

Abstract

There has been a ruling in December 2021 by the High Court in New Zealand that data to do with vaccination be given over by the Ministry of Health to the Whaanau Ora Commissioning Agency. The present article, *Ngaa Pakanga Maramara, The Data Wars*, forms a Postscript to *Maramara me te Iwi, Data and the Indigenous Group*, an earlier paper in tekaharua.com and takes the argument therein to a consideration of this ruling and the context involved. A similar form is followed to that of the earlier paper and in the example of the High Court ruling and its aftermath concepts of state and ethnicity are considered along with an overview of government and Iwi organisations in Aotearoa-New Zealand. The ruling is considered as something of a change or a breakthrough to new forms of data control. The nature and use of data is considered in general terms as well as in the specific context of the Covid 19 pandemic in Aotearoa-New Zealand. There is considerable discussion of border concepts and practices as there is of mental as well as physical health.

Ngaa Pakanga Maramara- The Data Wars

This Postscript follows the earlier sections of *Maramara me te Iwi Taketake, Data and the Indigenous Group*, in several ways including form. As before there are three parts to the Postscript beginning with fifteen questions. These are followed by extracts from journalistic accounts of the High Court decision on data and ensuing matters. And then there is an analysis which reflects back on the earlier paper as well as this postscript.

1 Fifteen more questions

1 What is the Whaanau Ora Commissioning Agency?

2 Why might the South Island and the North Island iwi be separated regarding data when, in the case of some iwi such as Rangitane they exist across both Islands?

3 With figures like John Tamihere, Rawiri Jansen, Tahu Kukutai and others involved in data issues are we looking at new forms of and a new context for Maaori leadership (cf Winiata 1967, Kukutai and Taylor 2016)?

4 Why are we talking about Whaanau Ora and not Iwi?

5 Why has the High Court ruled in favour of Whaanau Ora? Why not?

6 Why has the government through the Ministry of Health or other bodies not followed or, at least, only partially followed the High Court ruling of early November 2021 asking for the sharing of data with Whaanau Ora?

7 Has there been adequate analysis by and in the media of the stand off between Whaanau Ora and the government?

8 What kind of sovereignty is involved?

9 Has data been recognised as a critical resource of state?

10 Do Whānau Ora organisations use algorithms and machine learning to process and farm data?

11 Is the idea to merely to find people who are not vaccinated or to model and predict the future in health and other areas?

12 What is the image of Māori in health?

13 Do health and image go together? A healthy body, a healthy mind? A healthy mind, a healthy body?

14 How about data and mind? Data and body?

15 I can see my reflection in my data?

What follows below goes some way, perhaps, to answering the questions above but again, as in the earlier article, there are no full answers- a range of possible answers lingers.

2 Fishing for data

Several news items are copied below to provide a context for the questions above and the discussion that follows in Part Three. The background to the present stand-off over data is summarised in an article by Steven Forbes of 17 Nov 2021. Next the decision itself is described in an article by Matai O'Connor of 10.12.21. Finally, Marc Daalder in an article of 09.12.21 talks about parties other than Whānau Ora such as the Police who may want access to the data.

The headline to the article by Steven Forbes reads,

'Whānau Ora Commissioning Agency denies claims made by Minister of Health over vaccination data'

and the article goes on,

'The Whānau Ora Commissioning Agency says claims made by Minister of Health Andrew Little and Director-General of Health Dr Ashley Bloomfield that it has now been given data on unvaccinated Māori are inaccurate.

Whānau Ora's chief executive John Tamihere says it's 'disgraceful' the agency hasn't been provided with data on unvaccinated Māori in the North Island.

The agency is taking legal action against the Ministry for refusing to release details of people who have not been vaccinated against Covid-19. It has asked the ministry to provide contact details of all unvaccinated Māori in the North Island.

Bloomfield made his comments on the issue during an interview on Waatea News on Friday.

"We have and are continuing to share data with Te Whānau o Waipareira, or the Whānau Ora Commissioning Agency, with their providers, iwi and other groups at a small area level, but also individual level data."

Bloomfield said the Ministry had agreed to release all data on unvaccinated Māori in Auckland and Hamilton to the commissioning agency.

Little made similar comments during an interview on Newshub Nation on Saturday and said data relating to Māori in Auckland and the Waikato had already been released.

"I understand some data has been released in the last couple of days that meets Whānau Ora's needs, there is still some that the Whānau Ora Commissioning Agency says they want more of and there are ongoing discussions to be had," he said.

But according to Whānau Ora Commissioning Agency chief executive John Tamihere, it hasn't been given data.

"We've received nothing," he said.

"I don't necessarily blame Andrew Little here, he's only as good as what he's been told and he's obviously been misled. But someone's not telling the truth here."

Tamihere said a team from Whānau Ora provider Te Whānau o Waipareira Trust has just returned from Northland where it delivered almost 3000 vaccinations in a week as part of the vaccine roll-out.

He said if it had the data on who hadn't been vaccinated it could have taken a more targeted approach.

"We could have done double that because of our capacity, but we were fishing, we didn't know where we were going," Tamihere said.

"Why would you impair an organisation that you know can deliver? It's disgraceful."

The headline to Matai O'Connor's article of 10.12.21 reads,

'Ministry of Health agrees to release Māori vaccination data'

and the article goes on,

'After two High Court judicial reviews, the Director-General of Health is releasing data of unvaccinated Māori in the North Island - but with clear conditions.'

The Ministry of Health had 72 hours to review its decision of not releasing the data to the Whānau Ora Commissioning Agency (WOCA) who went to the High Court twice.

The agency, which has a large network of Māori health providers, first took the Ministry of Health to court in October, arguing the data was critical to boosting vaccination rates and saving lives.

Officials had refused on the basis of privacy but the court said they had to reconsider.

Since then, the ministry has given out some data about unvaccinated Māori in Waikato and Auckland, but the agency went back to court late last month, seeking individual data for every unvaccinated Māori in Te Ika-a-Māui.

In a letter sent to WOCA late last night, Dr Ashley Bloomfield laid out what data they will release - as well as the iwi who opposed the release - so there are a number of conditions applied by the ministry in releasing the information.

WOCA requested the data of all Māori who have not yet had a first dose of Covid-19 vaccine and who live in Bay of Plenty, Hawke's Bay, Lakes, Northland, Wairarapa and Whanganui DHB areas.

For these individuals, the data would include their name, personal contact details such as address, phone number and National Health Index number (NHI).

Bloomfield has agreed to providing WOCA and Whānau Tahi with data relating to all unvaccinated Māori in Northland, Hawke's Bay, and Whanganui but a reduced amount of data on those in Wairarapa, Lakes DHB, and Bay of Plenty as some iwi in those areas oppose the release of data to WOCA or would like to enter a data-matching agreement with the ministry.

Whānau Ora Commissioning Agency chief executive John Tamihere says the data is too little, too late.

"So resistantly and reluctantly, we finally get it and the Auckland border opens in four days time, it takes about 5-6 days to mine it and then bring our regions together to work out a redeployment of our assets against information now that we can target for the very first time our vaccination capability that is not going to be able to be worked with this data before Christmas.

"It's a sense of sabotage, here's the remarkable thing about it, it's pre-meditated, if it was by mistake I'd get it but this chap has been absolutely resistant at every turn for this and trying to find every excuse."

Tamihere doesn't know when he will get the data into his hands.

He said they will wait for the release.

"If we could have got this earlier in September we would be well in advance.

"In the first case he argued we didn't have capacity or capability. That if we got it we would be intimidatory and naughty to people and undermine the vaccine progress and a breach of privacy and the rest, he was struck down, on what we would call the pākehātanga." Tamihere said.

In the letter, Bloomfield said that Rangitāne Tū Mai Rā and Ngāti Kahungunu ki Wairarapa Tamaki nui-a-Rua expressed opposition to data sharing with WOCA and have requested this data through their Ko Wairarapa Tēnei Collective.

He said that only 98 more Māori individuals in Wairarapa need to be vaccinated in order to achieve 90 percent first vaccination rate for Māori in the area.

"This achievement has been as a result of Ko Wairarapa Tēnei Collective efforts to increase their vaccination rates," Bloomfield said.

He said that in agreeing to share the data with WOCA, his expectation is for WOCA to work closely with iwi on the ground to ensure efforts are coordinated and considerate of community mahi.

He also agreed to provide WOCA and Whānau Tahī with data relating to Māori living in the Lakes DHB area, who have not yet had a first dose of a Covid vaccine but excluding data for the people of Ngāti Tarāwhai Iwi Trust Board.

"This iwi has entered into a data-matching agreement with the ministry to have its data excluded from the dataset shared with WOCA," Bloomfield said.

"This data matching exercise is underway, and only whānau who live within the Lakes DHB boundary will be excluded as part of the data matching. I understand this approach is acceptable to you, as communicated by your lawyer on 7 December," Bloomfield stated in the letter.

Bloomfield will provide WOCA and Whānau Tahī with data relating to Māori living in the Bay of Plenty DHB area who have not yet had a first dose of a Covid-19 vaccine.

He notes opposition from five iwi in the area to data sharing with WOCA.

Ngāi Tai Iwi Authority has requested an arrangement similar to what has been agreed in relation to Ngāti Whatua Orakei.

"Where WOCA commissioned providers identify that a person is affiliated with Ngāi Tai Iwi Authority, it will: inform Ngāitai Iwi Authority that the provider has been in contact with the person or whānau, the result of that contact and the relevant information so that Ngāitai Iwi Authority can decide whether to follow-up with the whānau and seek to engage with them based on their connections and relationships.

"I anticipate that other iwi may request similar arrangements, and propose that WOCA and the ministry agree to work in good faith to agree similar arrangements in the event that any other iwi seeks a bespoke data sharing arrangement akin to what is reflected for Ngāti Whatua Ōrakei," Bloomfield stated.

WOCA also had a second request for the Ministry of Health to disclose data for purposes of reaching Māori who have had a first dose of Covid-19 vaccine, but who have not yet had a second dose.

The request is for this data for all people who identified as Māori in the health datasets, and who live in the North Island. The data would include their name, personal contact details, phone number and NHI.

The ministry had previously offered to provide this dataset for the purposes of reaching Māori who have not yet received their second dose of Covid-19 vaccine, including individuals who have no future vaccine booking for their second vaccine and it has been eight weeks or more since their first vaccine.

Bloomfield has agreed to provide WOCA and Whānau Tahī with data relating to Māori in the North Island who have had a first dose of Covid-19 vaccine, but who have not yet had a second dose, in the following tranches:

At 3-4 weeks following a first dose of vaccine, who are not enrolled with a primary care provider and do not have a booking.

At 6 weeks following a first dose of vaccine, including those who are enrolled with another primary care provider and who do not have a booking for a second dose.

Bloomfield said this is because people who are enrolled with a provider often have an established relationship with that provider.

"Many providers will be using their own systems and processes to follow-up and arrange for a second dose of vaccine," he said.

"We consider it important to reduce the potential for Māori to receive multiple phone calls from multiple service providers, including Whakarongorau, Whānau Ora, as well as their own primary healthcare provider. Our expectation is that you will use this data to assist Māori to access a second dose of vaccine."

The Director-General also set out some arrangements in the letter.

"As you are aware, a number of iwi across Te Ika a Māui remain opposed to the sharing of people's individual-level data with WOCA. A range of reasons have been expressed for this including that individual consent should be sought from those individuals who may be contacted from WOCA and that iwi have a legitimate interest in the protection of the data relating to their people and those living in their takiwā.

"The data being requested is Māori data, further Māori data is subject to the rights articulated in the Treaty of Waitangi and the UN Declaration on the rights of Indigenous peoples," Bloomfield said.

He proposes that the data sharing agreement between the organisations include that data provided may only be used to support Covid-19 vaccination service planning, monitoring, invitation, delivery and quality improvement for Māori who are not fully vaccinated.

Bloomfield has an expectation they will work with WOCA providers, relevant iwi and other providers to coordinate out-reach and support access to Covid-19 vaccinations for Māori who are not fully vaccinated; to have clear answer when people who are contacted ask where the provider got their details and how they know the person is unvaccinated; WOCA will delete information relating to anyone who advises they do not want their data to be held by the applicant; and the data supplied is to be retained until no later than 30 June 2022, after that date the information is to be securely destroyed.'

The implications for the control and use of data might be indicated in the headline of an article by Marc Daalder of 09.12.21

'Hipkins: Police shouldn't have asked for Covid-19 data'

Daalder goes on,

'Chris Hipkins and David Seymour agree that police and other government agencies shouldn't have sought access to contact tracing data, Marc Daalder reports

The Covid-19 Response Minister has said that contact tracing data "should only be used for the purpose of which it was collected".

The comments came after Newsroom revealed that five government agencies have asked the Ministry of Health for access to contact details of inbound travellers for non-contact tracing purposes. One of those agencies, the New Zealand Police, also wanted to tap into the National Contact Tracing Solution, which encompasses all contact tracing activity in New Zealand.

Neither of the databases include information from the NZ COVID Tracer app, which stores all scanning and Bluetooth data on the user's phone alone.

Chris Hipkins told Newsroom on Wednesday that police had helped with the contact tracing response but shouldn't have asked for the data for any other purpose.

"I'm aware that the police have been supporting the contact tracing effort, where we haven't been able to find people who we need for contact tracing. So that should be the only reason that they'd be accessing that information. It's very clear that information should only be being used for the purpose of which it was collected."

All of the incidents appear to pre-date a late November law change which bars contact tracing data from being used or disclosed for anything other than contact tracing or enforcing a Covid-19 order. Hipkins originally opposed such a law change, saying his word that the data would not be misused should be enough. At the same time, however, the Ministry of Business, Innovation and Employment (MBIE) was asking after contact tracing data to be able to assist with Covid-19 modelling work.

"It underscores that the Government was not aware of the level of political risk that they were facing when they were saying that we're not going to put these protections in place," digital contact tracing expert Andrew Chen told Newsroom. Chen organised an open letter to Hipkins in September that made the case for the data protection provisions.

"We shouldn't necessarily have to rely on the Ministry of Health just happening to have people who are very focused on privacy having to defend against these sorts of request."

ACT Party leader David Seymour, who also pushed for stronger protections of contact tracing data, told Newsroom on Wednesday that the situation highlighted the need for considered lawmaking.

"We understand that the Government has been under great pressure throughout the Covid response, but a theme again and again is that the legislation and the rules are not ready ahead of time and they have to do patch ups," he said.

"It is certainly important that they understand the importance of contact tracing data being secret. Otherwise people won't participate, we can't keep ahead of outbreaks and we all end up with longer lockdowns and more restrictions than we might otherwise have."

Seymour also bashed the agencies for seeking to access the data in the first place and said it was important that the Ministry of Health refused those requests.

"If they start giving away contact tracing data for non-contact tracing purposes, they will vindicate the worst conspiracy theorists in New Zealand and we lose confidence in our whole public health response," he said.

"I think those agencies should get back to doing their job and stop invading other New Zealanders' privacy. I mean, come on. I can work it out, you can work it out, why can't an organisation like the police understand that New Zealand's privacy is actually extremely important?"

A police spokesperson told Newsroom on Tuesday that the department had asked for information on Covid-19 cases "on various occasions".

"The information sought was for the purpose of placing temporary alerts on addresses associated with those cases, so that any police staff called to those addresses would be aware of the need to take the appropriate precautions to prevent exposure to Covid-19. The information was not able to be provided," the spokesperson said.

The Ministry of Health said it had also rebuffed requests from MBIE, Customs, the Department of Prime Minister and Cabinet (DPMC) and the Ministry of Foreign Affairs and Trade (MFAT). Customs said it had no records of a formal request to access tracing data while documents released by the health department showed that DPMC and MFAT wanted access when the trans-Tasman bubble closed in July to understand the number of New Zealanders who might be trapped in Australia.

Chen said these were all requests made with good intent, but that it was crucial to keep contact tracing data private.

"I can see why the agencies might consider their requests to be reasonable," he said.

However, he said, it would be difficult to anonymise the data and releasing individualised information might compromise the public health response.

"I'm overall glad that the Ministry of Health did refuse these requests in the absence of there being very clear guidance which we now have in the legislation. With that legislation, hopefully that will mean that everyone is very clear on what purposes this data can in fact be used for."

3 Data, whose data? Data, what for? Some comments.

In the nineteenth century the land of the people was taken from them. In the twenty-first century the health of the people was taken.

So might start an analysis of what might be called the Data Wars.

In the exchange between John Tamihere and spokespersons for the government following the High Court decisions described above in Part Two these Data Wars are given shape and form. What are the stakes? And are these being lost in the fog of war?

Regarding the stakes, if Whaanau Ora gets data then it has control of some health data from some tribes in the North Island. Does it have control of data pertaining to South Island Maaori living in the North Island? If Whaanau Ora loses control of the data will the state regain the sole use of that data or will there be other players? The last news report above refers to the latter question.

In the preceding article and in earlier work the present author has described conflict over data (Cleave 2020,2021). The critical shift in recent years might be the emergence of machine learning whereby the data can be better farmed. This raises the stakes where data is concerned as pointed out in Part Three of the preceding article. Its a matter of knowledge sovereignty to begin with, then a matter of how that sovereignty, the kind of control involved, is to be used.

The stakes are already as high as can be. In the pandemic situation peoples' lives are at stake. And then, if data can be used to control the future through machine learning as the data is sought, stored and farmed and a crop of responses, of suggestions, of progressions fly onto the screen, the stakes remain at least as powerful even as they might alter. There is a shift from data in an historical file to the forward projection, in this case to predictions, modelling and planning to do with Maaori health.

In unusual or new circumstances the obscure sometimes becomes central and something like this has happened with the Whaanau Ora Commissioning Agency in the time of the Pandemic. Throw in a charismatic leader like John Tamihere and that centrality gains focus. Throw in an unusual Treaty Settlement such as the 2014 agreement with Tuuhoe discussed below and territorial interests and aspects might come into play in certain areas.

Who or what exactly, are the authorities in focus, in the frame now? The Whaanau Ora Commiissioning Agency, the Ministry of Health or the High Court come to mind. The authority of the High Court itself seems to be challenged here as the Ministry refuses to hand over data to Whaanau Ora as instructed by the Court. There would seem to be a fracturing of authority as might be suggested in the press report from Marc Daalder above about competing requests for data.

This is a conflict about authority in a small state (cf Cleave 2013). And about knowledge in the form of data. And about predictions regarding those involved in the authorities of tribe and state in the form of what machine learning and algorithms can do with that data. Said predictions are about improving health outcomes in a given population, the Maaori population in the North Island to be precise. They are projections of an image, of a total picture as well as, say, the specific location of people with or without the virus. John Tamihere and Hone Harawira are suggesting that Maaori are disadvantaged, perhaps severely so by the withholding of data so that health outcomes and other things are negatively rather than positively affected.

This might be a study of authority or mana, of te tino rangatiratanga. And we go back to the Treaty, to tino rangatiratanga o te hapuu on the one hand and Kawanatanga on the other. Now, perhaps, the standard lines of conflict blur and change . Hapuu sit- uneasily sometimes-within or at least beside Whaanau Ora until we consider the South Island where the two are in a different arrangement to what is found in the North Island especially when it comes to data. Even in the North Island the considerations of Rangitaane ki te Wairarapa outlined above show that there are issues in the relation of Iwi to Whaanau Ora. As in several areas there is data sharing in the Wairarapa envisaged between Whaanau Ora and the Ko Wairarapa Tēnei Collective.

With an emphasis on data the focus of struggle might have shifted from the tangible in the form of land to the intangible in terms of the intellectual property involved with data. So, in a sense, we are talking about authority over abstract, removed matters such as statistics rather than authority over concrete things that you can touch such as land. Or places like countries where there are borders. In the present case for example it might be asked what data pertaining to the health of Maaori exists in Amazon's cloud or elsewhere in the realm of Big Tech far away from the home locale of Aotearoa-New Zealand? Comparisons might be made with other abstract matters such as fisheries quōta, especially Independent Transferable Quota or ITQs.

The data issue now might be vaccination for Covid 19 but this might call forth other questions to do with health, housing, room sharing or income to name a few things. Once you need to know something chances are you may eventually need to know something else. If you have the authority to find, keep and farm data that knowledge might be readily realised.

What is the difference between a provider and an authority? Where does an agency sit within or alongside such a distinction? Is the Whaanau Ora Commissioning Agency a deliverer of service or a prescriber of service? What is the difference between function and power?

With the questions above in mind we might talk about the control and storage of data as a function of state. We could go back to the idea of a unicentric state (cf Coulon 1978) or a polycentric state, to ideas of the quasi or incipient state. We could talk about models, Jacobin France being a model of the unicentric kind, federal systems being a model of the polycentric. New Zealand with its provincial system at the outset of colonisation seems, at that point, to be polycentric and similar to the kind of devolved control seen in the present situation with the High Court decision to give power over data to Whaanau Ora rather than to agencies more directly, one might argue, connected to the state like the Ministry of Health.

Has data been recognised as a critical resource of state? We might be at a place of beginning, at a starting point (cf Cleave 2009) where, instead of seeing data as historical, as something for the boffins, data forms a critical resource in modelling action in the short, medium and long term.

We could go to studies of data doppelgangers (cf Watson 2014). In this case we have a customised health image provided by the New Zealand state in the form of the Ministry of Health. This might also be the study, after Franz Fanon (Fanon 1961), of madness, of a colonised people being driven mad by confusion and manipulation of their image, their health image in the present case. Tamihere and Harawira who has come out strongly in support of the former might be described as engaging in a struggle for sanity, for the Maaori mind, for control over an image that is constantly being wrecked by media and state.

There is a surprising fluidity of identity as people flick from point to point, from the Ministry of Health, to Whaanau Ora to iwi arrangements regarding data about their health. We might talk about identity doubt, thinking about work by Emma West (West 2012) as we go. While West is thinking of identity as Maaori there is also the identification or, perhaps, otherwise with the New Zealand state as a custodian of data, as a centre of power. And new kinds of faith in authority, of trust are called upon for Whaanau Ora.

Coming back to land borders like that supervised by Police and the Tai Tokerau Border Patrol just north of Auckland we could go back to the Aukati line which stretched beneath Te Awamutu to Kawhia and demarcated the King Country in the 1870s and which lasted as an alcohol free zone into the twentieth century even though the King Country was officially opened up in 1881. Once established borders may linger on, their disestablishment being another matter. All that we can do now is to speculate on what such borderings might be like post-Covid or how they might alter in an ostensibly Covid driven context..

It may be that in a small state without a constitution anything can happen, The following examples show a society with uneven terrain, with borders that might not relate to a central idea of state (cf Cleave *ibid* 2013). In the context of Covid there are related conflicts, realised or potential. For example the lockout of visitors to the Urewera by the Tuuhoe tests the authority of the state regarding the use of roads and services in a certain part of the country and relating to the Treaty Settlement of 2014 and this is an extension of the monitoring at the border found in the Taitokerau Border Control situation, both of these examples having a precedent in the Aukati line demarcating the King Country and mentioned above.

In passing it might be asked, who keeps the data on Tuuhoe and how is it collected? What kind of data is it? Is there a lockout of data collectors here? This relates to the aboriginal situation in the Torres Strait where local data collectors are seen as essential and critical (cf Lovett in Kukutai and Taylor 2016)).

There is a context of borders in Aotearoa exacerbated by Covid but nascent prior to that. While in the case of the Urewera the closing of borders in the pandemic relates to powers under the settlement agreement of 2014, in other respects borders are being instated, so to speak, as with the Tai Tokerau Border Patrol which seems, in conjunction with the New Zealand Police to be roughly drawing a line between Te Tai Tokerau and Auckland 'proper'. There are constructs of safety and danger involved. People in Te Tai Tokerau are being 'kept safe'. The bordering is a serious matter with some three hundred police being deployed (TV3 08.12.21) to work with the Tai Tokerau Border Patrol to enforce this border.

There are now new borderings amongst the old as people get their data checked by Police and the Border Patrol. One thinks of the borders of hapu and iwi in the general vicinity as well as the borders of municipalities and rural areas.

The critical border, it might be said, is between life and death, between those who are vaccinated and those who are not, the latter being those more likely to catch Covid and, possibly, die. The idea as expressed in the disappointment of John Tamihere in the news sources cited in the second section above is that the withholding of this data is not helping Whaanau Ora to get the information it needs to address Maaori rates of vaccination. Better and more data might shift or even help to collapse the border between unvaccinated and vaccinated.

Lines between key actors are being exposed as well. Also reported on TV3 8.12.21 was that in a submission to the Waitangi Tribunal Dr Ashley Bloomfield has disagreed with the Prime Minister, Jacinda Adern about the need for a border between Te Tai Tokerau and Auckland.

Coming back to the connection between the loss of land and the loss of health opportunities posed at the beginning of this section, Tamati Kruger in an interview with Morning Report in November 2021 explained the distrust of people in the Urewera in the government based on their history, a history often featuring the loss of land, this distrust resulting in vaccine hesitancy.

Coming back to the idea of all this as Data Wars as suggested here, what kind of war is this? One thinks of the strangeness of other wars, of antecedents. The book, 'The Strangest War: the story of the Maori Wars' by Edgar Holt (Holt 1962) might be useful reading going forward as well as reflecting on past conflicts in Aotearoa-New Zealand.

In terms of an even bigger picture there are some next steps, potentially, here. Once control of the data is established as a reality and not just as a High Court decision who gets a say in ordering the vaccines from Pfizer or elsewhere in the kinds and quantity of vaccines to go where? Who calls the shots?

Given the use of machine learning for projections from the data set we might ask first, what the data is and then, significantly perhaps, what it will be. Given health data what are the extrapolations? For example, what kind of housing with how many people per house might we expect from the unvaccinated? Once data for the unvaccinated is given that comes with the addresses involved. Once addresses are known clusters of cases might be set out on a geographical basis and linked to other data sets. Once a range of data sets is established what is expected of it, what might it yield and how might that range be used?

And then what is the economy of all this?

There is a configuration or reconfiguration of concepts of health and politics in the Data Wars context. The terms involved are a kind of language with 'herd', 'r' and other words or sounds involved which refer to community health but imply a political sense as with red, orange and green areas in a traffic light system with your data shown on passports. We could go back to J G A Pocock (Pocock 1967) and political languages and to the present author's doctoral thesis on the political languages of Maori and Pakeha in the nineteenth century (Cleave 1979).

Where is Big Tech in all of this? The answer might be that it is everywhere, in every click and search made on the computer there are items of data stored in, perhaps, Amazon's Cloud, or in the likes of Google's email.

Coming back to the loss, first of land, then of health and the range of reactions as with Brian Tamati and the Destiny Church in anti vaccination protests or the use of tino rangatira flags alongside Trump insignia at these protests we might ask again, after Fanon and after Watson and her data doppelgangers whether minds, whether senses of time, place and identity have been taken away or lost or to be found, now, in a state of drift...

Bibliography

Cleave, Peter, 1979 'The languages and Political Interests of Maori and Pakeha Communities in New Zealand during the Nineteenth Century', D. Phl Thesis Oxford University 1979

-1983 'Tribal and State-like Political Formations in New Zealand Maori Society' 1750-1900 Journal of the Polynesian Society Vol 92 No 1

-1989 'The Sovereignty Game', Victoria University Press

-2009 Starting Points tekaharoa.com Vol. 2 No. 1

<https://www.tekaharoa.com/index.php/tekaharoa/article/view/130/120>

-2013 'Making Sense of a Small State, The Body of Memory and the ritual of acknowledgement in Aotearoa-New Zealand', Monograph Four, Campus Press

-2020 The Algorithmic State, History and Theory

<https://www.tekaharoa.com/index.php/tekaharoa/article/view/351/310>

-2021 — Maramara me te Iwi Taketake: Data and the Indigenous Group, DOI:

<https://doi.org/10.24135/tekaharoa.v17i1.372> .

Coulon C 1978 'French Political Science and Regional Diversity', in *Ethnic and Racial Studies* Ed Stone J, Number 1 Routledge and Keegan Paul

Fanon Franz 1961 'The Wretched of the Earth', Penguin

Holt, Edgar 1962 'The Strangest War, The Story of the Maori Wars 1860-1872' Putnam and Co

Hopa, Ngapare 1977 'Urban Maori Sodalities', D.Phil Oxon

Kukutai, T. and J. Taylor (Eds). 2016 'Indigenous Data Sovereignty: Toward an Agenda'. Canberra, Australia: ANU Press

Lovett, Ray 2016 'Aboriginal and Torres Strait Islander Community Wellbeing: Identified Needs for Statistical Capacity', in Kukutai and Taylor (Eds).

Pocock J G A 1967 'The History of Political Thought. A Methodological Enquiry', in Philosophy, Politics and Society Ed Runciman and Lazlett

Snipp, Matthew 2016 'What does data sovereignty imply: what does it look like?' in Kukutai and Taylor

Tawhai, Veronica M H 2010 'Rawaho: in and out of the environmental loop' in *Maori and the Environment: Kaitiaki* Ed Selby, Moore and Mulholland, Huia Publishers

Watson Sara M. 2014 'Data Doppelgängers and the Uncanny Valley of Personalization Why customized ads are so creepy, even when they miss their target' The Atlantic June 16,

West, Emma 2012 'Manu is my Homegirl: Navigating the Ethnic Identity of the Maori Adoptee', M.Phil Thesis Te Ara Poutama AUT

Winiata, Maharaia, 1967 'The Changing Role of the Leader in Maori Society', Blackwood and Janet Paul, Auckland

Journalistic articles

Daalder, Marc 09.12.21 Newsroom

'Hipkins: Police shouldn't have asked for Covid-19 data'

Forbes, Steven 17 Nov 2021 Radio New Zealand

'Whānau Ora Commissioning Agency denies claims made by Minister of Health over vaccination data'

Kruger Tamati Morning Report 23.11.21

O'Connor, Matai 10.12.21 Newshub

'Ministry of Health agrees to release Māori vaccination data'

TV3 8.12.21 Report that in a submission to the Waitangi Tribunal Dr Ashley Bloomfield has disagreed with the Prime Minister, Jacinda Adern about the need for a border between Te Tai Tokerau and Auckland