handled in ways that do not respect Indigenous Peoples' rights, dignity, and welfare. In some cases, this has led to unethical use of Indigenous data.

The SODA principles establish clear commitments to ensure Sámi control over data governance. First, Sámi research data must be collected, stored, and used in ways that contribute to the well-being of Sámi communities. Data should support Sámi rights, interests, and cultural values. Second, Sámi representative institutions must have the authority to govern and control their own data. Researchers must obtain free, prior, and informed consent before collecting, storing, or using any data, and Sámi communities must be actively involved in decision-making processes regarding data management and sharing. The principles also emphasize that Sámi

institutions must have full ownership and control of their data, with clear guidelines on ownership rights and responsibilities.

Furthermore, researchers, institutions, and data custodians bear the responsibility of ensuring that Sámi research data is collected, managed, stored, and used in ways that respect Sámi rights, dignity, and cultural values. This requires compliance with legal frameworks, ethical guidelines, and Sámi cultural protocols, as well as the safeguarding of privacy and confidentiality. Ethical considerations must be upheld throughout the entire data lifecycle, from collection and storage to analysis and dissemination. This includes using culturally appropriate methods, respecting Sámi knowledge systems, and ensuring that research does not negatively impact Sámi communities.

The implementation of the SODA principles is essential for ensuring Sámi ownership and access to knowledge and research outcomes. This is particularly important for protecting intellectual property rights linked to Sámi knowledge and traditions, preserving cultural heritage, and providing Sámi communities with valuable data that supports self-determination and informed decision-making.

The Saami Council urges States, research institutions, and other stakeholders to acknowledge and implement Indigenous data governance frameworks. Respecting Indigenous control over data is a fundamental step toward strengthening Indigenous Peoples' rights and ensuring that research and data collection contribute positively to the communities involved.

We welcome this study and appreciate the opportunity to contribute. Our submission may be shared publicly. Please find the SODA principles below.

Best regards,



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The Saami Council

Attachment:

- Sámi Ownership and Data Access principles (SODA)

Adopted 28.04.2024

Sámi Ownership and Data Access principles (SODA)

The Saami Council decides on the following Sámi Ownership and Data Access principles (SODA):

1. **Collective Benefit:** Ensure that the collection, storage, and use of Sámi research data contribute to the collective benefit of the Sámi people and their communities. Data should be used in ways that support Sámi rights, interests, and cultural values, and contribute to the social, economic, and environmental well-being of the Sámi communities.
2. **Sámi Authority to Control:** Recognize and respect the authority of the Sámi people and their representative institutions to govern and control their data. Researchers should obtain free, prior, and informed consent from the relevant Sámi communities and institutions before collecting, storing, or using data, and should involve them in decision-making processes related to data management and sharing.
3. **Sámi Ownership:** Acknowledge the rights of the Sámi people and their representative institutions to own and control their data. Develop guidelines on data ownership, specifying the rights and responsibilities of data owners, and outlining procedures for transferring or sharing data ownership in accordance with the wishes of the Sámi communities and institutions involved.
4. **Responsibility:** Acknowledge the responsibility of researchers, institutions, and data custodians to ensure that Sámi research data is collected, managed, stored, and used in a manner that upholds the rights, dignity, and cultural values of the Sámi people. This includes adhering to relevant legal frameworks, ethical guidelines, and Sámi cultural protocols when handling data, as well as maintaining the privacy and confidentiality of Sámi individuals and communities.
5. **Ethics:** Ensure that all aspects of the research data lifecycle, including collection, storage, analysis, and dissemination, are guided by ethical principles that prioritize the well-being, dignity, and autonomy of the Sámi people. This includes using culturally appropriate methods, respecting Sámi knowledge systems and worldviews, and acknowledging the potential impacts of research on Sámi communities and individuals.

By including ownership as part of the Sámi Research Data Storage policy/guideline, researchers and institutions can better ensure that the rights and interests of the Sámi people are respected and protected, while promoting ethical and responsible research practices related to research in Sápmi.