THE FAIRXCARE MATRIX: ETHICAL DATA PRACTICE FOR INTANGIBLE CULTURAL HERITAGE WITH IMMATERIEELERFGOED.BE AS CASE STUDY

The FAIRxCARE matrix serves to evaluate the digital data governance of intangible cultural heritage (ICH). It aims to establish an ethical and user-friendly data practice for sharing and linking ICH data.

Intangible cultural heritage (ICH) is very much alive: practices evolve over time and adapt to a changing world. The prime custodians of this living heritage are the **communities, groups and individuals involved** with the heritage practice and transmission. It's they who safeguard this heritage for future generations, through a myriad of actions. Article 15 of the 2003 UNESCO Convention for the Safeguarding of ICH clearly states that the safeguarding of ICH cannot be achieved without their **widest possible participation.**

As of today, such a deeply participatory approach to heritage care is still not customary in relation to many other types of heritage. This also implies that **existing approaches and methodologies for linking data**, which are commonly applied to tangible heritage items -such as paintings, manuscripts, images, etc.- **cannot and should not be directly applied within the context of (meta)dating ICH**, since most of these approaches do not premise the outspoken involvement of the communities concerned.

QUICK LINK TO EXECUTIVE SUMMARY

ETHICAL DATA PRACTICE FOR INTANGIBLE CULTURAL HERITAGE: EXECUTIVE SUMMARY (PDF)

Data principles

Linking data on the semantic web often starts with the premise that data should be **as open as possible** and have as open rights as possible. The **FAIR data principles** nuances this assumption. It stands for **Findable, Accessible, Interoperable and Reusable** and offers guidance on how to establish a strong, persistent data management policy. FAIR data sharing has become a matter of course in the pursued data practice in the digital ecosystem of the cultural heritage sector in Flanders in recent years. The FAIR principles thus mainly focus on **creating the right conditions to make data as shareable and interoperable as possible.**

In 2019, the Global Indigenous Data Alliance (GIDA), an international network promoting indigenous data sovereignty and governance, published

the **CARE principles**, putting the **rights, people and goals of indigenous communities** and their data **at the centre**.

The CARE Principles for Indigenous Data Governance are people and purpose-oriented, reflecting the crucial role of data in advancing Indigenous innovation and self-determination. These principles complement the existing FAIR principles encouraging open and other data movements to consider both people and purpose in their advocacy and pursuits.

GIDA, 2019, own emphasis

Collective Benefit

Also known as ***digital return***. The data ecosystems should focus on the **benefits of data sharing for the community,** meaning that the primary goal should be the **safeguarding of the ICH practice**, rather than the interest of the collecting institution and the general public.

Authority to Control

With **free, prior, informed and sustained consent** on the collection and the (re)use of the data, the ICH community must be able to determine how it is represented and how their data is stored. In this ***shared stewardship*** communities and heritage organisations govern ICH collections and data together. Both **shared stewardship** and ***accompanying data sovereignty*** presuppose a well-developed plan that takes shape as a ***data governance structure***. Such **data governance structure** comprises the set of guidelines, protocols and decision-making structures around data governance in an organisation.

Data sovereignty (AIATSIS, 2020) helps heritage communities and institutions understand their influence on the data governance:

- Who decides what data is collected?
- How is the data stored?
- Who decides on access to the data?
- How about Intellectual property rights in relation to the data collected?
- How is the data used in research, policy and practice?

Responsibility

The heritage institution has the responsibility to ensure that the community comprehends how their data is being used. **Transparent communication** is crucial, along with **data literacy** within the community, which should be facilitated by the heritage institution if necessary.

Ethics

A **respectful relationship** with the community and regard for their **well-being** should be prioritised throughout all stages of the ***data life cycle***, i.e. collection building, interpretation, preservation, curation and reuse of the data across the data ecosystem.

All of these factors mean that metadata on provenance, purposes/protocols, and permissions should be included. This machine-readable cultural metadata makes clear how the data should be treated:

- ***Provenance***: Who or which community is the source of the data?
- ***Protocols and purposes***: This metadata provides context about the use and goals of the data and knowledge of the ICH practice, helping to minimise potential harm from data sharing.
- ***Permissions***: Information about the correct (re)use of data throughout the data lifecycle, such as intellectual property rights and/or (re)use licences.

FAIR×CARE Matrix

At Workshop Intangible Heritage, we created **a method to evaluate existing practices based on the FAIR and CARE principles of data sharing**. This **FAIR×CARE matrix** aligns with the shared stewardship and data governance principles, enabling us to **measure current data practices** and **identify necessary actions** to achieve an ethical data governance.

By detailing this data governance structure in a matrix, we can analyse each part of the data life cycle to the extent that the FAIR, CARE, and data governance properties fit the data practices of immaterieelerfgoed.be, both now and in the future.

Intellectual property and licensing

The effectiveness of legal tools for safeguarding ICH practices and knowledge is limited. The main challenge in applying i**ntellectual property rights** to ICH lies in the **strong focus on ownership, rather than communal interest or collectivity**. Intellectual property rights seek to identify a specific owner of the creation and authorship, while living heritage is passed down from generation to generation and gradually adapted. This does not adequately **protect the collective and communal aspects of ICH**, as there is often no single identifiable author or creator.

We need to **centre the communities** and their wishes by **including cultural metadata** and defining what permissions are granted for what data is shared. **Creative Commons** can be a way to licence sharing of audiovisual works while crediting authors. Traditional Knowledge (TK) can be addressed by using standardised **TK Labels**.

Traditional Knowledge (TK) labels, as developed by Local Con- texts, identify and clarify community-specific rules and responsibilities for accessing and using traditional knowledge.

Including cultural metadata can guide us in determining the appropriate legal protections required for sharing data on ICH. This process should be managed with great care and consideration regarding the i**mplications for the involved communities**. Additionally, we will need to further investigate the implications of evolving technologies, such as AI and a more integrated semantic web for heritage applications, which may extend beyond documentation and education, i.e. tourism or commercialisation.

CASE STUDY: IMMATERIEELERFGOED.BE

The **actions** formulated as a result of the FAIR×CARE matrix can be divided into four main categories: those related to the **registration form**, the **terms of use** and **privacy policy** of the platform, the **data model**, and **UX and back-end developments**. Most actions involve establishing more checks and balances for data sharing permissions, standardising metadata to ensure data interoperability, and implementing digital developments to support these efforts.

A **balance** must be established **between obtaining sufficient data** with checks on consent **while maintaining user-friendliness**. It is important to note that so far, we have hardly received any questions from the communities in this respect. Co-creation and co-management are taken for granted, as the platform was set up from day one as a community platform. This allows for a **pragmatic approach to the principles** and makes it easier to find a balance between theory and practice. The goal is to **prioritise the community's data sovereignty without creating high barriers**, such as an overly complex registration form.

Given the primary goal of immaterieelerfgoed.be, which is to provide a platform for communities to share a description on their living heritage practices with the interested public, we can assume that data and audiovisual materials can be licensed with a **Creative Commons licence**. The use of the knowledge however, like certain recipes used for commercialisation, can be mastered with purposes and permission labels. **Traditional Knowledge Labels** might be a solution to look into, as this provides structured and machine-readable labels.

TO THE FAIRXCARE MATRIX CASE STUDY

READ THE EXECUTIVE SUMMARY

Read more into detail about the Ethical Data Practice for Intangible Cultural Heritage and the FAIRxCARE matrix for immaterieelerfgoed.be

EXECUTIVE SUMMARY (PDF)

DARIAH-EU CONFERENCE POSTER

Poster presentation (DARIAH2024 conference in Lissabon, 18-21 June 2024)

POSTER (PDF)

Trefwoord:

Documenteren

Sensibilisering

Overdracht

Meer weten:

Persistente URL:

http://ichdata.be/ARK:80717/fd80b95e-17e6-4ff8-83c7-4ce38177c935