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Implementing Indigenous Data Sovereignty in Rights Management: Local Contexts in Cultural Institutions

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Implementing Indigenous Data Sovereignty in Rights Management: Local Contexts in Cultural Institutions

Abstract

Incorporating Indigenous data sovereignty and cultural authority should become standard in cultural institutions' rights management practices. By implementing Indigenous rights, cultural authority, and data sovereignty into everyday practices, cultural institutions recognize Indigenous communities needs concerning the care and display of their cultural objects. Traditional rights management has always been in the business of building and maintaining relationships with creators (or their descendent(s) or designated rights holder(s)) and recording and honoring their wishes. Weaving Indigenous traditional knowledge and care into this established practice is the logical course of action. This case study summarizes Newfields' process for implementing Local Contexts' digital tools into its collection management system and online collections portal, showing its commitment to collaboration with Indigenous cultural authorities through Indigenous data sovereignty. Embedding their authority into a cultural institution's digital space puts Indigenous rights at the forefront in a visible and impactful way for users and stakeholders.

Keywords

Image management, Indigenous data sovereignty, Indigenous rights, metadata, rights management.

Author Bio

Emma Carter is the Rights and Reproductions Specialist in the Legal Affairs and Intellectual Property department at the Indianapolis Museum of Art at Newfields and has been with the institution for over three years. She oversees copyright research, external image requests, image licensing, and managing Newfields' Local Contexts account and incorporating Indigenous rights into its rights management practices. She has a Bachelor of Arts in History from Millsaps College and a Master of Science in Information Sciences from the University of Tennessee at Knoxville.

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Intellectual property rights management is a dynamic and evolving field in the realm of cultural institutions. All cultural institutions should be aware of how intellectual property affects their organizations, their collections, and their staff, as it touches all three entities. There are rules and regulations centered around respecting creators' rights, and risk assessments to determine if and how to utilize the fair use doctrine¹, or other countries' legal exceptions to not needing copyright holder permission for use. However, one aspect that remains constant in rights management is that people are at its core. Cultural institutions reach out to creators, their representatives, or their estates to talk and establish what all parties need to move forward with potential projects. Rights management is relationship management—it is a people business. But the above factors only cover what the United States of America's laws require of people for use of someone else's intellectual property. It does not cover how to navigate and implement the cultural rights and interest of the Indigenous communities that live within America's borders. The Native American Graves Protection and Repatriation Act (NAGPRA) covers protocols for Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony², but what about the rest of the objects that are held in collections? How can cultural institutions work, autonomously and with communities, to incorporate traditional knowledge and care into both their collections and rights management practices?

The Indianapolis Museum of Art at Newfields (Newfields) dove into those questions six years ago when its staff began to review its collection management practices and subsequently how its collections were being presented online. Standardized copyright management tools had vastly progressed since Newfields' launched its last online collection update, and discussions on how to incorporate digital tools from Rights Statements, Creative Commons, and Local Contexts into the plans for a new online collections portal became central to the conversation. During this time of brainstorming, it became clear to staff that executing rights management needed to go beyond established norms and make collaborating with Indigenous communities a core function of the work.

Newfields was able to begin updating its online collections portal and rights management practices in 2022 when it was awarded an Institute of Museum and Library Services³ (IMLS) Museums for America⁴ grant for the project, *Open and Integrated: Redesigning Newfields' Online Collections*⁵. One of the goals of this grant was to reassert Newfields as an Open Access leader in the cultural heritage sector. Since the launch of the prior collection site in 2015, numerous advancements in Open Access technology and its acceptance in the museum community have made it easier for users to make independent and informed decisions on the allowed use and/or reuse of both digital images and data. Developing an integrated online collections portal⁶ for Newfields' art and historical collections has enabled the expansion of its Open Access program. It is important to

¹ U.S. Copyright Office, "Fair Use Index," U.S. Copyright Office, accessed October 30, 2025, <https://www.copyright.gov/fair-use/>.

² National Park Service, "Native American Graves Protection and Repatriation Act (NAGPRA)," U.S. Department of the Interior, accessed October 30, 2025, <https://www.nps.gov/subjects/nagpra/index.htm>.

³ Institute of Museum and Library Services, "About IMLS," accessed October 23, 2025, <https://www.ims.gov/>.

⁴ Institute of Museum and Library Services, "Museums for America," accessed October 23, 2025, <https://www.ims.gov/grants/available/museums-america>.

⁵ Institute of Museum and Library Services, "Museums for America Grant Award: MA-251861-OMS-22," accessed October 23, 2025, <https://www.ims.gov/grants/awarded/ma-251861-oms-22>.

⁶ Indianapolis Museum of Art at Newfields, "Collections Portal," accessed October 23, 2025, <https://collections.discovernewfields.org/>.

Newfields that guests utilize its collections portal as much as possible, which means dismantling hurdles and making digital surrogate downloads more readily available to users worldwide. This grant provided the time and staffing for Newfields' Legal Affairs and Intellectual Property (LAIP) department to research and implement standardized copyright language, utilizing Rights Statements and Creative Commons digital tools to do so within the online portal and Newfields' collections management system (CMS). LAIP staff also had time and resources to implement Local Contexts' digital tools on appropriate digital surrogates of the art collection in the online portal and CMS.

Local Contexts⁷ is a nonprofit organization founded in 2010 that supports international Indigenous communities with tools that reassert cultural authority in heritage collections and data found in museums, libraries, archives, and universities. It focuses on Indigenous Cultural and Intellectual Property and Indigenous Data Sovereignty, offering Indigenous communities tools to repatriate knowledge and gain control over how their data is collected, managed, displayed, accessed, and used in the future. Local Contexts developed the Traditional Knowledge and Biocultural Labels⁸ for community use, and the Engagement, Disclosure, and Collections Care Notices⁹ for institution and researcher use. Together, these tools display Indigenous rights, interests, and instructions in the modern digital environment. The established mission and infrastructure of this organization are some of the reasons that Newfields decided that Local Contexts would be a valuable partner in helping it achieve its goal of incorporating Indigenous cultural authority in its rights management practices.

For eighteen grant-funded months, LAIP staff gathered information and started to integrate Local Contexts into Newfields' CMS and online collections portal. One of the first steps was to create an institutional profile¹⁰ within the Local Contexts Hub, an online space for Indigenous communities, institutions, and researchers to connect and begin the collaboration process. It was important to appear on the registry of the Hub so that other members could see that Newfields had joined and the projects its staff were working on. It signaled a willingness to participate in the collaboration process and build relationships. It was also extremely helpful to reach out to Local Contexts staff at the beginning and talk through goals and strategies on how to smoothly include Local Contexts tools into the online collections portal. They encouraged us to join Local Contexts' Cultural Institution and Technical Implementation Working Groups, which proved valuable as a way to see that others were on a similar journey. These Groups served as a platform to exchange ideas and advice on how to incorporate Notices and Labels and how to reach out to Indigenous communities to start the collaboration process.

Next, objects were identified in the Indianapolis Museum of Art's collections, particularly Native Arts of the Americas, African Art, and South Pacific collections, that needed the following

⁷ Local Contexts, "About Local Contexts," accessed October 23, 2025, <https://localcontexts.org/>.

⁸ Local Contexts, "About the Labels," accessed October 23, 2025, <https://localcontexts.org/labels/about-the-labels/>.

⁹ Local Contexts, "About the Notices," accessed October 23, 2025, <https://localcontexts.org/notices/about-the-notices/>.

¹⁰ Local Contexts Hub, "Newfields Institution Profile," accessed October 30, 2025, <https://localcontextshub.org/institutions/view/62/>.

Local Contexts Registry >> Newfields >> Public [Login to contact](#)

Newfields

Institution | Indianapolis, Indiana, United States
 Newfields is home to the Indianapolis Museum of Art; Lilly House; The Garden; The Virginia B. Fairbanks Art & Nature Park; and Miller House and Garden. For more information: DiscoverNewfields.org.

Notices Used

BC TK []

Open To Collaboration

- Local Contexts Provenance Research

Public Projects

Title	Creator	Last updated	Visibility
Native Arts of the Americas Collection	Newfields	21 Feb 2024	👁
South Pacific Art Collection	Newfields	21 Feb 2024	👁
African Art Collection	Newfields	21 Feb 2024	👁
Open and Integrated: Redesigning Newfields' Online Collections	Newfields	20 Dec 2022	👁

Figure 1: Newfields’ public page in Local Contexts’ Hub Registry which shows its projects.

Engagement and Disclosure Notices applied: Open to Collaborate¹¹, Attribution Incomplete¹², Traditional Knowledge¹³, and Biocultural¹⁴. All of these Notices indicate to viewers, especially Indigenous communities, that objects in these collections are in need of Indigenous collaboration, further cultural attribution, and instruction in the traditional protocols for cultural and biocultural data and objects. Public Projects (Figure 1) were created in the Hub with the titles of the above mentioned Newfields’ collections, situating them in a place which gives communities a place to review objects and determine if they want to collaborate.

After doing all that could be done on Local Contexts’ Hub, Newfields turned internally. Cultural institutions can only add Notices to their collections; the application of Labels is at the discretion of Indigenous communities as a means of reclaiming their cultural authority, and Labels may be customized to each community’s specifications. To apply Notices to objects’ digital surrogates, Newfields’ LAIP staff created Rights Records for each Engagement and Disclosure Notice in the Rights Module within its CMS, EMu. And, although Labels cannot be applied without community consultation, Rights Records were proactively created for each Label in anticipation of future collaborations.

¹¹ Local Contexts, “Open to Collaborate Notice,” accessed October 31, 2025, <https://localcontexts.org/notice/open-to-collaborate/>.

¹² Local Contexts, “Attribution Incomplete Notice,” accessed October 31, 2025, <https://localcontexts.org/notice/attribution-incomplete/>.

¹³ Local Contexts, “Traditional Knowledge Notice,” accessed October 31, 2025, <https://localcontexts.org/notice/tk-notice/>.

¹⁴ Local Contexts, “Biocultural Notice,” accessed October 31, 2025, <https://localcontexts.org/notice/bc-notice/>.

The screenshot shows the EMu Rights (1) - Display window. The title bar includes the EMu logo and window controls. The menu bar has File, Home, Edit, View, and Tools. The ribbon contains sections for File (New Record, Cancel), Search (Previous, New, Additional), View (Navigation icons), and Tools (Sort, Reports, Check Spelling, Select). The main content area displays a rights record for 'RT2023.104: LC-OTC Notice' with a count of 2188. The record details are as follows:

Right Number	Right Type	Right Status
RT2023.104	LC-OTC Notice	Pending Community Cor

Below the table are sections for Owners, Managers, and Conditions. The Owners and Managers sections each have a text input field with an asterisk and a link icon. The Conditions section contains the text: "Local Contexts" and "Open to Collaborate (OTC) Cultural Institution Notice".

Figure 2: Newfields' Rights Record for Local Contexts' Open to Collaborate Cultural Institution Notice in EMu.

Records for these Notices and Labels were crafted similarly to Rights Records. Within the Rights 1 tab in EMu's Rights module (Figure 2), they were given a right number, a right type, and a right status. New right types were made for each Notice and Label to reflect the digital tools' functions, i.e. LC-OTC Notice. LC stands for Local Contexts, OTC for Open to Collaborate, and Notice differentiates it between being a Notice or Label. The phrase "Pending Community Collaboration" was created for the right status field because Notices are used prior to community consultation. Once Labels are established by communities, a new right status phrase will have to be made to reflect the Label's function. "Local Contexts" is fully written out above "Open to Collaborate (OTC) Cultural Institution Notice" in the Conditions field to convey exactly what the rights record represents. In the Security tab, "Yes" is selected to push the record to the internet and Newfields' online collections portal. Finally, data is input into the GUIDs field, including a URL that links to the Local Contexts webpage of whichever Notice or Label the particular record is associated.

The next step in the implementation process was to associate each applicable Notice Rights record to objects within the Catalogue module of EMu. The Engagement and Disclosure Notices are now visible to Newfields' staff in the References tab within the Copyright field of the Catalogue Module, and to the public on the updated online collections portal. How this happens is data is

The screenshot shows the Indianapolis Museum of Art at Newfields online collections portal. At the top, there is a navigation bar with 'ARTWORKS', 'PAST EXHIBITIONS', and 'ARCHIVES' menus, and a search bar labeled 'SEARCH COLLECTIONS'. Below the navigation bar, there is a header area with 'UNKNOWN RIGHTSHOLDER', '1 / 1', and an 'EXPAND' button. A row of buttons includes 'DOWNLOAD IMAGE', 'ARTWORK CAPTION', and 'COPY OBJECT URL'. The main content area features four Notices: 'Open to Collaborate Notice', 'Attribution Incomplete Notice', 'Traditional Knowledge Notice' (with a 'TK' icon), and 'Biocultural Notice' (with a 'BC' icon). Each notice includes a brief description of the institution's commitment and a link to 'localcontexts.org'. Below the notices is a link to 'Learn more about our Local Contexts research and to connect with Newfields' staff.' At the bottom, the 'Artwork Details' section is visible, showing 'Nationality' as 'Vanuatu' and 'Creation Date' as '1930-1950'.

Figure 3: Individual object page in the Indianapolis Museum of Art at Newfields' online collections portal highlighting the location of Notices above the Artwork Details section to prioritize Indigenous rights.

extracted from EMu via the Scheduled Exports function, with one Scheduled Export per primary module containing data required for the online collections portal, including the Catalogue module (this export includes the data stored in the Rights Module, exported through the relationship between the Catalogue and Rights records). Each EMu Scheduled Export outputs an Extensible Markup Language (XML) file that is deposited onto the online collections server (cloud-hosted in Amazon Web Services), which triggers Extensible Stylesheet Language Transformations (XSLT) transformation scripts to convert the XML to JavaScript Object Notation (JSON), which is then ingested into the online collections portal database.

In deference to Indigenous rights and cultural authority, all digital surrogates of objects on the online collections portal that have Notices associated with them have the title, icon, and description of the Notices deliberately inserted directly above the Artwork Details section in the online collections portal and just below the image of the digital surrogate (Figure 3). The goal and hope of this placement is that the prominent display of these Notices will highlight the institutional desire to be transparent and willingness to collaborate and build relationships with Indigenous communities to better care for their cultural heritage and recognize Indigenous cultural authority. This placement will also be where future Labels will replace Notices.

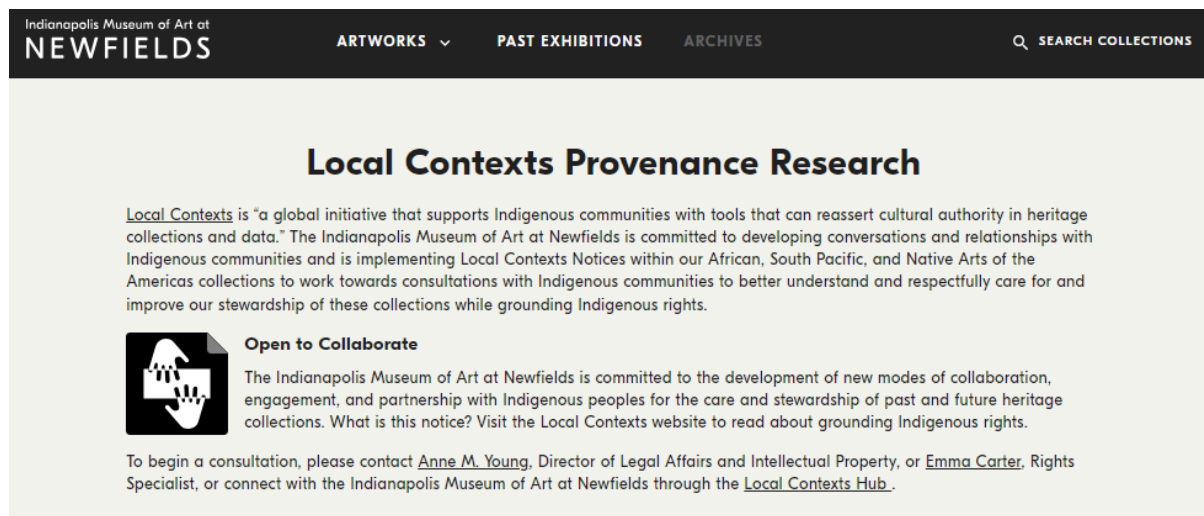


Figure 4: Local Contexts Provenance Research page in the Indianapolis Museum of Art at Newfields’ online collections portal.

To further the above goals, Newfields added a Local Contexts section¹⁵ to its Provenance Research¹⁶(Figure 4) landing page, a place on the online collections portal where the public can see the progress that Newfields has made in its various areas of provenance research. Adding a Local Contexts section made sense because it is a way that all objects that have Notices associated to their Catalogue records will be found easily by the public in one place. This page will continue to populate with object pages as Notice Rights records are applied to objects’ Catalogue Records, keeping the provenance research page as up-to-date as possible. The URL for the Local Contexts Provenance Research page is also linked on Newfields’ public page on Local Contexts’ Hub registry to help people get to Newfields’ website where more object details and staff contact information can be obtained.

The time and effort staff expended during this IMLS grant project will have a lasting and beneficial impact. The objectives of incorporating Local Contexts tools into rights management practices was successful, and strong connections were made with Local Contexts’ staff. Since the completion of the grant, Newfields’ staff have presented at several conferences, workshops, and webinars about the process and implementation of Local Contexts in its online collections portal, which has led to many institutions, both national and international, to reach out to Newfields staff to talk about the process in more depth. The LAIP staff were even invited to present at a Local Contexts webinar that invited its multiple working groups to tune in. It was after this particular presentation that Newfields’ staff got many of the inquiries to speak one-on-one about its journey and how they could possibly start their own.

Newfields is proud of the work done so far, especially being the first *art* museum in North America to implement Local Contexts’ Notices. It is also humbled to be the first Founding Supporter of Local Contexts and a paying subscriber to the Hub after Local Contexts implemented

¹⁵ Indianapolis Museum of Art at Newfields, “Local Contexts Provenance Research,” accessed October 23, 2025, <https://collections.discovernewfields.org/art/provenance-research/local-contexts?searchTerm=>.

¹⁶ Indianapolis Museum of Art at Newfields, “Provenance Research,” accessed October 23, 2025, <https://collections.discovernewfields.org/art/provenance-research>.

its reparative subscription model, so that Local Contexts can sustain itself operationally, but not be a financial burden on Indigenous communities. However, while all this progress is a first step in the right direction, Newfields is not standing idly by after this action. Notices in place are a great start, but the goal is to support communities to implement Labels. Therefore, the next step in Newfields' work is to proactively reach out to Indigenous communities and their representatives to tell them what Local Contexts is and how Newfields' participates in its mission. Communities are in no way required to join Local Contexts, but talking about it is a great way to start conversations about working with them to incorporate their cultural authority in objects in Newfields' collections. And the onus of beginning conversations should not be laid on their shoulders. Currently, Newfields has included information about Local Contexts in Invitation to Consultation letters to Indigenous communities that inform them of the objects that are currently in Newfields' collections that may be subject to NAGPRA. Hopefully, this can be a way of not inundating communities with copious amounts of communication by condensing information in one space instead of sending multiple letters.

Newfields is committed to being a proactive partner in the fight for Indigenous rights, cultural authority, and data sovereignty, and the experiences and outcomes summarized in this case study can hopefully serve as inspiration for other institutions. To reiterate a previously stated sentiment, rights management is relationship management. At minimum, cultural institutions should respect cultural sovereignty and recognize that adhering to Indigenous cultural authority is a right these communities are due. Rights managers should recognize not only their legal duties, but their ethical obligations to Indigenous cultural objects and the communities they belong to. Local Contexts was, and continues to be, a key partner to Newfields in its goal to respect Indigenous data sovereignty and implement Indigenous cultural authority in its standard rights management practices.

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