

## **Tribal Data Sovereignty/Data Governance Talking Points**

### **1. Tribal Nations Are Sovereign Governments their Data Is Sovereign Too**

- The 24 Tribes, Nations, and Pueblos in New Mexico are sovereign governments with inherent authority over how their data is collected, shared, interpreted, and stored.
- Public health data involving Tribal nations is Tribal government property, not state-owned.
- State health departments must treat Tribal data with the same governmental respect as data from any sovereign entity.

### **2. The State-Tribal Collaboration Act (STCA) Creates Clear Obligations**

#### **STCA Section 3(C)**

- Section 3(C) requires state agencies to collaborate with Tribal governments in the **development** and implementation when a proposed action may directly affect AI/AN populations.
- This includes:
  - Meaningful, early engagement **before** decisions are made
  - Recognizing and respecting Tribal self-governance in all matters involving Tribal data
  - Ensuring that agency policies and practices do not infringe on the rights, authorities, or inherent sovereignty of Tribal governments
- Why This Matters for Data Modernization
- Data modernization is a major structural change that directly affects Tribal information, representation, and digital sovereignty.
- Under STCA 3(C), NMDOH must:
  - Consult with Tribes prior to designing or implementing new systems
  - Collaboratively develop data-sharing pathways that honor Tribal governance
  - Avoid any unilateral policies that use, aggregate, or integrate Tribal data without Tribal consent

### **3. Data Modernization Must Not Recreate Historical Harms**

- Indigenous communities have faced long histories of data extraction, invisibility, and misuse.
- Modern systems built without Tribal leadership risk repeating those harms.
- Upholding Tribal data governance is essential to repairing trust and ensuring equitable participation.

### **4. Tribes Hold Legal and Inherent Authority Over Their Data**

- Tribal Data Sovereignty is grounded in Tribal governance, federal trust responsibilities, and sovereign rights.
- Any use or sharing of Tribal data requires formal agreements, such as:
  - Data-sharing agreements
  - MOUs
  - Government-to-government consultation
- STCA reinforces that state agencies must follow these governance channels, not bypass them through internal modernization efforts.

## **5. Accurate Public Health Outcomes Require Tribal-Governed Data**

- Tribal Nations represent vital populations in New Mexico's public health landscape.
- Without Tribal-governed data:
- Health outcomes become inaccurate
- Inequities are hidden
- Resources are misallocated
- When Tribes govern their data, the state benefits from more accurate, culturally informed, and actionable public health insights.

## **6. Data Modernization Must Be Co-Designed with Tribes**

- STCA 3(C) mandates communication, collaboration, and consultation (informal or formal) for actions impacting Tribes; modernization clearly does.
- Co-design means:
- Tribes are involved at the beginning, not after systems are built
- Consent-based governance is standard
- Tribal data principles—ownership, access, control, and possession—are embedded in system architecture
- Co-designed systems are more effective, more accurate, and more trusted.

## **7. Upholding Tribal Data Sovereignty Strengthens Public Health for All New Mexicans**

- Respecting Tribal data governance improves:
- Disease surveillance
- Emergency response
- Health equity initiatives
- Statewide planning and resource distribution
- Tribal-state collaboration is a statewide public health asset, not a barrier.

## **8. Sovereignty and STCA Obligations Must Be Explicit in Policy, Not Implied**

- NMDOH must explicitly embed Tribal Data Sovereignty in:
- Departmental policies
- Data modernization strategy
- Workforce training
- Consultation procedures
- STCA is not symbolic; it is a legal requirement that ensures state actions uphold Tribal sovereignty and prevent state overreach.

Tribal population makes up nearly 12% of the state residents, these are not insignificant numbers. Tribal health is NM health; we need to do better when working with our Tribes to ensure they are included and valued members in our efforts.