

Commission de Contrôle des Fichiers de l'O.I.P.C. - INTERPOL
Commission for the Control of INTERPOL's Files
Comisión de Control de los Ficheros de la OIPC-INTERPOL
لجنة الرقابة على محفوظات المنظمة الدولية للشرطة الجنائية (الإنتربول)



ANNUAL ACTIVITY REPORT OF THE CCF for 2012

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1. INTRODUCTION

The aim of the present report is to provide a summary of the work of the Commission for the Control of INTERPOL's Files in 2012.

This document contains no personal information. It is intended for circulation to the general public, by publication in the Commission's section of the INTERPOL website, once it has been submitted to the General Assembly in October 2013.

2. EXECUTIVE SUMMARY OF THE ANNUAL REPORT OF THE COMMISSION FOR THE CONTROL OF INTERPOL'S FILES FOR 2012

In 2012, the Commission continued to carry out its three functions of advice, inspection and processing of individual requests, with a view to ensuring that the processing of personal data by INTERPOL is carried out with due respect for individuals' rights. This was achieved through discussions during three two-day sessions at the Organization's Headquarters in Lyon, as well as continuous correspondence with its Secretariat throughout the year.

The examination of individual requests continued to be a priority in 2012 because of the increased number of requests received, the complex issues they raised, and the number of applications for the re-opening of cases based on the presentation of new evidence.

The Commission improved the quality of information on its website in order to better inform both those seeking its assistance and the general public.

In relation to its advisory role, the Commission reiterated the importance of obtaining timely and accurate information on each new draft agreement and project so that it could adequately discharge its role in accordance with the Organization's Rules.

The Commission noted several positive changes during 2012. The General Secretariat's work on facilitating the introduction of data-protection officers in the NCBs was welcomed. The Commission also welcomed the establishment of a confidentiality regime to properly classify data and to apply appropriate security measures to prevent unauthorized disclosure.

The accuracy and integrity of information processed through INTERPOL channels remained a key priority of the Commission in its inspection activities. The Commission welcomed a guide prepared by the General Secretariat to aid NCBs in the choice of offence codes, and a draft guide for NCBs specifying the framework to follow when using interfaces. It also highlighted improvements made in the course of the year to the functioning of I-link system, especially in the area of quality control.

Although there were many positive changes during 2012, the Commission also noted areas in need of improvement. It was concerned that certain Red Notices were still being published for cases which did not appear to be of interest for international police cooperation, or to concern serious ordinary-law crimes as defined in the Rules on the Processing of Data; and it observed that certain summaries of facts were still very brief, particularly in cases of "fraud" (as understood in common-law countries), and facts were not always clear concerning the subject's involvement in the offence.

The Commission was also concerned about the Organization’s policy on the retention of data. It noted that, although there is a possibility to retain data while the person concerned is no longer wanted, this possibility remains subject to certain conditions based on firm, long-standing principles adopted by INTERPOL, including the purpose of retention, the lawfulness of such retention under national law and the international interest of the information for the police.

The Commission looked forward, as in the past, to a continued positive relationship with the General Secretariat and NCBs to enable its members to efficiently and effectively carry out its role in the Organization in the next year.

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INTRODUCTION

1. The purpose of the present report is to provide a summary of the work of the Commission for the Control of INTERPOL's Files in 2012.

1. COMPOSITION AND INDEPENDENCE OF THE COMMISSION

2. In 2012, the Commission had five members, as follows:

- Chairman: Mr Hawkes (Ireland)
- Data-protection expert: Ms Madhub (Mauritius)
- Data-protection expert: Mr Frayssinet (France)
- Expert in international police cooperation matters: Mr Al-Omari (Jordan)
- Information-technology expert: Mr Patrick (Canada).

2. SESSIONS OF THE COMMISSION

3. As provided under Article 35 of the Commission's Operating Rules, between each of its sessions, the Commission appoints from among its members:
 - a Rapporteur, Mr Frayssinet, who carries out a preliminary study on individual requests which are then discussed in session; and
 - an expert, Mr Patrick, who meets with General Secretariat departments responsible for technical, operational and legal matters related to the processing of personal data in INTERPOL's files.
4. In this context, these members meet both the Commission's Secretariat and General Secretariat departments which may be able to clarify subjects or files under review, to allow the Commission to play its role fully and entirely independently, as well as to help decisions to be taken during the sessions of the Commission.
5. In 2012, the Commission held three two-day meetings at the Organization's Headquarters in Lyon.
6. General Secretariat representatives responsible for the matters being examined by the Commission are regularly invited to discuss these matters with the Commission's members in session.

3. ROLE AND PRIORITIES OF THE COMMISSION

7. In 2012, the Commission continued to carry out its three functions of supervision, advice and processing of individual requests, as defined by the Organization's rules, while ensuring that the processing of personal data by INTERPOL is carried out with due respect for individuals' rights.
8. The processing of individual requests (see point 8 below) continued to be a priority, because of the ever-increasing number and the complexity of these requests, and the increase in requests for files to be re-examined after new information has been provided.
9. The Commission nevertheless ensured that it continued to fulfil its role of adviser to the Organization, both when dealing with requests for opinions sent by the General Secretariat, and when carrying out spot checks and processing individual requests.
10. It continued the work undertaken in previous years to develop a systematic, comprehensive approach to data protection within INTERPOL.

11. To do this, it attached particular importance to monitoring and checking that the General Secretariat was effectively developing:
 - a risk-management policy related to data processing in INTERPOL's files, notably using INTERPOL's recently developed "I-link" information system;
 - appropriate monitoring mechanisms;
 - a new data-monitoring department;
 - guides for the implementation of rules, and a common culture of data protection, by means of a permanent policy of training and education for members of the INTERPOL community on the criteria for processing data through its channels, to ensure that the applicable rules are not only known, but understood and applied in a consistent manner.
12. The Commission's spot checks also focused mainly on the functioning of these new monitoring mechanisms.

4. RULES APPLICABLE TO THE WORK OF THE COMMISSION

13. The following texts provide the primary legal basis for the work of the Commission and for the processing of information through INTERPOL channels:
 - The Operating Rules of the Commission, adopted in 2008;
 - The Rules on the Processing of Data;
 - Rules on the Control of Information and Access to INTERPOL's Files;
 - The ICPO-INTERPOL Constitution.
14. In carrying out its three functions, the Commission also took into consideration the texts relating to the implementation of the documents mentioned above.

5. PUBLICATIONS OF THE COMMISSION

15. To better inform Internet users and make its work more transparent, the Commission added new information to its website. Besides its annual reports, the following can now be found on the website:
 - the report commissioned from the University of Namur's CRIDS (Information, Law and Society Research Centre) to assess the protection of data within INTERPOL in an international context;
 - a list of FAQs and answers;
 - list of points summarizing its most recent activities.

<http://www.interpol.int/About-INTERPOL/Structure-and-governance/CCF/Commission-for-the-Control-of-INTERPOL's-Files>

6. FOLLOW-UP OF QUESTIONS INVOLVING THE PROCESSING OF PERSONAL DATA

16. The Commission looked at various issues involving the processing of personal data in connection with INTERPOL's databases, with cooperation agreements concluded by INTERPOL, or when it was considering other matters.

6.1 Examination of projects involving the processing of personal data

17. As provided for in INTERPOL's rules, the Commission is consulted by the General Secretariat about projects involving the processing of personal data. The Commission may consult the General Secretariat on the implementation of certain projects.

18. Under this point, the notion of “project” covers:
 - all draft cooperation agreements;
 - all projects to build databases containing specific data;
 - all “police” projects, meaning any activity of a projected duration, subject to periodic review, whose objective is to prevent or combat transnational crime.
19. All these projects involve personal data-processing operations that may have not been addressed elsewhere.

6.1.1 Cooperation agreements

20. The Commission was informed of several new draft cooperation agreements involving the exchange of personal data. It also continued to monitor the development of certain agreements that it had already examined.
21. The Commission pointed out that, when examining projects, it was important to obtain detailed information, sufficiently early, on the specific features of each draft agreement with regard to the processing of personal data, so it could play its advisory role vis-à-vis the Organization effectively and entirely independently.
22. Recent cooperation agreements are generally prepared according to a standard model established by INTERPOL. However, the provisions relating to the processing of personal data, and to compliance with INTERPOL’s rules on data protection, often remain general.

The Commission therefore once again drew attention to the importance of providing details about the procedures for accessing INTERPOL’s information system, about the need for due observance of INTERPOL’s rules, and about the accurate processing of data communicated or obtained.

It nevertheless warmly welcomed the projects which were accompanied by standard procedures on the conditions and arrangements for authorized persons to access and use INTERPOL’s information system, adapted to the specific features of each cooperation agreement.

6.1.2 Databases and other projects

23. The Commission was informed of several new database projects to facilitate the processing - in one central point - of personal information relating to specific international crime areas.
24. It also closely followed the major changes on the existing databases, to ensure compliance with the applicable rules.
25. The main projects examined by the Commission are presented below.

(a) Fast-ID and DVI

26. The purpose of the Fast-ID project to speed up the identification of multiple victims or missing persons following a man-made or natural disaster.

The Commission took note of the latest developments, underlining the thorough work accomplished, and would continue to monitor them.

27. The purpose of the International Disaster Victim Identification Initiative (DVI) project is to draw up a precise roadmap for the official establishment of a DVI platform.

The Commission considered that this project bears similarities to the Fast-ID project, particularly in terms of the specific risks that could have an impact on data-protection principles.

28. It is the Commission's view that, when implementing the DVI project, an approach could be taken similar to that with the FAST-ID project, as the latter constitutes an interesting model for incorporating data-protection principles in a sensitive project.

(b) MIND (Mobile INTERPOL Network Database)

29. This project aims to provide "offline" access to INTERPOL's databases.
30. The Commission expressed a favourable opinion on the latest developments of the MIND system. It considered that satisfactory protection measures had been put in place for the data processed.

(c) Project UMBRA

31. Project UMBRA - to develop an information-exchange platform for national anti-corruption entities and a Technical and Strategic Anti-Corruption Information Database - aims to promote and increase the exchange of corruption information and anti-corruption methodologies worldwide between law-enforcement agencies and all national anti-corruption entities responsible for the fight against corruption. This project involves the development of a secure database to facilitate the recovery of assets by law-enforcement agencies.
32. In light of all the information in its possession, the Commission considered that the primary challenges in the first stage of the project were monitoring the access rights to the data by the Focal Points (managing possible restrictions) and effectively synchronizing information accessible via "https" with the original data recorded in the central database.
33. The Commission is of the opinion that the legal issues in the following stages should be scrupulously examined to ensure the quality of the data processed in this context and their compliance with the applicable rules. The Commission also stressed the need to particularly monitor access to data.

(d) Maritime Piracy Project

34. The aims of this project are to collect data on maritime piracy, to facilitate the analysis of maritime piracy networks, to identify and arrest high-profile individuals involved in maritime piracy - such as piracy leaders and financiers - and to identify their assets.
35. After confirming that the project's objectives were clearly established, that its different stages and legal challenges had been clearly identified, and that technical issues had already been taken into account, the Commission emphasized that, as the project would require the creation of analysis files, it was important to develop tools which ensured due observance of Articles 68 to 71 of the Rules on the Processing of Data.
36. The Commission will continue to follow the project's developments.

6.1.3 Police projects

37. The Commission regularly stressed the absolute need to put in place an internal procedure whereby all the departments concerned in each project could be consulted, including the legal and IT departments, as well as the CCF and the Executive Committee.
38. Such a procedure, supplemented by a form used to monitor the project from its inception to its implementation, had been presented the previous year to the Commission which had highlighted its usefulness. It had subsequently been successfully used for certain projects. Yet the Commission noted that as this procedure was not being systematically applied, there was a lack of clarity in the management of some projects.

39. The Commission asked for a systematic assessment and monitoring process of projects to be introduced, not only to enable the centralization and consultation of all the departments concerned and of entities provided for in INTERPOL's rules, but also to identify a point of contact for every project who could send the project data sheet to the Commission at any time.

6.2 Examination of specific issues concerning the processing of personal data

6.2.1 Confidentiality Regime

40. The Commission expressed its satisfaction that the General Secretariat had put in place a confidentiality regime to appropriately classify the data processed and to apply the corresponding security measures to prevent unauthorized disclosure.
41. It continued to monitor the administrative and technical procedures which must be respected for each level of confidentiality by those responsible for processing data, and welcomed the draft resolution inviting member countries, via their respective National Central Bureaus, to implement the INTERPOL Confidentiality Regime.
42. The Commission decided that it would subsequently look into the procedures used by the Confidentiality Desk for storing information.

6.2.2 Appointment of a Data-Protection Officer and a Security Officer

43. The Commission stressed the importance of requesting National Central Bureaus to appoint a Security Officer and a Data-Protection Officer as soon as possible, which should make it easier and faster to effectively enforce, at the national level, the applicable rules on processing data through INTERPOL channels.
44. The Commission welcomed the General Secretariat's work on appointing data-protection officers at the NCBs. It stressed the importance, for INTERPOL, the NCBs and the Commission, of having an updated list of those officers and their contact details.
45. It reiterated the fact that the appointment of a data-protection officer at the General Secretariat was a logical step, in line with the practice of other international organizations which had adopted data-protection policies and with new, emerging international requirements in the field. The appointment should facilitate the management and coordination of files requiring the processing of personal data and therefore secure the level of data protection offered by the Organization.
46. The Commission was also of the opinion that the data-protection officer appointed by the General Secretariat should be the Commission's main point of contact for exchanging the information needed for each party to carry out its respective work. It therefore encouraged the General Secretariat to recruit a data-protection officer as soon as possible.

6.2.3 Use of information obtained from the INTERPOL website

47. The Commission wished to have an update on the possible use by INTERPOL of the information sent to the Organization by visitors to the website through its online message service.
48. The Commission considered that the disclaimer - stating that the confidentiality of the information that users provided to challenge the data processed through INTERPOL channels could only be guaranteed if it was sent to the Commission - was an important measure that should be made more visible.

It stressed the need to ensure that the principles of purpose, loyalty and information were respected, and to find an acceptable balance between the needs of international police cooperation and due respect for the basic rights of individuals.

49. The Commission decided to continue monitoring this issue.

6.2.4 Hooliganism

50. The Commission was consulted about a draft guide on the processing of data relating to hooligans. It emphasized the sensitivity of the subject and the relevance of the guide presented.
51. The Commission made a number of recommendations:
 - ensure there was a link between a criminal case and the person suspected of hooliganism;
 - ensure there was specific, sufficiently detailed information attesting to the person's actual participation in the acts of violence of which he or she was accused;
 - bear in mind the importance of carefully defining the status of those suspected of having links with hooliganism;
 - clearly specify "sports-related hooliganism" in INTERPOL databases, or establish an appropriate term other than "hooliganism", to give a better understanding of the scope of the project and to avoid raising doubts that there could be connections with political rebellions;
 - ensure that all requests for cooperation in the context of hooliganism were systematically and thoroughly checked to avoid any risk of Article 3 of INTERPOL's Constitution being violated or of the INTERPOL Information System being used inappropriately or improperly;
 - apply monitoring mechanisms established by the General Secretariat to information obtained in simple messages;
 - pay special attention to information requested by the General Secretariat and then processed by it in INTERPOL's files, which increases its accountability;
 - regularly check data relating to hooliganism already recorded in INTERPOL's files to avoid any risk of needlessly or inappropriately retaining information.
52. The Commission decided to continue monitoring the processing of data on hooligans and to carry out spot checks on files concerning people connected with acts of hooliganism.

6.2.5 Indexing of INTERPOL's web pages by search engines

53. When processing complaints, the Commission was again faced with the problem of INTERPOL web pages being indexed by search engines.
54. It considered that the General Secretariat's renewed measures to curb the problem of information being retained in the cache memories of search engines were appropriate.

7. SPOT CHECKS

55. Spot checks, conducted by the Commission *ex officio* at each of its sessions, remains an essential function which guarantees its independence and the effectiveness of its supervisory function. Spot checks make it easier to identify risk sources, and allow the Commission to better understand the issues involved in the processing of information through INTERPOL channels and to provide useful advice to the Organization.
56. The Commission generally determines the subject of these spot checks in light of problems it has faced or questions it has raised when processing individual requests.
57. In 2012, the Commission conducted spot checks essentially on the points developed below. The opinions given during its spot checks on other substantive issues are covered in point 6 above.
58. To carry out its checks on the files recorded in INTERPOL's archives, the Commission focused its spot checks on notices (75% of files checked) and diffusions processed using the recent INTERPOL Information System, I-link, to identify any processing difficulties or problems that would need to be addressed rapidly.

7.1 Monitoring tools developed by the General Secretariat

7.1.1 General remarks

59. At the start of the year, the Commission had expressed its concerns that because the General Secretariat had not yet been able to put in place a quality control unit, the processing of notices and diffusions remained non-centralized.
60. It had also noted that several criteria and internal procedures at the General Secretariat were still lacking, making it difficult for the staff responsible for checking compliance to assess:
 - the specific international interest of an item of information for the police;
 - the appropriate quality standard of a summary of facts;
 - the advisability of creating links between certain files; and
 - the advisability of including a warning in a red notice to indicate that a wanted person could be violent, dangerous or armed.
61. The Commission subsequently pointed out the significant advances in the development of the I-link project in the following areas:
 - the development of technical, legal and procedural means to check compliance with the applicable rules;
 - the launch of a new search cancellation form and the associated processing measures;
 - the launch of the module allowing NCBs to directly update data recorded in INTERPOL's files.
62. It was also pleased to note the following:
 - The introduction of the same compliance-check criteria for notices and diffusions;
 - Manual checks carried out systematically on all notice requests by qualified, experienced and regularly trained staff;
 - Specific criteria - adaptable depending on the identified risks - had been added to the standard, predetermined data-processing criteria in the system;
 - More thorough checks of data concerning sensitive offences, such as crimes against humanity or terrorism;
 - The General Secretariat was exercising its option to take any interim measures that it deemed appropriate (such as blocking access to an item of information from INTERPOL Members) when there was any uncertainty as to whether a record or a notice request complied with the applicable rules.
63. The Commission also noted that the list of individual files likely to pose compliance issues that was drawn up by the General Secretariat on the basis of identified risks did indeed generate alerts when information given on the list was recorded; a procedure for managing cases generating those alerts has been put in place.
64. The Commission identified a number of points that warranted special attention.

7.1.2 Training users

65. The Commission took note of the efforts made by the General Secretariat to train users. On the entry into force of the new Rules on the Processing of Data (RPD), the General Secretariat provided explanatory notes and procedural notes with the aim of making the Rules easier to implement. The staff in charge of quality control were trained and continue to receive ongoing training, particularly on more sensitive issues linked to Articles 2 and 3 of the Constitution. Regular assistance is also provided to NCBs to help them understand and comply with the new Rules.

66. The Commission nevertheless noted a lack of consistency in the application of the Rules by the parties concerned. To ensure they were applied in the same way by all those responsible for processing data through INTERPOL channels, it again insisted on the need to plan a global continuing-education programme for stakeholders involved in international police cooperation through INTERPOL.

7.1.3 The notions of the interest of data for the purposes of international police cooperation and the seriousness of offences

67. The Commission noted that in certain cases, diffusions and red notices were being published for offences which did not appear to be of “interest for international police cooperation”, as defined in Article 35 of the RPD, or for a “serious” offence, as defined in Article 83.1 of the RPD.

68. The Commission highlighted the importance of developing guides to make it easier to assess these criteria. Several steps have already been taken by the General Secretariat which was invited to continue its efforts in this area.

7.1.4 Links between files

69. The Commission noted the gradual improvement in certain processing difficulties encountered owing to multiple files being created for the same person and by the same source, or owing to the difficulty of establishing essential links between certain files.

70. On this last point, it is of the opinion that criteria still need to be established and internal procedures put in place to identify the files that should possibly be linked, and to assess the advisability of creating a link between these files or not.

7.1.5 Warnings about the possibly violent or dangerous character of a person

71. The Commission noted that certain data sources justified the warning message added to notices on the possible violent or dangerous nature of a person by the sole fact that, as the person was wanted by the police, he/she could potentially be violent if apprehended.

72. In these cases, the Commission recommended withdrawing the warning message, on the grounds that it was necessary for there to be specific and previously established information on the possible violent or dangerous nature of a person.

73. In this case as well, it encouraged the General Secretariat to establish criteria and internal procedures to make it easier for data sources and compliance checkers to identify those cases in which these warnings could be added to notices.

7.1.6 Quality of the summary of facts about people wanted with a view to their arrest

74. The Commission had welcomed the message sent by the General Secretariat to the NCBs inviting them to provide specific facts providing a link between the wanted individual and the charges against that person. However, some red notices and diffusions still included summaries of facts which were extremely brief, and even difficult to understand, or failed to establish a clear link to the person who was the subject of the notice.

75. The Commission encouraged the General Secretariat to contact the NCBs concerned to clarify the facts.

7.1.7 Accuracy of offence codes

76. The Commission observed that NCBs were still encountering problems when choosing offence codes. The Commission took note that the General Secretariat was preparing a guide for NCBs to help them define and describe the offence codes.

77. It strongly encouraged the General Secretariat to improve the entry of such data, and to rapidly finalize this guide and to carry out strict checks on the choice of codes.

7.2 Deadlines for examining the need to retain items of information

78. The Commission continued to carry out checks on the deadlines for examining the need to retain an item of information.

79. It found that for some files, the deadlines for examining the need to retain the information had expired more than six months previously. It recommended that when the deadline was reached, the files concerned should be either:

- destroyed, if the NCB has not asked within the authorized time limit that it be retained; or
- blocked for a reasonable period of time to attempt to obtain a response from the NCB if the General Secretariat considers that the information might continue to be of interest for international police cooperation. Once that period has expired, if the NCB has not replied, the information should be destroyed.

80. The Commission encouraged the General Secretariat to remain vigilant and ensure that it assessed the need to retain files within a reasonable period of time.

7.3 Retaining items of information after the cancellation of search requests

81. The Commission reiterated that while the Rules provided the possibility of retaining information after the person who is the subject of that file is no longer wanted, this option remained subject to certain conditions and was founded on solid, long-standing principles adopted by INTERPOL:

- international interest of the information for the police;
- purpose of the processing (automatic retention was likely to prejudice this basic principle);
- lawfulness of the retention under national law (a country could not use INTERPOL channels to retain information that should be destroyed at the national level);
- grounds for any retention of information. The provisions of Articles 50.5 and 51.3 clearly stipulate the need to justify the retention of information for a purpose other than that for which it was recorded. The provisions of Article 52 could not be interpreted as derogating from that principle.

82. It stressed that:

- the inability to give precise and specific reasons justifying the retention of a given case file would be a violation of the rules and an inevitable source of risks for the Organization;
- an NCB that asked for information to be retained about a person who was no longer the subject of international cooperation should always specify:
 - the reasons for the cancellation of any request for cooperation; and
 - that the retention is in conformity with its applicable national laws.

83. It encouraged the General Secretariat to:

- draw up a list of serious offences for which the retention of data after the cancellation of a search request appeared to be possible, as well as a list of offences which would not appear to justify the retention of information after a search request was cancelled, except in specific cases in light of information presented by the data source;
- introduce a simple, manual checking procedure for requests for retaining information after a search request has been cancelled.

7.4 Update on the development of technical products

7.4.1 Evolution of the secure website (*https protocol*)

84. The Commission welcomed:

- the audit performed on the Organization's secure information zone before the installation of updated technical equipment;
- the request sent to the heads of the various departments to examine whether or not the information communicated by their units needed to be retained on the new medium;
- that no information would be posted on the new site unless clear reasons were given and a person responsible was identified;
- that the people responsible for the data were regularly asked to examine them; and
- the decision to delete data if the person responsible did not expressly ask for them to be retained.

85. The Commission again recommended that particular attention be paid to the issue by limiting the amount of information thus made available to authorized users.

7.4.2 Warning about the creation of data interfaces (*web services*)

86. The Commission was concerned that web services integrated by countries into their national systems could make it possible to alter types of information, such as forms put in place by the General Secretariat.

87. The Commission welcomed the willingness of the General Secretariat to ensure that NCBs scrupulously observed the advice and constraints that the Organization had put in place, when they used these web services at the national level.

88. It was pleased to note that a guide was being drafted for NCBs to specify the framework to be followed when these web services were used, and asked the General Secretariat to keep it informed of developments regarding these services.

8. INDIVIDUAL REQUESTS

89. An "individual request" means a request received from a private individual seeking access to any information about him/her recorded in INTERPOL's files; an individual request may be submitted merely to determine whether such information actually exists, or to ask for the information concerned to be updated or deleted.

8.1 General procedure for managing requests

90. The procedure for managing requests has not changed. When the Commission receives a request, it first checks its admissibility on the basis of criteria set out in its Operating Rules (Article 10) and then establishes whether the name of the person who is the subject of the request appears in INTERPOL's files.

91. If that is the case, the Commission systematically carries out spot checks to see whether the information concerned has been processed in INTERPOL's files in conformity with the applicable rules. To do this, it examines all the data available to it and may also consult all the parties concerned by the request (the General Secretariat, the INTERPOL National Central Bureau concerned and the requesting party) to obtain additional information.

92. These checks also make it possible to identify or anticipate any potential risk sources, or even to provide the General Secretariat with useful advice by proposing certain measures that should be taken to ensure respect for basic human rights.

93. In the month following its sessions, the Commission sends its conclusions and recommendations to the General Secretariat.

The Commission delivers its conclusions and recommendations in light of the information available to it during the processing of requests.

If there are serious doubts as to the compliance of the information checked with the applicable rules, the Commission can then recommend that the information be destroyed or blocked while a file is being examined (see point 8.5.1 below).

94. The General Secretariat has one month following receipt of the Commission's conclusions to inform it of any item it disagrees with. The file is then re-examined by the Commission in light of the new information provided by the General Secretariat.

8.2 Information about the role of participants

8.2.1 *Limits to the Commission's role in the context of complaints*

95. When processing complaints from requesting parties who call into question red notices published for them, the Commission regularly has to explain the limits of its role, which consists of determining whether the information recorded in INTERPOL's files has been processed in compliance with INTERPOL's rules, but does not extend to the possibility of recommending that a national authority cancel an arrest warrant or halt proceedings; only the national judicial or police authorities concerned may do so.

8.2.2 *The General Secretariat's role*

96. The Commission emphasized that the General Secretariat remains responsible for ensuring that the Rules on the Processing of Data which the Organization had adopted are observed (Article 22.5 of the RPD), even if an item of information were the subject of a complaint to the Commission. As such, there are no rules or procedures which could be interpreted as suspending that obligation while a complaint is being processed and preventing the General Secretariat from taking any appropriate steps (updating, blocking, withdrawing an item of information from the INTERPOL website, deleting data), including when an item of information is recorded directly by an NCB.
97. The procedure defined between the Commission and the General Secretariat for processing these files should prevent any conflict concerning remit or any redundant measures being taken by either of these entities.

8.2.3 *Cooperation from the National Central Bureaus*

98. The Commission continues to invite the NCBs consulted to provide the required information or to specify the problems encountered for doing so, to avoid having to conclude that the compliance of the file recorded in INTERPOL's files cannot be checked because of the lack of cooperation from the source.

The Commission is aware of the problems encountered by certain NCBs in obtaining the required information from the relevant national authorities, and therefore always agrees to grant an acceptable extension to the NCBs and to respond to their questions.

99. This approach makes it increasingly possible to continue examining a file without having to recommend its destruction because of a lack of cooperation from the NCB.

8.3 Access to INTERPOL's files

100. Taking care to respect the principle of national sovereignty that governs INTERPOL's rules, and convinced of the importance of being able to at least direct a requesting party towards the authorities capable of providing an appropriate response, the Commission continues to ask NCBs to authorize it to take such action.

101. This authorization is regularly granted to the Commission by the NCBs concerned.

8.4 Substantive issues examined in the context of processing individual requests

102. When examining individual requests, the Commission regularly looks into the application of certain provisions of the Rules on the Processing of Data, such as:

- compliance with the provisions of Articles 2 and 3 of INTERPOL's Constitution;
- the issue of whether an offence is serious or whether data are of interest;
- the possibility of processing requests for arrest linked to private disputes which develop into legal proceedings;
- the conditions for processing orange notices;
- risks linked to downloading at the national level data obtained from INTERPOL's files.

8.5 Follow-up to the Commission's conclusions

8.5.1 Practice

103. The General Secretariat does not usually call into question the Commission's conclusions regarding the conformity of a processing operation in INTERPOL's files.

104. In most cases, it immediately follows the Commission's recommendations, whether they concern a simple updating operation, the addition of a note to a file for the information of INTERPOL's Members, or the blocking of a file pending further information, or even the deletion of the information. The General Secretariat may however return to the Commission with an alternative proposal to ensure that the processing operation complies with the applicable rules.

105. In the event of a recognized disagreement between the Commission and the General Secretariat, the Commission may bring the disagreement before the INTERPOL Executive Committee. No recourse was made to this exceptional procedure in 2012.

8.5.2 Statistics

106. Statistics on individual requests received and processed in 2012 are appended to this report.

APPENDIX
STATISTICS 2012

A. REQUESTS RECEIVED IN 2012

1. General profile of requests
2. Processing in INTERPOL's files of data concerning 191 persons recorded
3. Main sources of data concerning the 191 persons recorded in INTERPOL's files
4. Archiving of files in 2012
5. Progression in the number of requests from 2006 to 2012

B. COMMISSION'S CONCLUSIONS IN 2012

1. Preliminary remarks
2. Profile of files examined
3. Profile of the Commission's conclusions
4. Profile of recommendations and their implementation

A. REQUESTS RECEIVED IN 2012

1. General profile of requests

The statistics below show the profile of each of the 404 people who exercised their right to access INTERPOL's files in 2012. The Commission did not finish processing all 404 requests in 2012.

Admissibility	Number	%
Admissible requests	285	70.5
Non-admissible requests	119	29.5
TOTAL	404	100

Type of request	Number	%
Complaints	160	39.6
Simple requests for access	244	60.4
TOTAL	404	100

INTERPOL's files	Number	%
Recorded in files	191	47.3
Not recorded in files	213	52.7
TOTAL	404	100

Profile of complaints/INTERPOL's files	Number	%
Complaints about persons recorded	129	80.6
Complaints about persons not recorded	31	19.4
TOTAL	160	100

2. Processing in INTERPOL's files of data concerning the 191 persons recorded

Of the 191 requests received in 2012 from persons recorded in INTERPOL's files, most are the subject of information in INTERPOL's central database (ICIS).

Some are the subject of information relating to the numbers of their travel documents recorded in the Stolen/Lost Travel Documents (SLTD) database. This database only contains numbers of identity documents that were reported as stolen or lost, and not nominal information on people.

Database	Number	%
Central database	185	96.9
SLTD	6	3.1
TOTAL	191	100

Status in the central database	Number	%
Wanted	176	95.1
Criminal history	5	2.7
Suspect	2	1.1
Missing	1	0.5
Possible threat	1	0.5
TOTAL	185	100

Processing medium	Number	%
Red Notices	157	90.8
Red Notices, extracts of which are published on the INTERPOL public website	82	47.4
Diffusions without Red Notices (*)	16	9.2
TOTAL	173	100

3. Main sources of data concerning the 191 people recorded in INTERPOL’s files

It should be noted that the number of requests involving a country does not automatically imply a processing problem in INTERPOL’s files of information supplied by this country.

- Russia 16
- United Arab Emirates 15
- United States 11
- Venezuela 9
- Libya 8
- Moldova..... 6
- France 6
- Belarus..... 5
- Turkey 5
- Italy 5
- Kazakhstan..... 5

4. Archiving of files in 2012

- Number of requests archived in 2012 460
- Average time for processing a request..... 6 months

5. Progression in the number of requests from 2006 to 2012

Detail	Year		Year		Year		Year		Year		Year		Year	
	2006	%	2007	%	2008	%	2009	%	2010	%	2011	%	2012	%
Requests received	154	100	109	100	177	100	216	100	201	100	258	100	404	100
Complaints	61	39.6	47	43.1	82	46.3	114	52.8	123	61.2	172 ⁽¹⁾	66.7	160	39
Information recorded on the subject in the General Secretariat's files	77	50.0	61	56.0	93	52.5	119	55.1	133	66.2	189	73.3	191	47
Raising the question of Article 3 of INTERPOL's Constitution	19	12.3	19	17.4	13	7.3	24	11.1	32	15.9	73	29.3	49	12
Abstract of red notice available on INTERPOL's website	27	17.5	15	13.8	44	24.9	52	24.1	57	28.4	91	35.3	82	20

(1) In 2011, the Commission received a significant number of independent but similar requests, and concerning the same country.

B. COMMISSION'S CONCLUSIONS IN 2012**1. Preliminary remarks**

- The statistics below concern requests - examination of which was completed in 2012 - from people whose names appear in INTERPOL's files. Some of these requests may have been received before 2012.
- One request may concern several people.

2. Profile of files examined

Files examined by the CCF	Number	%
Complaints	77	69
Requests for access	32	29
Others	3	3
TOTAL	112	100

- The category "Others" refers to pre-emptive requests, such as warnings sent to the Commission by requesting parties who think that national authorities will submit a cooperation request through INTERPOL channels.

3. Profile of the Commission's conclusions

Conclusions of the CCF	Number	%
Compliant	65	58
Non-compliant	47	42
TOTAL	112	100

Conclusions of the CCF on complaints	Number	%
Compliant	40	51.9
Non-compliant	37	48.1
TOTAL	77	100

Conclusions of the CCF on requests for access	Number	%
Compliant	25	78.1
Non-compliant	7	21.9
TOTAL	32	100

- The category "Compliant" may refer to files for which the Commission nevertheless recommended updates or addenda to be included in the files.
- The category "Non-compliant" includes requests for which the Commission recommended the destruction of the information concerned, or the blocking of such information pending additional information. This "non-compliance" is therefore temporary in a certain number of cases.

4. Profile of recommendations and their implementation

- The recommendations below concern 112 requests examined in session.

Recommendations made	Number	%
Destruction	37	56.1
Update	12	18.2
Addendum to the published Notice	9	13.6
Blocking	8	12.1
TOTAL	66	100

- These statistics only take into account the Commission's final conclusions. The Commission often makes intermediary recommendations, such as blocking information being challenged. This table, however, only reflects the Commission's final recommendations.

Implementation of recommendations by INTERPOL	Number	%
Destruction	36	55.4
Update	12	18.5
Addendum to the published Notice	9	13.8
Blocking	8	12.3
TOTAL	65	100

- Only one of the Commission's recommendations gave rise to comments from the INTERPOL General Secretariat which led the Commission to reconsider its position in light of new information provided by the General Secretariat.
