Final Indigenous Conservation Council Data Sovereignty Policy

Introduction

The Indigenous Conservation Council (ICC) envisions Tribal nations leading land rematriation efforts to reclaim, repair, and care for ancestral landscapes in ways that honor Indigenous connections and protect cultural heritage. This Data Sovereignty Policy operationalizes ICC's internal research and data sharing practices with and between ICC Member Tribes as well as expectations for external partnerships to respect Indigenous Data Sovereignty (IDSov) of the ICC Member Tribes. The practices outlined in this policy are intended to align with the ICC mission to build tribal capacity for land stewardship by centering tribal sovereignty and self-determination. They are grounded in Free, Prior, and Informed Consent (FPIC), Community Based Participatory Research, ethical governance, and the FAIR/CARE principles that ensure tribal nations retain authority over their data while advancing the capacity of tribal-led efforts for ecological restoration, historic and cultural preservation, and the protection of sacred sites. The policy provides clear and actionable guidelines and mechanisms for conducting collaborative research and data sharing that is done with reciprocity, accountability, and understanding of the mutually beneficial purposes to tribal communities and their partners. The policy aligns with ICC's strategic priorities for good agreements, seeing and awareness, good relations, and funding the future (2023–2026) and seeks to empower the seven ICC Member Tribes in Virginia by providing tools that safeguard ancestral lands and amplify Indigenous leadership.

I Definitions

Indigenous Conservation Council (ICC) Member Tribes refers to current ICC Membership which is defined as Tribes with current representation on the ICC Board of Directors. This includes the seven Federally Recognized Tribes (FRT) headquartered in the commonwealth of Virginia: Chickahominy Indian Tribe (CIT), Chickahominy Indian Tribe - Eastern Division (CIT-ED), Monacan Indian Nation (MIN), Nansemond Indian Nation (NIN), Pamunkey Indian Tribe (PIT), Rappahannock Tribe (RT), Upper Mattaponi Tribe (UMT)

Data is defined as information that is or digitizable that includes but is not limited to records, files, or other evidence, irrespective of their content or form (e.g., in print, digital, audio/visual recordings, physical, or other formats), that comprise research observations, findings, or outcomes. This encompasses primary materials, analyzed data, transcriptions, translations, photographs, recordings, and factual information in forms processable by computers (e.g., characters, numbers, symbols).

Data terminology:

- **Original Raw Data** - Initial data that is in an unprocessed, unformatted, and unanalyzed state. This is information that has been collected from various primary sources such as a

field survey, interview transcript, notes, or recording, database, sensor readings or other measurement instrument, remotely sensed images, surveyed GPS points, lines or polygons.

- **Processed Data** - Raw data that has been analyzed, aggregated, or formatted to make data easier to interpret.
- **Qualitative Data**: Non-numerical information such as oral histories, interviews, cultural narratives, and observations of ecological practices.
- **Quantitative Data**: Measurable metrics, including environmental survey results (e.g., water quality measurements), geospatial coordinates, and population statistics.
- **Oral Histories**: Spoken accounts documented through recordings and/or transcription of tribal history, cultural traditions, and relationships with land and water, which hold intrinsic cultural and spiritual value.
- **Geospatial Data**: Location-specific information, such as coordinates of sacred sites, burial grounds, or ecologically sensitive areas.
- **Environmental Monitoring Data**: Scientific measurements related to biodiversity, pollution levels, or climate impacts within tribal territories.
- **Database Storage**: Secured digital or physical repositories for data, including local files, ArcGIS Pro, or tribal-approved cloud systems.

Indigenous Peoples Data refers to data of significance to Indigenous Peoples. Indigenous peoples data is often relational and tied to land, identity, and communal rights rather than individual ownership. Indigenous Peoples data includes but is not limited to:

- **Indigenous Knowledge** encompasses the intellectual property (IP) of tribal nations, including but not limited to ecological wisdom, medicinal practices, stories, and artistic expressions. This knowledge is collectively owned and governed by tribal communities.
- **Traditional Knowledge**: Knowledge systems unique to Indigenous communities from a traditional context. This includes know-how, skills, and practices developed, sustained, and transmitted intergenerationally within a community, including people, plants, animals, water and land. It is often tied to cultural, ecological, biocultural, agricultural, and medicinal, knowledge and teachings. Examples include: ceremonies, language, spiritual identity, ecological stewardship practices such as plant uses or adaptation strategies, distinctive signs, symbols, and cultural practices which may be linked to biological resources.
- **Administrative, Cultural, Biological, or Scientific Data**: Information related to Indigenous Peoples and their ancestral or contemporary territories, waters, and resources. Such data may or may not have been produced in consultation with Indigenous Peoples as legal and cultural custodians.
- **Indigenous Biodata**: Biological and genetic information derived from or related to Indigenous Peoples, including genomic data, health records, and ancestral knowledge tied to their unique cultural and territorial identities It encompasses:
    - Genetic & Health Data: DNA sequences, biobank samples, and medical histories collected from Indigenous individuals or communities, often used for research on hereditary diseases, population genetics, or health disparities
    - Traditional Knowledge: *(See definition above)*

    - Culturally Sensitive Data: information regarding cultural practices that may impact health, wellness, and other biological data.

Indigenous Data Sovereignty (IDSov) affirms the inherent rights and interests of Indigenous Peoples to govern the access, collection, ownership, application, and stewardship of their data. This includes data derived from cultural histories, practices, identities, and territories. IDSov ensures Indigenous communities directly create, participate in, and benefit from the use of their data.

Intellectual Property (IP) includes all original materials produced during research, such as written works, transcriptions, translations, photographs, recordings, and datasets. IP extends to copyright (including future copyright), trademarks, designs, patents (registered or unregistered), inventions, trade secrets, plant varieties, semiconductor layouts, and other creations as defined by the World Intellectual Property Organization (1967).

***Key Principles**:*

- **Free, Prior, and Informed Consent (FPIC)**: Tribal nations retain the right to approve or deny the collection, use, or sharing of their data at any stage.
- **FAIR Principles**: Data must be *Findable* (easily located), *Accessible* (with controlled access), *Interoperable* (usable across systems), and *Reusable* (with clear licensing).
- **CARE Principles**: Data governance must prioritize *Collective Benefit* (advancing tribal priorities), *Authority to Control* (tribal ownership), *Responsibility* (ethical stewardship), and *Ethics* (respect for rights and values).
- **Community-Based Participatory Research (CBPR)**: Research methodologies that center tribal leadership, ensuring projects align with community needs and priorities.These include feeding back the data, jointly interpreting the data, disseminating the data and translating data into actionable outcomes or interventions.

II. Purpose of Policy

This policy establishes a framework of guidelines for ethical data governance that upholds the rights of Indigenous Peoples to govern their data in alignment with the Indigenous Conservation Council's (ICC) mission to support tribal nations in the rematriation, stewardship, and protection of ancestral lands. By centering Indigenous Data Sovereignty (IDSov), the policy ensures that all data practices reinforce tribal authority, protect cultural heritage, foster equitable partnerships, and advance ecological stewardship through the following objectives:

- **Uphold and Affirm Tribal Sovereignty**
  Ensure tribal nations maintain full authority over the collection, ownership, storage, access, use, and publication of their data.
- **Protect Cultural Heritage and Indigenous Knowledge**
  Safeguard culturally sensitive information—including sacred sites, Traditional Knowledge,

Traditional Ecological Knowledge (TEK), and oral histories—from exploitation, misuse, or unauthorized disclosure.

- **Advance Ethical Collaboration**
  Embed the principles of Free, Prior, and Informed Consent (FPIC), CARE (Collective Benefit, Authority to Control, Responsibility, Ethics), and FAIR (Findable, Accessible, Interoperable, Reusable) into every partnership, research project, and data-sharing agreement to foster truly equitable relationships.
- **Support Rematriation & Land Stewardship**
  Provide data-driven tools and methodologies for Indigenous-led land recovery, ecological restoration, threat monitoring, and long-term protection of ancestral landscapes.
- **Foster Equitable Partnerships**
  Align all collaborations with external government and NGO partnerships with FPIC, CARE, and FAIR principles to ensure respect for tribal self-determination and shared benefits in research and project design.
- **Ensure Research Accountability**
  Require that any research involving Indigenous Knowledge—particularly within the homelands of the seven federally recognized Tribes in Virginia—be conducted with rigorous respect for tribal sovereignty, self-determination, and tribal oversight.
- **Promote Transparency & Compliance**
  Establish clear guidelines, oversight mechanisms, and reporting practices for data collection, sharing, and governance to build trust, ensure accountability, and maintain tribal authority over all data-related activities.

III. Research Methodologies and Applications: Data Collection, Analysis and Use

This section outlines how the ICC collects and shares data with ICC Member Tribes as well as with external partners using modern analytical tools. Additionally, this section outlines the purposes for which ICC uses data relating to its Member Tribes while ensuring that data practices are both culturally respectful as well as actionable. Lastly, this section provides expectations for how external partners collect and share data with ICC and ICC Member Tribes.

A. Applications:

Informing Rematriation & Sacred Site Protection: Data such as geospatial mapping and oral histories help Tribes identify ecologically and culturally significant areas, enabling targeted efforts to reclaim and protect ancestral lands. For example, mapping known and possible archeological sites and obscured sacred sites can help Tribes safeguards them from development and resource exploitation while supporting land recovery.

Environmental Monitoring and Climate Resilience Strategies: Environmental monitoring data (e.g., biodiversity surveys, pollution metrics, use of environmental sensors) equips Tribes to analyze ecological trends that inform adaptive Indigenous land management and support advocacy for climate adaptation policies rooted in Indigenous stewardship practices. Baseline data also allows Tribes to participate in long-term monitoring of their natural and cultural resources to analyze changes over time and more effectively plan restoration efforts.

Strengthening Threat Monitoring: Data on industrial encroachment, deforestation, or water contamination empowers Tribes to detect and respond to risks proactively, aligning with self-determination by reducing reliance on external agencies.

Guiding Land Management: Qualitative analysis of oral histories and Traditional and Indigenous Knowledge ensures land-use decisions reflect community priorities, such as restoring culturally important plant habitats or reviving sustainable fishing practices.

Preserving and Revitalizing Cultural and Historical Knowledge: Protection of data related to cultural landscapes and heritage and the collection and preservation of archives that pertain to Indigenous cultural landscapes supports tribal efforts of cultural preservation and revitalization.

B. Methods:

Geospatial Mapping: Identifies ecological trends while obscuring sensitive locations, balancing transparency with cultural protection. This supports sacred site preservation and informs habitat restoration.

Qualitative Analysis: Coding oral histories highlights community-driven priorities (e.g., reviving ancestral fire management), ensuring projects align with tribal values.

Statistical Modeling: Assesses environmental data to build evidence for policy advocacy (e.g., opposing harmful resource extraction or development permits), strengthening tribal sovereignty in legal and political arenas.

C. Tribal Oversight:

Free Prior and Informed Consent (FPIC): The ICC will obtain explicit consent from Member Tribes before data collection begins, with ongoing consent reviews throughout the research process. ICC also expects external partners to obtain explicit consent from individual Member Tribes prior to beginning data collection. External partners must obtain consent from each ICC Member Tribe collaborating in the research. External partners cannot solely obtain permission or consent from ICC staff.

Research Design: ICC Member Tribes may review and revise ICC or external partner methodologies prior to beginning data collection, ensuring data collection respects Indigenous governance structures. ICC encourages when applicable the practice of community-led research that allows for Tribes to co-design methodologies, ensuring alignment with cultural protocols such

as seasonal calendars, oral histories, traditional storytelling practices, and oral history coding as well as complimenting western data collection methods with Indigenous strategies.

Metadata Standards: When applicable or when requested from Member Tribes, ICC and external partners sharing and collaborating on research data collection will document data provenance, purpose, and restrictions using **Traditional Knowledge (TK) and Biocultural (BC) Labels** (via Local Contexts Hub).

Feeding Back Data: Aligning with the principles of community based participatory research (CBPR); ICC commits to providing Member Tribes with on-going access to data as it is collected as well as the ability to use any data collected that pertains to their Tribe for other projects or to support separate tribal-led research. Tribes maintain the right to review data analysis at any stage in the research process. All preliminary results and findings from ICC collected data will be shared with Tribes prior to final analysis. Additionally, ICC expects external partners to provide ICC Member Tribes with on-going access to data collected jointly or in partnership with ICC and ICC Member Tribes.

Data Interpretation: Aligning with CBPR, ICC commits and expects external partners working collaboratively with Member Tribes on research and data collection projects, to jointly interpret the data with Tribes for the purpose of merging western science with Indigenous knowledge to gain a better understanding of the research results and findings.

Data Dissemination: Aligning with CBPR, ICC commits to and expects external partners to disseminate data and findings to Member Tribes in a manner that is appropriate. Examples may include tribal requests for environmental monitoring data that may impact public health to be proactively shared with tribal citizens through community engagement or Tribes may request culturally sensitive data to be shared only with tribal leadership.

Translating Data for Action: Aligning with CBPR, ICC commits to produce research findings and provide data that has mutually beneficial outcomes for the researchers and Member Tribes. Research should be conducted with the intention of providing a valuable tool for Tribes that supports one of four applications listed in the “Applications” section (informing rematriation and sacred site protection, environmental monitoring or climate resiliency strategies, strengthening threat monitoring, guiding land management or cultural revitalization and preservation or other priorities determined by Tribes)

By merging western data science practices with Indigenous knowledge, FPIC and CBPR, these practices empower Tribes to reclaim authority over their lands, address threats autonomously, and exercise duty of care and tenure over ecosystems in ways that honor cultural heritage. This approach not only advances ecological restoration but also revitalizes Indigenous governance systems.

IV. Compliance, Accountability & Oversight

A. Tribal IRBs/Ethics Committees

If applicable, ICC Member Tribes may elect to have a tribal Internal Review Board (IRB), ethics or other appropriate committee oversee research and the collection of data through the ICC and research partners.

B. Data Withdrawal and Governance

- **Tribal Rights**: ICC Member Tribes may request data deletion at any time from ICC staff or research partners. This includes cloud services and personal devices.
- **Individual Rights**: Tribal Citizens and community Members may withdraw personal data at any time and unconditionally.

C. Enforcement

ICC Member Tribes may elect to enforce penalties on external researcher partners who breach protocols. This could include termination of partnerships and bans on future projects.

V. Human Subjects Protections

Detailed Framework for Ethical Research Practices with Human Subjects.

The ICC prioritizes the dignity, rights, and safety of Indigenous participants in all research activities. This section expands on the protocols for human subjects protections, ensuring alignment with **Free, Prior, and Informed Consent (FPIC)**, tribal sovereignty, and global Indigenous rights frameworks. The FPIC protocols below describe how ICC will implement research, data collection, and data-sharing projects with Member Tribes. These protocols also serve as an expectation and guideline for external partners working with ICC Member Tribes.

A. **FPIC Protocols**:

FPIC ensures Tribal nations retain authority to approve or reject research involving their citizens, lands, or cultural knowledge. In the case of human subjects research, Tribes have the right of approval of research design, consent forms, and data use when tribal citizens are the research population of study and data collection. FCIP ensures that participants have explicit consent, the right of withdrawal, compliance, and no coercion.

Implementation:

- **Pre-Research Engagement**:

    - ICC will consult ICC Member Tribal leadership *before* designing human studies in which tribal citizens are the focus population. This includes disclosing the purpose, methods, risks, and benefits.
    - Member Tribes may appoint a designated committee (e.g., Tribal Council, Ethics Board) to review proposals as needed.
- **Co-Design**:
    - Research objectives and methodologies are collaboratively developed with Member Tribal partners. (example: a case study on community engagement in citizen science is developed to use culturally appropriate and relevant educational materials)
    - Consent forms are drafted in partnership with Member Tribes, using culturally appropriate language and terminology.
- **Ongoing Consent**:
    - Member Tribes retain the right to pause or terminate research if protocols are violated.
    - Consent is reaffirmed at each phase with Member Tribes (e.g., data collection, publication).

B. **Voluntary Participation**:

Key Requirements:

- **Written Consent**: ICC Member Tribes may elect to request ICC or external partners receive written consent from research participants for data they provide. Member Tribes may also require that ICC or external partners have their consent forms approved in advance by participating ICC Member Tribes. Written consent forms should include the following:
        - Study purpose and duration.
        - Types of data collected (e.g., interviews, biospecimens).
        - Potential risks (e.g., privacy breaches, cultural harm).
        - Participant rights (e.g., anonymity, withdrawal).
- **Compliance**: Tribes may elect to have a tribal internal review board (IRB) or ethics committees oversee adherence.
- **No Coercion**:
    - Participation is optional, with no penalties for refusal.
    - Incentives (e.g., compensation) must not undermine voluntary choice.

C. **Anonymity Protections**:

ICC will implement the following practices to protect the identity of all Indigenous people's data and human subjects research. It is the expectation that external partners will implement the same or similar policies with conducting human subjects research with ICC Member Tribes.

- **Pseudonymization**:
    - Participants contributing data may elect pseudonymization by opting to replace names/identifiers with codes (e.g., "Participant 01") or with alternative names. Pseudonyms will be applied to both stored data (i.e. files, transcripts, etc) as well as any published materials referencing participants.
    - Identifiable data (e.g., audio recordings) are stored separately from analysis files.
- **Data Minimization**:
    - Collect only essential information to reduce re-identification risks.
    - Avoid indirect identifiers (e.g., rare conditions in small communities).

D. Right to Withdraw:

Participant data will be removed and deleted upon request.

Process:

- **Request Mechanism**:
    - Participants may withdraw their data and participation at any time through a written request to the tribal ethics committee (if applicable) or ICC..
    - A 30-day window ensures data removal from all systems (e.g., databases, backups).
- **Limitations**:
    - Aggregated or anonymized data that cannot be traced to individuals may remain.
    - Participants are informed of these limits during consent.

V. Data Access and Storage

This section details how the Indigenous Conservation Council (ICC) will ensure the secure storage, tiered access, and ethical governance of data in alignment with . The protocols below operationalize the ICC's commitment to protecting culturally sensitive information while enabling Tribes to leverage data for land stewardship and rematriation.

A. Data Storage Protocols

Secure Infrastructure: The ICC will use secure platforms to store Indigenous Peoples and Member Tribal data and expects that external partners also protect data through secure infrastructure.

- **ICC-Approved Platforms**:
    - **Geospatial Tools**: ICC will only store data on password-protected software (e.g., ArcGIS Pro, QGIS or other ICC designed data-sharing software) or password protected online platforms. For culturally or subject sensitive data (see definition), the ICC board can vote to elect to use encryption for mapping sensitive sites.
    - **Encrypted Drives**: If applicable or determined necessary for specific data, the ICC board can vote to approve external hard drives with encryption that can be used. ICC Member Tribes can also request that specific sensitive data pertaining to their Tribe be stored with encryption protections (i.e. encryption software on specific files)
    - **Cloud Storage**: ICC will not store data on publicly accessible cloud storage unless approved by ICC Member Tribes. All data stored on cloud services will be password protected and limited to ICC staff or tiered access established protocols. Any public-facing data cloud storage use such as ArcGIS online will be approved by ICC Member Tribes through an ICC board vote. If applicable or determined necessary by ICC board vote, ICC will use tribal-governed cloud services with end-to-end encryption and geographic restrictions.
- **Metadata Security**
    - Upon Member Tribal or ICC Board request, ICC will apply **Traditional Knowledge (TK) and Biocultural (BC) Labels** (via Local Contexts Hub) to files, specifying cultural protocols for access.
    - Upon Member Tribal or ICC Board request, ICC will encrypt metadata fields detailing data provenance, consent terms, and tribal contacts.

Physical Security:

- **Devices:** ICC employee devices (e.g., laptops, tablets) used for data collection must be password protected or equipped with biometric locks (fingerprint/face ID).
- **Employment Termination**: Any ICC employee who leaves their employment with ICC will have revocation of data access. See employment termination section below for more guidance.

Access Tiers: If requested by Member Tribes or ICC Board, ICC will take further measures to secure sensitive data (cultural, human-subject, sacred sites, etc) while balancing sharing community-based data to tribal citizens for community engagement in conservation as well as public-facing data for engaging NGO and government partners, local communities and funders by implementing a three tier access system described below. This is a sample access tier which will require ICC Board approval by vote in accordance with the ICC by-laws prior to implementation.

    - **Public**: Aggregated, non-sensitive datasets (e.g., pollution trends).
    - **Tribal Citizens**: Culturally relevant insights (e.g., oral history excerpts).
    - **Government/Staff**: Unredacted maps, strategic data.

Access Tiers

Three-Tiered System:

Tier	Data Type	Access Requirements
Public	Aggregated, non-sensitive data (e.g., regional pollution trends, public-facing maps with 2-6-mile radius buffers).	Available on ICC website via open-access portals. No login required.
Tribal Citizens	Culturally relevant insights (e.g., oral history excerpts, relevant environmental monitoring data, seasonal ecological guides).	Verified tribal ID (e.g., tribal enrollment number) + two-factor authentication (2FA).
Government / Key Staff	Strategic data (e.g., unredacted maps of sacred sites, climate vulnerability assessments).	Multi-factor authentication (MFA) + approval from tribal data governance committee.

Implementation Steps:

- **Public Tier**:
    - Publish datasets on ICC's geospatial/ data sharing portal or website, scrubbed of sensitive metadata.
    - Example: Maps showing deforestation rates in the Chesapeake Bay watershed, generalized to protect tribal land boundaries. Historic villages show within a 5 mile radius.
- **Tribal Citizens Tier**:
    - ICC in collaboration with Tribes may elect to develop a Tribal Citizen Portal with role-based access (e.g., Cultural Preservation officers, Environmental and Land Managers, Other staff, Language speakers/teachers, elders, etc).
    - Example: Oral history recordings tagged with TK Labels, accessible only to enrolled members of participating Tribes.
- **Government / Staff Tier**:
    - ICC staff and Member Tribes may elect to use an ICC data sharing portal, a tribal-developed platform requiring MFA or biometric verification for sensitive data.

- Example: Unredacted maps of burial grounds stored in SovereignLink, accessible only to designated cultural preservation officers.

B. Protection of Culturally Sensitive Data

The ICC commits and expects external partners to protect ICC Member Tribal and Indigenous people's data that is culturally sensitive by limiting the data that is public facing. ICC Member Tribes maintain the ability to determine what data is culturally sensitive and can request that this data have limited or no public access.

ICC will ask permission through an ICC Board vote before creating any data that is public facing.

Data and Location Obscurity: For protection of sacred sites, including historic, archeological and other culturally sensitive areas, public- facing maps sharing geospatial data will generalize location of these sacred sites. The geospatial mapping will be available to ICC Board and participating staff as determined by each individual Member Tribe for the purpose of identifying culturally significant areas while obscuring precise coordinates. It is recommended that all culturally sensitive or sacred sites determined by Member Tribes be mapped 2-5 miles away from their actual locations.

- **Tribal Authority**: Tribes may redact or withhold data prior to publication.
- **Restricted Access**: Culturally significant data (e.g., burial grounds, sacred sites) accessible only to authorized staff as determined by Member Tribal leadership.
- **Access Tiers**: As described in previous section can be implemented upon Member Tribe or ICC Board request and final access protocols will be approved by ICC Board before implementation.
- **Tribal Veto**: Member Tribes may redact or withdraw data at any time.

C. Employment Termination Protocols

Revocation Process:

1. **Account Deactivation**:
    - If an employee's contract is involuntarily terminated, ICC will disable all employee log-ins immediately (within 8 hours or termination). For other employment terminations such as voluntary resignations, employee access and log-in will be removed within 48 hours of termination, ICC disables all employee logins (e.g., ArcGIS Pro).
2. **Physical Device Return**:
    - Former employees must return hardware (e.g., encrypted drives, tablets) within 2 weeks.

VII. Publication and Licensing

Implementation Framework for Ethical Dissemination and Intellectual Property Protection

This section outlines the ICCs protocols and expectations for partners for publishing research findings, data, and managing intellectual property (IP) rights, ensuring tribal sovereignty, cultural respect, and equitable benefit-sharing. These practices align with the CARE Principles, UNDRIP, and Indigenous Data Sovereignty frameworks.

- **Approval**: The ICC Board must approve all publications through a vote as determined by the ICC by-laws.
- **IP Ownership**: ICC Member Tribes retain copyrights to Traditional Knowledge and derivatives.
- **Licensing**: ICC Member Tribes may use Creative Commons (e.g., non-commercial) or assert full copyright.

A. Publication Approval Process

Step-by-Step Workflow: The following is a sample workflow for preparing publications of projects or data with Tribes. This workflow should be described and amended as needed in individual data-sharing agreements with ICC Member Tribes.

1. **Pre-Submission Review**:
    - ICC staff and external research partners submit draft publications (e.g., reports, journal articles, maps) to the ICC Board and participating Member Tribes.
    - Submissions must include:
        - A **Traditional Knowledge (TK) Disclosure Statement** detailing Indigenous contributions (e.g., oral histories, ecological knowledge).
        - A **Data Provenance Report** with metadata (e.g., collection methods, consent forms, TK/BC Labels).
2. **Tribal Review Committees (optional)**:
    - Tribes may elect to appoint a review committee (e.g., elders, cultural advisors, legal experts) to assess:
        - Cultural sensitivity (e.g., avoidance of stigmatizing language).
        - Accuracy of Indigenous Knowledge representation.
        - Compliance with FPIC and data-sharing agreements.
3. **ICC Board Approval**:

    - The ICC Board evaluates the publication's alignment with ICC Member Tribal priorities and the ICC's mission (e.g., land rematriation, conservation and duty of care) and provides approval by a vote according to the ICC by-laws.
    - Approval timelines:
        - **Standard Review**: 2-4 weeks.
        - **Expedited Review**: 1-2 weeks (for time-sensitive advocacy, e.g., policy submissions).
4. **Dispute Resolution**:
    - The ICC operates on consensus and FIPC principles. The ICC Board approves all ICC staff projects and actions through a Board vote in accordance with ICC by-laws. If a Member Tribe objects to data-sharing content, ICC staff will mediate and review concerns to make revisions or redactions. It is the expectation of the ICC that external researcher partners use FIPC principles with ICC and each ICC Member Tribe and receive explicit consent from the ICC Board or individual ICC Member Tribes as determined necessary prior to publishing Indigenous people's data that concerns ICC Member Tribes and their territories.

VIII. Intellectual Property (IP) Ownership Options for ICC and ICC Member Tribes

Definitions & Protocols:

- **Traditional Knowledge (TK)**: Includes oral histories, ecological practices, cultural narratives, and ancestral innovations (full definition listed in section I).
- **Derivatives**: Any products derived from TK (e.g., maps, datasets, educational materials, genetic research).
- **IP Retention Mechanisms**:
    - **Legal Agreements**: ICC Member Tribes retain copyright via contracts (e.g., **Data Sovereignty Addendums**) signed before research begins.
    - **TK Labels**: Apply **Local Contexts Hub** labels (e.g., "Attribution Required," "Non-Commercial Use") to digital publications.
    - **Registry Systems**: ICC Tribal governments have the option of maintaining registries of TK and derivatives.

Licensing Options for ICC or ICC Member Tribes with external partnerships

These licenses are provided as sample options for ICC Member Tribes and are not required. Any licensing by ICC would require an ICC Board Vote.

Tribal Choice of Licenses:

- **Full Copyright**:
    - Tribes retain exclusive rights to all uses of their data/TK.
    - Example: A Tribe licenses a documentary filmmaker to use oral histories but prohibits redistribution.
- **Creative Commons (CC)**:
    - **CC BY-NC-SA**: Non-commercial use, requires attribution and sharing under the same terms.
    - **CC BY-ND**: Non-commercial use, no derivatives allowed.
    - Example: A Tribe publishes aggregated climate data under CC BY-NC-SA to support academic research while restricting corporate use.
- **Custom Licenses**:
    - Tribes draft bespoke terms (e.g., profit-sharing for commercial ventures, seasonal access restrictions).
    - Example: A pharmaceutical company must pay royalties to a Tribal Nation for using plant-based TK in product development.

Implementation Tools:

- **Licensing Portal**: The ICC Board may vote to elect to create a digital platform where Member Tribes upload approved licenses and track usage.
- **Compliance Monitoring**:
    - **Automated Alerts**: Tools like **PlagiarismCheck.org** can be used to scan for unauthorized use of TK.
    - **Tribal Enforcement Units**: Member Tribes may elect to use legal measures to pursue violations of data usage (e.g., cease-and-desist letters, litigation).

Co-Authorship & Attribution

- **Mandatory Inclusion**: ICC will include Tribal contributors if appropriate and requested (e.g., knowledge holders, community researchers) and list these individuals or groups as co-authors or acknowledged in publications.
- **Attribution Standards**:
    - ICC will use phrases like “In collaboration with the [Tribe Name]” in bylines.
    - ICC will cite TK using tribal-preferred formats (e.g., oral citations for elders).

Conclusion

This Data Sovereignty Policy is an essential component of the ICC's three-year strategic plan, ensuring federally recognized tribal nations in Virginia and can leverage data as a tool for rematriation, ecological stewardship, and sovereignty. By prioritizing FPIC, FAIR and CARE principals, secure infrastructure, and Indigenous-led governance, the policy directly advances ICC's vision of tribal nations leading ancestral land care *for future generations*.

This policy reflects ICC's commitment to Indigenous self-determination, rematriation, and ethical stewardship of ancestral lands.

Approved by the ICC Board on [Date].

ICC Board Representative: _____ **Date**: _____

"To heal the land, we must first honor the sovereignty of those who have always known how to care for it."