



To: Ms. Tanya Sand-Driver, GIS/Water Resources Director, Three Affiliated Tribes-Mandan, Hidatsa, Arika Nation (MHA Nation)

From: Thomasine L. Heitkamp, Co-PI - Project Coordination and Workforce Development, University of North Dakota (UND)

Date: June 28, 2024

Subject: **Data Sovereignty for MHA Nation, SMART Grant Y22N1P1G3, MHA Drone Project: Planning and Protocol Development Memo of Understanding**

This memo of understanding serves as the MHA Project Team's commitment to follow the following protocol to protect MHA Nation data sovereignty during the execution of the Strengthening Mobility and Revolutionizing Transportation (SMART) grant FY22N1P1G3, MHA Drone Project: Planning and Protocol Development, with the United States Department of Transportation (US DOT) to explore UAS technology in furtherance of delivering lifesaving medical supplies and other beneficial health materials to members of this Nation.

The MHA Project Team assembled to engage in this effort includes Nueta, Hidatsa, Sahnish (NHS) College, UND, the Northern Plains UAS Test Site, Airspace Link, and Thales, acknowledge that all tribal-related information that the MHA Project Team shall be privy to during the execution of this grant is considered by the MHA Nation to be special, unique, non-public, proprietary, and/or competitively sensitive to the MHA Nation. The project team will assume any information not expressly designated as NOT confidential, will be treated as confidential. The project team shall not, without the MHA Nation's prior written consent, copy, print, reproduce, use for its own purposes, or otherwise disclose to any third party, during the project or thereafter, any confidential information of MHA Nation, absent MHA Nations' prior written consent in each instance.

The restrictions above shall not apply to information or materials which (i) are or become public knowledge; (ii) are already legally known to the MHA Project Team hereof and not protected pursuant to the terms of a prior confidentiality agreement or clause; (iii) are documented to have been previously independently developed by the project team; or (iv) are lawfully disclosed to the project team by a third party. The MHA Project Team agrees that all documents, reports, materials, or other subject matter prepared, procured, or produced in the rendition of services under this project shall become the property of MHA Nation upon completion of the grant. The MHA Project Team may retain a record copy of all documentation.

Furthermore, the protection and privacy of all data collected during this SMART grant is also clearly noted in Tribal Resolution No. 24-155-FWF, along with the Data Management Plan authored by MHA Nation and submitted to the Department of Transportation. Any questions or concerns can be addressed to Thomasine Heitkamp at thomasine.heitkamp@und.edu.