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| IMPLEMENTING RULES FOR THE RULES ON THE PROCESSING OF INFORMATION FOR THE PURPOSES OF INTERNATIONAL POLICE CO-OPERATION | Chapter 19 |

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- 19.1 SUBJECT**

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19.1 SUBJECT

19.1.1 This chapter deals with the Implementation Rules for the Rules on the Processing of Information for the Purposes of International Police Co-operation.

19.2 REFERENCES

19.2.1 Rules adopted by the General Assembly at its 76th session (Marrakesh, Morocco, 2007) by Resolution AG-2007-RES-09. Entered into force on 1 January 2008.

19.2.2 Rules amended by Resolution AG-2008-RES-14 adopted by the General Assembly at its 77th session (St Petersburg, Russia, 2008) with the addition of Articles 36 to 38 (entered into force on 1 January 2009) and the amendment of Articles 18-22 and addition of Articles 39 and 40 (entered into force on 1 September 2009).

19.3 GENERAL INFORMATION

19.3.1 This text deals with the police co-operation and data protection principles set out in the Rules on the Processing of Information for the Purposes of International Police Co-operation, as provided for in Article 23(c) of those Rules.

The Secretary General



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PREAMBLE

Recalling that, in 2005, at its 74th session (Berlin, Germany), the General Assembly adopted the draft amendments to the Rules on the Processing of Information (RPI), which came into force on 1 January 2006,

Considering that Article 2 of the RPI provides that the said rules shall set out the conditions and basic procedures according to which information is processed by the Organization or through its channels for the purposes of international police co-operation, with due respect for the basic rights of individuals in conformity with Article 2 of the Organization's Constitution and the Universal Declaration of Human Rights,

Considering Article 23(c) of the RPI, which lists the implementing rules to be approved by the General Assembly, in order to define the procedures for implementing, on the one hand the police co-operation and data protection principles set out in the RPI and, on the other hand, the particular arrangements and or procedures for processing information, and the manner and various methods in which it is stored,

Recalling also that when the proposed amendments to the RPI were adopted in 2005, the General Assembly requested the Working Group which it had set up in 2002 (71st session held in Cameroon) to draft a set of rules on information processing and whose mandate has been renewed every year since then, to finalize the RPI Implementing Rules in the light of the amendments made to the RPI in 2005,

The General Assembly adopted the following set of Rules at its 76th session, held in Marrakesh, Morocco, from 5 to 8 November 2007.



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CHAPTER I

AREAS OF RESPONSIBILITY

Article 1: General provision

The provisions of the RPI regarding the responsibilities of the General Secretariat, the National Central Bureaus and the authorized entities as defined in Articles 1(e) (f) and (g) of the RPI shall be further defined as follows.

Article 2: Responsibility of the General Secretariat

- (a) The General Secretariat shall ensure that INTERPOL's rules governing the processing of police information held in the Organization's files are observed. In this connection, in conformity with the provisions of the RPI and in particular of Articles 4.1(a,2) and 23(a) of the said Rules, the General Secretariat shall take all appropriate measures to enable the implementation of the provisions of the present Rules and the texts to which they refer and to ensure that they are observed.
- (b) The General Secretariat shall develop procedures in order to guarantee observance of the rules applicable to the processing of police information, as contained in the present Rules and the texts to which they refer.

Article 3: Responsibility of the National Central Bureaus and the authorized entities

- (a) Before authorizing an entity or a designated user to access the INTERPOL information system, the authorizing authority must ensure that such access is for the purposes of international police co-operation.
- (b) In order to permit the entities which have supplied information to exercise their right to impose restrictions, as described in Article 5.4(a) of the RPI, where appropriate, the National Central Bureaus must indicate the databases and the information to which they are authorizing access by the entities referred to under Article 1(f) of the RPI;
- (c) The National Central Bureaus must advise the users and entities whom they have designated and authorized to communicate information using the police information system, of any new entity that is likely to access their information using the system.



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- (d) The authorized international entities must also advise the users whom they have designated and authorized to communicate information using the police information system, of any new entity that is likely to access their information using the system.
- (e) The National Central Bureaus, in application of Article 5.2 of the RPI, and the authorized international entities shall be required to take all appropriate measures to ensure that their designated users of the police information system observe the provisions of the present Rules and the texts to which they refer.
- (f) In particular, the National Central Bureaus and the authorized international entities shall:
 - 1. Use all appropriate means to ensure that the designated users they authorize or the authorized national institutions are aware of and are able to observe the provisions of the present Rules and the texts to which they refer, and that they receive appropriate training for that purpose;
 - 2. Forward the information communicated by the General Secretariat, in application of Article 5.4(b,1) of the RPI, to the designated users and the authorized national institutions;
 - 3. To the extent possible, make checks, or have them made, to ascertain that the present rules and the texts to which they refer are being respected;
- (g) The rules on responsibility applicable to authorized international entities will be set out in the co-operation agreement concluded with them by the Organization, in accordance with the RPI, the present implementing rules and any other general provisions approved by the General Assembly.
- (h) The National Central Bureaus and the authorized international institutions shall inform the General Secretariat of any problem connected with the use and/or implementation of the said system, or respect for the applicable rules. When an authorized national institution becomes aware of such a problem, it shall inform its country's National Central Bureau accordingly.



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Article 4: Responsibility of the users

The users must:

- (a) Provide, at the earliest opportunity, the additional information requested by the General Secretariat, in application of Article 10.1(c) of the RPI, to enable it to evaluate whether it is possible to process an item of information in INTERPOL's files or whether the processing carried out is in conformity with the applicable rules, it being understood that the authorized national institutions shall provide this information subject to the limits determined by their National Central Bureaus;
- (b) Refrain, in conformity with Article 17.1(f) of the RPI, from having recourse to INTERPOL to communicate an item of information or to request the retention of an item of information in the Organization's files if that information can no longer be retained in their own files;
- (c) Prior to making any use of an item of information obtained through INTERPOL channels, ascertain, via the National Central Bureaus in the case of authorized national institutions, from the General Secretariat and the information source concerned, that the information concerned is still topical, accurate and relevant, and that no restrictions have been placed on its retransmission in conformity with Article 5.5 of the RPI. This provision shall apply in the case of both direct and indirect access to an item of information;
- (d) In the event of a positive hit for a query, be able to inform his/her National Central Bureau immediately of the reason underlying the query, so that it can reply to any questions from the information source following a hit alarm generated at the information source by the positive hit.

CHAPTER II

GENERAL PROCEDURES FOR PROCESSING INFORMATION

Article 5: General provision

The provisions of the RPI regarding the procedures for processing information shall be further defined as follows, in conformity with the provisions of Articles 23(c,2), and 23(c,4) of the said RPI.



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Article 6: Different categories of database

The provisions of Article 6 of the RPI shall be further defined as follows, in conformity with the provisions of the RPI, notably in Articles 6.2(e), 10.1(e) and 10(4,b).

6.1: Police databases

- (a) "Police database" means any database created to process information for the strategic or operational purposes, as defined in article 3.1 of the RPI.
- (b) If it proves necessary to lay down specific processing conditions and procedures for each category of database, the General Secretariat shall proceed to do so, in accordance with the Organization's Constitution and applicable rules. In the event of those specific processing conditions and procedures having any implications for the NCBs or the authorized international entities, the NCBs and the authorized international entities must be informed and consulted.

6.2: Compliance management databases

- (a) "Compliance management database" means any database created to ensure that the information registered in the police databases complies with the RPI and the texts to which they refer, as mentioned in Article 6.1(a) of the RPI.
- (b) These databases shall contain only those items of information which are necessary to avoid unauthorized or erroneous processing of information as referred to in Article 16.2(a,2) of the RPI.
- (c) Access to these databases shall be restricted to designated departments and/or staff of the General Secretariat involved in the processing of information and to whom specific authorization of access is granted.
- (d) The items of information processed in these databases may be retained for twenty years if this proves necessary with regard to the purpose for which these items are processed. This rule shall apply to both manual and computerized processing of the items of information concerned.

6.3: Analysis files

- (a) The analysis files may or may not be connected to the indexing system referred to in Article 6(1,d) of the RPI, depending on the purpose of the files in question and the required security and confidentiality conditions.



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- (b) The items of information used in an analysis file may be processed in the Organization's other databases, if they meet the conditions required for such processing, subject to any restrictions imposed by their sources.
- (c) If the items of information processed in an analysis file are such that they may serve to update the Organization's other databases, the General Secretariat must take all appropriate measures for that purpose.
- (d) The crime analysis reports must:
 - 1. Make a clear distinction between the information obtained by the General Secretariat and the conclusions that the General Secretariat has drawn from that information;
 - 2. Indicate the sources of the information cited, the status (as defined in Article 11 below) of the persons and entities mentioned and the date when the analysis was made;
 - 3. Specify that, prior to making any use of such reports and the information they contain, the General Secretariat and the information sources should be consulted to ascertain the rights and restrictions attaching to them.
- (e) When a crime analysis project is completed:
 - 1. The analysis files concerned must be destroyed;
 - 2. The crime analysis report may be retained provided that steps are taken to prevent any use which is not relevant or is contrary to the processing rules set out in the present Rules or the texts to which they refer.
- (f) Disclosure of a crime analysis report, or of any of the items of information it contains, must conform to any restrictions that may have been imposed by their sources on the information it contains and any other measures attaching to it concerning security or confidentiality.



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Article 7: Items of information that are strictly necessary for identifying a person

- (a) The items of information that are considered to be strictly necessary for identifying a criminal, or a person who may be a criminal, whose file has been destroyed, in application of Article 16.2(a,1) of the RPI, include: his name and forenames, the number of his identity document and the nature of that document, his date and place of birth, together with his fingerprints and DNA profile, subject to any restrictions that may have been imposed by the sources of the information concerned.
- (b) In order to allow the requesting entity to evaluate the advisability of consulting the information source, the name of the said source and the reference of the message making it possible to identify the source shall also be given.
- (c) This information may be kept for ten years. It may be kept up to a maximum of ten more years if that proves necessary for the purpose for which the information was provided. This rule shall apply to both manual and computerized processing of the information concerned.
- (d) However, such information must be destroyed when the person concerned has been cleared by a judicial decision. The information sources must then inform the General Secretariat as soon as the person concerned has been cleared of the offences which led to his name being recorded in INTERPOL's files.
- (e) The General Secretariat shall draw the attention of users to the fact that such information is only intended to direct users to the source of the information in INTERPOL's files.
- (f) The General Secretariat shall prepare the necessary security rules concerning access to this information.

Article 8: Specific international interest of an item of information for the police

- (a) For purposes of interpreting and applying the notion of "specific international interest to the police", as defined in Article 1(k) of the RPI, the provisions below should be followed.
- (b) The specific international interest to the police of using the INTERPOL information system to exchange information shall be evaluated by the users of the system and such exchanges shall be carried out under their responsibility.



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- (c) Any entity processing an item of information, shall evaluate its specific international interest to the police at the time of its recording, updating, use or retransmission, or when examining the need to retain the item in INTERPOL's files, within the limits of the rights it has been granted. This evaluation shall be carried out in the light of:
1. The reasons given by the information source;
 2. The clarity and adequacy of the information;
 3. The relevance and extent of the processing required in the light of purpose of that information;
 4. The risks connected with its disclosure, particularly in the light of any restrictions imposed upon it.
- (d) In conformity with Article 10.1(c) of the RPI, the General Secretariat shall request the information sources to supply any further information the Secretariat may consider necessary to evaluate the specific international interest to the police of the said information and the relevance of processing it in INTERPOL's files.

Article 9: Files for which supplementary information is required

- (a) In case of doubt regarding the possibility of processing an item of information in INTERPOL's files, as referred to in Article 10(1,c) of the RPI, the General Secretariat may record the said item for an initial period of six months with a view to obtaining supplementary information from the source or from the authorized international entity concerned by the data. The six-month period may be extended if that proves necessary in the light of the supplementary information obtained.
- (b) At the same time, the General Secretariat shall consult the information source or the authorized international entity concerned, with a view to obtaining further information.
- (c) The General Secretariat shall specify the database in which such information may be processed and the access rights which it is appropriate to attach to the information, in the light of any doubts relating to their conformity with the applicable processing rules.
- (d) The General Secretariat shall indicate that the information has not been confirmed or that it may not meet all the criteria required for it to be processed, in order to warn all those likely to access the information and shall direct any inquiring entity to the source of the information.



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Article 10: Particularly sensitive information

- (a) In conformity with the provisions of Articles 10.2 and 17.1(b) of the RPI, particularly sensitive information shall not be processed in any form whatsoever for any discriminatory purpose or any purpose which is not in conformity with the Organization's aims, as defined in Article 3.1(a) of the RPI.
- (b) Such information shall be recorded in a way which enables the users to identify it as such and process it with due respect for the provisions of the present Rules and the texts to which they refer.
- (c) Such information must be the subject of specific regular checks.

Article 11: Status of persons and action to be taken

- (a) The status of a person, as referred to in Article 11 (a,3,iii) of the RPI, defines his role (such as fugitive, missing person, suspect, witness, victim, etc.) in the context of a case, and shall be determined by the source of the information, or when necessary by the General Secretariat acting in light of the information which it has available either because it has recorded the information on its own initiative, or because of a failure on the part of the information source to do so.
- (b) The status of a person must always be linked to the action to be taken in his regard (arrest, determine his whereabouts, identify, etc.).
- (c) Whenever any information about a person is processed, his status and the action to be taken in his regard shall be carefully determined and systematically indicated.

Article 12: Victims and witnesses

- (a) When processing information about a victim or a witness, an indication should be included to the effect that no restrictive measures may be taken against him.
- (b) The notion of witness is to be understood in the general sense as an observer of a crime, and may also include family members or friends, accompanying persons, contacts or associates of a suspect or criminal for whom INTERPOL has opened a file for the purpose of tracing and arresting the said suspect or criminal.



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Article 13: Deceased persons

A file may be opened or retained in INTERPOL's records even though the person who is the subject of that file has died:

- (a) For identification purposes;
- (b) If the person has played an important part in a case that has been processed in INTERPOL's files and the information concerning him is essential to understand the case; or
- (c) If the information concerning him could enable INTERPOL to identify criminal networks, organizations or associations.

Article 14: Legal entities

The conditions for processing information about persons apply equally to legal entities.

Article 15: Coverage of events taking place in specific contexts

When an item of information is processed in INTERPOL's files to cover an event taking place in a specific context, it must be destroyed, in the absence of any supplementary elements justifying its retention, once the event is over, unless retention is permitted in application of Articles 14 and 16.2 of the RPI, and Article 17 below.

Article 16: Updating and destruction of connected information

- (a) When the General Secretariat updates or destroys an item of information, either because it is necessary to do so in application of the RPI, or at the request of the information source, it shall assess the advisability of updating or destroying the nominal file(s) and case(s) to which it is connected.
- (b) In case of doubt, it shall consult the National Central Bureau or the authorized international entity concerned by the information in question, in conformity with Article 10.1(c) of the RPI.



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- (c) In the event of the destruction of a main item of information, the General Secretariat shall also destroy any subsidiary or ancillary items of information connected to it, unless the latter also constitute main items of information in themselves or are linked to other main items of information. In such cases, the information may only be retained in connection with the other case in question, and the link between the two cases must be destroyed.

Article 17: Postponement of the deadline for examining the need to retain an item of information

- (a) In conformity with the provisions of Article 14(c,2) of the RPI, the General Secretariat may, on its own initiative, postpone the deadline for examining the need to retain an item of information if all the following conditions are met:
1. The information still meets the information-processing criteria adopted by the Organization and, in particular, is still of specific international interest to the police;
 2. The information concerns a major offence or a form of aggravated crime against persons and/or property, such as terrorism, organized crime (trafficking, networks), sexual abuse of children, repeated offences, or serial crimes, or the said information is connected to another offence, which is still subject to updating by the information source concerned.
- (b) When the General Secretariat, acting on its own initiative, postpones the deadline for examining the need to retain an item of information, it shall promptly take appropriate steps vis-à-vis any National Central Bureau or authorized international entity that may be able to provide any elements that may enable the General Secretariat to make the information more specific, update it, and to continue to evaluate its relevance and its specific international interest to the police.

CHAPTER III

SECURITY AND CONFIDENTIALITY

Article 18: General provision

The provisions of the articles of the RPI concerning security and confidentiality, notably those of Articles 8 and 9 shall be further defined as follows, in conformity with the provisions of Article 23(c,1) of the RPI.



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Article 19: Security

- (a) The General Secretariat shall be responsible for the Organization's whole police information system, including specific systems, networks and/or databases whenever necessary:
- i. For establishing, based upon internationally accepted standards and in collaboration with the National Central Bureaus, a security policy defining procedural, technical and administrative security controls that ensure appropriate levels of confidentiality, integrity and availability for such systems, networks and/or databases;
 - ii. For performing the necessary risk assessment;
 - iii. For developing appropriate control mechanisms so as to ensure that the security of information is maintained;
- (b) National Central Bureaus and international authorized entities shall be responsible for:
- i. adopting an appropriate level of security at least equivalent to the minimum level of security laid down in the security policies established by the General Secretariat;
 - ii. appointing one or more security officers to carry out security operations for their country or international organization, who, shall report to that National Central Bureau or international authorized entity and, ensure the necessary co-ordination with the General Secretariat in relation to security.

Article 20: Classification

For the purpose of implementing Article 8 of the RPI concerning the confidentiality of information, the present implementing rules shall define the different levels of confidentiality of information and the conditions attached to each level.

Article 20.1: Confidentiality levels

- (a) There shall be three confidentiality levels reflecting the increasing risks that may arise from unauthorized disclosure of information:
1. "INTERPOL FOR OFFICIAL USE ONLY"
 2. "INTERPOL RESTRICTED"
 3. "INTERPOL CONFIDENTIAL"



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- (b) These three confidentiality levels shall be used for the purpose of classifying information processed through INTERPOL's channels pursuant to Article 2 of the RPI.
1. These confidentiality levels shall be used by National Central Bureaus, authorized national institutions and authorized international entities for the purpose of informing other National Central Bureaus, authorized national institutions, authorized international entities and the General Secretariat on the level of protection to be applied to their information:
 2. These confidentiality levels shall be used by the General Secretariat for the purpose of:
 - i. informing National Central Bureaus, authorized national institutions, authorized international entities on the level of protection to be applied to its information, or
 - ii. attributing to an item of information a confidentiality level higher than that attributed by the source, in accordance with Article 8(b) of the RPI.
- (c) If no confidentiality level is attributed to a given item of information by its source, this item of information shall be classified "INTERPOL For Official Use Only".
- (d) The source of an item of information may, at any time, modify the level of confidentiality that it has attributed to that information, in particular by attributing a lower confidentiality level than the one previously indicated, if it considers that the protection to be given to the information may be less. Similarly, when the General Secretariat has attributed a confidentiality level which is higher than that attributed to the information by the source, it may modify that higher confidentiality level at any time.
- (e) If a National Central Bureau, an authorized national institution, or an authorized international entity has a specific need for classifying some items of information at a higher level of confidentiality than above, the General Secretariat shall assess with the source concerned whether it is possible. If so, they shall conclude a special arrangement defining the conditions attached to the processing of these items of information.

Article 20.2: Conditions attached to each level of confidentiality

- (a) Information shall be classified:
1. "INTERPOL FOR OFFICIAL USE ONLY" if its unauthorized disclosure is likely to adversely affect law-enforcement action or to disadvantage or discredit the Organization, its staff, its members, authorized entities, individuals or legal entities concerned by the information;



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2. "INTERPOL RESTRICTED" if its unauthorized disclosure could compromise law-enforcement action or cause harm to the Organization or its staff, its members, authorized entities, individuals or legal entities concerned by the information;
 3. "INTERPOL CONFIDENTIAL" if its unauthorized disclosure might seriously compromise law-enforcement action or cause serious harm to the Organization or its staff, its members, authorized entities, the individuals or legal entities concerned by the information.
- (b) The General Secretariat shall draw up and implement, for each level of confidentiality, procedures for granting the necessary authorization or security clearance to persons whom it entrusts with the responsibility of processing information within the General Secretariat. To this end, National Central Bureaus shall provide the General Secretariat with information about such persons, whenever such persons are their nationals or resident on their territories, within the limits of the laws of their respective countries.
- (c) Channels and facilities used to process information shall, depending on the confidentiality level attributed to the information, be equipped with the appropriate security controls to prevent the risk of unauthorized disclosure.
- (d) The General Secretariat shall develop administrative processing procedures to be observed for each confidentiality classification level by those persons whom it entrusts with the responsibility of processing information within the General Secretariat. In the case of persons whom they entrust with the responsibility of processing information, National Central Bureaus and international authorized entities shall be responsible for adopting administrative processing procedures, at least equivalent to those established by the General Secretariat, in order to ensure that the confidentiality level requested by the information source is duly observed.
- (e) Any person entrusted with the responsibility of processing information through INTERPOL channels shall ensure that the confidentiality level assigned to that information is respected. Even when a person is authorized to process an item of information, that person should only do so to the extent that such processing is necessary for the purpose in hand.



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CHAPTER IV**ACCESS RIGHTS AND RESTRICTIONS****Article 21: General provision**

The provisions of Article 20 of the RPI concerning access to police information shall be further defined as follows.

Article 22: Access rights

- (a) Rights to access the police information system shall be granted to expressly designated entities and persons, taking into account the confidentiality levels defined in Article 20 of the present Rules. These rights shall be defined by:
1. The National Central Bureaus, in the case of the entities they authorize to consult and supply information using INTERPOL channels;
 2. The General Secretariat, for its staff and the entities with which it has concluded co-operation agreements.
- (b) In the event of a user infringing the rules applicable to the processing of an item of police information through INTERPOL channels, the General Secretariat may withdraw the access rights that have been granted, or request the National Central Bureau concerned to do so.
- (c) The access rights attached to each confidentiality level shall be understood to be subject to any restrictions imposed by the source of the information, or by the General Secretariat.

Article 23: Restrictions and other conditions attached to the processing of information

- (a) Information sources must clearly indicate the restrictions and other conditions attached to the processing of information that they communicate over the INTERPOL network.
- (b) The restrictions imposed by an information source on access to an item of information it has supplied shall apply to all forms of requests to access the said information and may concern specific procedures for processing it.



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- (c) In conformity with the RPI (in particular Articles 8, 9, 11(a,3) and 18(b)), the General Secretariat shall manage the conditions imposed by the source on the processing of its information, as well as the restrictions attached to the said information so as to prevent any unauthorized access thereto, and shall ensure that any entity authorized to access the information is aware of those processing conditions and restrictions, so that it may take any necessary measures to ensure they are observed.

CHAPTER V

DIRECT ACCESS, DOWNLOADING AND INTERCONNECTION

Article 24: General provision

The provisions of the Articles of the RPI concerning direct access, downloading and interconnection, notably in Article 20 of the RPI, shall be further defined as follows, in conformity with the provisions of Article 23(c,6) of the RPI.

Article 25: Definitions

- (a) "Direct access" means any operation carried out to obtain information simply by consulting a database online, without manual operation being required on that database to provide the said information.
- (b) "Downloading" means any telecommunication or computer operation involving the importation of elements into the database of one entity from the database of another.
- (c) "Interconnection" means any electronic link between the communication networks used by the Organization and the authorized entities defined in Article 1(f) and (g) of the RPI which involves connecting their databases.



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Article 26: Direct access, downloading and interconnection rights

- (a) The General Secretariat shall closely examine, each request it receives from the National Central Bureaus and the authorized international entities, for direct access, downloading and interconnection.
- (b) Rights to access the police information system directly, carry out downloading or establish interconnections shall be limited solely to:
 - 1. Those authorized entities or designated users likely to be able to provide, as a result, effective assistance for international police co-operation;
 - 2. That information which is necessary in the light of the role of those authorized entities.
- (c) The scope of direct access rights shall be understood to be subject to any restrictions attached to the information concerned.
- (d) In the event of an infringement of the rules relating to direct access, downloading or interconnection, the General Secretariat may terminate the use of these communication procedures.

Article 27: Management of direct access, downloading and interconnection operations

- (a) Whenever possible, interconnection shall be preferred to downloading.
- (b) An INTERPOL database may in principle be downloaded, in whole or in part, to only one permanent database per country, as determined by the NCB, or per authorized international entity,
- (c) In the case of NCBs, the provision set out in paragraph (b) above may only be waived by the General Secretariat if all the following conditions are met:
 - 1. It has proved essential, by reason of the particular functionalities or technical characteristics available in a country;
 - 2. The corresponding processing operation is relevant to the purpose of the downloading;



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3. The downloading operations concerned are subject to an agreement between the General Secretariat and the NCB concerned, in order to ensure compliance with the applicable rules of the Organization.
- (d) In the case of an authorized international entity, the provision set out in paragraph (b) above may only be waived by the General Secretariat on the basis of a specific agreement with the authorized international entity in order to ensure compliance with the applicable rules of the Organization, which agreement has been approved by the General Assembly.
- (e) The provision of paragraph (b) above shall not apply when data are temporarily downloaded from an INTERPOL database to compare them with data in another national or international database and then deleted once the comparison has been made.
- (f) The restrictions imposed on INTERPOL by the information sources concerned shall apply *mutatis mutandis* to the users of the said information. If, for technical or other reasons, the General Secretariat cannot respect a restriction on information to be downloaded, it shall not authorize the downloading of the said information.
- (g) In compliance with Article 23 above, the authorized entity owning the database to which the information from one of INTERPOL's databases has been downloaded shall manage the access rights to that database taking account of any restrictions imposed on INTERPOL by the information sources concerned, including restrictions relating to access by, or dissemination to third parties.
- (h) Direct access, downloading and interconnection rights impose an obligation to be transparent and to co-operate with the Organization and the sources of the information processed through INTERPOL channels. In application of this obligation, the General Secretariat and the source of the information must be informed of:
1. The characteristics of the databases, equipment or networks used by the authorized entities to carry out these operations;
 2. Any element likely to be of specific international interest to the police, as defined in Article 8 above, obtained by direct access or deriving from the interconnected data or downloaded from one of the Organization's databases to a national database and especially any positive reply generated by the said data.



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- (i) Any entity authorized by the General Secretariat to download a database in whole or in part shall be expected to update the items of information thus downloaded as frequently as possible, including when such updating implies the destruction of the information or items of information at the request of its source. In any event, updating must take place at least once a week.
- (j) Prior to making any use of the information downloaded, the source of the information, or the General Secretariat, should be consulted in order to verify if it is accurate and relevant in accordance with RPI Article 5.5(a).
- (k) The information which has been downloaded must be destroyed when the purpose for which it has been downloaded has been achieved, in particular when the information has been downloaded for data matching.

CHAPTER VI

POLICE CO-OPERATION WITH PRIVATE ENTITIES

Article 28: Definition of the notion of "private entity"

"Private entity" means any entity other than the General Secretariat, a National Central Bureau, authorized national institution, or an authorized international entity, as defined in Articles 1(e) to 1(g) of the RPI, which has concluded a co-operation agreement with the Organization authorizing it to exchange information via INTERPOL channels.

Article 29: Conditions for co-operation with a private entity

- (a) Co-operation with a private entity must:
 - i.* Respect INTERPOL's Constitution and in particular the principle of national sovereignty. Consequently, in accordance with RPI Article 5.4, an NCB which was the source of an item of information could oppose the forwarding of that information to a private entity,
 - ii.* Be subject to agreements, the conclusion of which has previously been authorized by the Executive Committee and then approved by the General Assembly.



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- (b) Such co-operation may only be considered if:
- i.* the purpose of the co-operation is clearly stated and corresponds to one of the prevention activities referred to in Articles 3.1(a,5), (a,8) and 3.1(b) of the RPI,
 - ii.* it must be of specific international interest to the police in relation to the purpose concerned,
 - iii.* the private entity concerned is engaged in international activities related to, and supporting the activities of INTERPOL,
 - iv.* durable co-operation is envisaged.
- (c) Information supplied to private entities should be limited to analytical information and should not be personal information as defined in RPI Article 1.c.

Nevertheless, information supplied to private entities may be extended, as part of a specific project, to include personal information (but not nominal information, unless the source NCBs or authorized international entities give their express authorization to do so) and/or information used in an operational context.

In that case, the following additional conditions must be met:

- the scope of the project must be clearly defined;
 - the project must be the subject of a prior agreement with the entities concerned;
 - the use made of the information must be proportional to the aims referred to in Article 3.1 of the RPI.
- (d) The procedure for communicating information to the authorized private entities must be defined in such a way as to guarantee the security, integrity and inviolability of the information processed through INTERPOL channels.

The General Secretariat shall ensure that the means used by private entities to supply or consult information through INTERPOL channels allow those entities to access only the information authorized, in conformity with the agreements concluded to that effect. The General Secretariat shall ensure that private entities are not able to access operational information, compromise, or interfere with police communications.

- (e) Under no circumstances shall INTERPOL channels be used to circumvent restrictions imposed by any national laws governing police co-operation with private entities.
- (f) The independence of the Organization in its co-operation with a private entity shall be guaranteed. Co-operation between the Organization and the private sector shall not interfere with, or influence, the Organization's core business.



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CHAPTER VII**PROCESSING FOR ANY OTHER LEGITIMATE PURPOSE****Article 30: General provision**

The provisions of Articles 3.2 of the RPI, as supplemented by the provisions of Articles 10.4, 16.2(a,3), 17.1(c,3) and 19(b) of the said RPI, covering processing for any other legitimate purpose shall be further defined as follows, in conformity with the provisions of Article 23(c,3) of the RPI.

Article 31: Responsibility of the General Secretariat

When an item of information initially processed for police co-operation purposes is subsequently processed for any other legitimate purpose, the General Secretariat shall take the necessary technical and organizational measures, particularly with regard to security, in order to:

- (a) Ensure due observance of the Organization's rules applicable to processing information; and
- (b) Guarantee that the subsequent processing is not incompatible with the initial processing.

Article 32: General procedures for processing

When processing is carried out for any other legitimate purpose, with recourse to personal information recorded in INTERPOL's databases, the reasons must be specified.

Article 33: Processing conditions

- (a) Information processing for any other legitimate purpose must be limited to those elements which are strictly necessary for the purpose in hand.
- (b) Processing shall be carried out, if possible using information from which all personal elements have been removed or, failing that, be encoded, whenever the purpose in hand can be achieved by such means.



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Article 34: Communication of information

Subject to the exception referred to in Article 17.1(c) of the RPI, communication of an item of personal information processed for any other legitimate purpose shall be subject to the prior approval of the source of that information.

Article 35: Retention of the information

Information processed for any other legitimate purpose shall be retained for no longer than is necessary to accomplish the aims for which the processing is being carried out.

CHAPTER VIII**NOTICES****Article 36: General provision**

For the purpose of implementing Article 10.5(c) of the RPI concerning notices, the following rules shall apply:

Article 37: Conditions for publishing notices

(a) The following notices may be published in accordance with the purposes set out in Article 3.1 of the RPI and subject to the following specific conditions:

1. Red notices

- i.* Red notices are published in order to seek the location and arrest of a person with a view to his/her extradition.
- ii.* Before a National Central Bureau or an authorized international entity requests publication and circulation of a red notice, it shall ensure that:
 - the person sought is the subject of criminal proceedings or has been convicted of a crime, and references to an enforceable arrest warrant, court decision or other judicial documents are provided;



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- assurances have been given that extradition will be sought upon arrest of the person, in conformity with national laws and/or the applicable bilateral and multilateral treaties;
- sufficient information is provided to allow for the co-operation requested to be effective.

2. Blue notices

- i.* Blue notices are published in order to:
 - obtain information on a person of interest in a criminal investigation, and/or
 - locate a person of interest in a criminal investigation, and/or
 - identify a person of interest in a criminal investigation.
- ii.* Before a National Central Bureau, a national authorized institution or an authorized international entity requests publication and circulation of a blue notice, it shall ensure that:
 - the person is someone of interest in a criminal investigation, such as a criminal, a suspect, an accomplice, an associate or a witness;
 - additional information on the possible criminal history, status, location or identity of the person or any other information relevant to the criminal investigation is sought;
 - sufficient information is provided to allow for the co-operation requested to be effective.

3. Green notices

- i.* Green notices are published to warn about a person's criminal activities.
- ii.* Before a National Central Bureau, a national authorized institution or an authorized international entity requests publication and circulation of a green notice, it shall ensure that:
 - the person is considered to be a possible threat to public safety and/or someone likely to commit a criminal offence;
 - that conclusion is based on an assessment by a national law enforcement authority or an authorized international entity;
 - the assessment is based on the person's previous criminal conviction(s) and/or other reasonable grounds;
 - sufficient information is provided to allow for the warning to be relevant.



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4. Yellow notices

- i.* Yellow notices are published to locate a missing person or to identify a person unable to identify himself/herself.
- ii.* Before a National Central Bureau, a national authorized institution or an authorized international entity requests publication and circulation of a yellow notice, it shall ensure that:
 - if the notice is published to locate a missing person, the person has been reported missing to police, his/her whereabouts are unknown and the person's anonymity or privacy is not protected by the applicable national laws.
 - if the notice is published to identify a person unable to identify himself/herself, the request is being made because a person has been found and he/she is unable to identify himself/herself;
 - sufficient information is provided to allow for identification.

5. Black notices

- i.* Black notices are published to identify dead bodies.
- ii.* Before a National Central Bureau, a national authorized institution or an authorized international entity requests publication and circulation of a black notice, it shall ensure that:
 - the request is being made because a dead body has been found and it has not been identified;
 - sufficient information is provided to allow for identification.

6. Stolen Works of Art

- i.* Stolen work of art notices are published to locate works of art or items of cultural value which have been stolen, or to identify such objects discovered in suspicious circumstances.
- ii.* Before a National Central Bureau, a national authorized institution or an authorized international entity requests publication and circulation of a stolen work of art notice, it shall ensure that:
 - the work of art or item of cultural value is of interest in a criminal investigation;
 - it has some unique characteristic and/or is of considerable value;
 - sufficient information is provided to allow identification.



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7. Purple notices

- i.* Purple notices are published to provide information on modi operandi, procedures, objects, devices and hiding places used by criminals;
- ii.* Before a National Central Bureau, a national authorized institution or an authorized international entity requests publication and circulation of a purple notice, it shall ensure that the circulation of the information in the form of a notice is of specific international interest to the police and is in the interests of public safety.

8. Special notices

- i.* Special notices are published on the basis of an agreement with another international organization concluded pursuant to Article 41 of the Constitution.
- ii.* Before an international authorized entity requests publication and circulation of a special notice, it shall ensure that:
 - the information satisfies the conditions for publishing such notices, as defined in the said agreement.
 - sufficient information is provided to allow for the co-operation requested to be effective.

9. Orange notices

- i.* Orange notices are published to warn about a person, an object, an event or a modus operandi representing an imminent threat to public safety and likely to cause serious damage to property and/or injury to persons.
- ii.* Before a National Central Bureau, a national authorized institution or an authorized international entity requests publication and circulation of an orange notice, it shall ensure that:
 - in the case of a person, he or she is considered to be an imminent threat to public safety and/or someone likely to commit a criminal offence; this conclusion is based on an assessment by a national law enforcement authority; this assessment is based on the person's previous criminal conviction(s) and/or other reasonable grounds;
 - in the case of an object, modus operandi or event, it is considered an imminent threat to public safety; this conclusion is based on an assessment by a national law enforcement authority;
 - sufficient information is provided to allow for the warning to be relevant.
- iii.* Orange notices constitute alerts and it is up to each country to take appropriate measures, in conformity with its national laws.



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- (b) Before publishing and circulating a notice at its own initiative, the General Secretariat shall ensure that the conditions attached to the given notice are met.
- (c) The Secretary General may create any other notice deemed necessary to assist the Organization in achieving its mandate, in compliance with the Constitution, the RPI and the present Implementing Rules. The Secretary General shall report on such creation to the General Assembly.

Article 38: Methods of processing notices

- (a) The General Secretariat shall define and adjust, when necessary, the type of information which the notice requests must contain, with due respect for the conditions attached to those notices, and any other directives issued, or decisions taken by the General Assembly or by the Executive Committee.
- (b) The General Secretariat may only publish a notice once it has verified that the processing required conforms to the rules in force and once the National Central Bureau, authorized national institution or authorized international entity which requested its publication, has communicated to it all the required sets of information.
- (c) Before publishing a notice at the request of a National Central Bureau, an authorized national institution or an authorized international entity, and each time it identifies sets of information recorded in the police information system which may be relevant for the purpose of publication of the said notice, the General Secretariat, subject to any restriction attached to these sets of information by its source, and with the consent of the entity requesting the notice, shall assess whether to include or not the sets of information concerned in the notice. If the sets of information are included in the notice, the General Secretariat shall also attribute this additional information to its source entity.
- (d) When the threat which led to the publication of an orange notice is no longer imminent, the General Secretariat, in consultation with the National Central Bureau, authorized national institution or authorized international entity which requested its publication, may replace it with any other appropriate notice.
- (e) Before publishing a notice at its own initiative, the General Secretariat shall ensure that the sources of the sets of information recorded in the police information and identified by the General Secretariat as relevant for the purpose of publication of the said notice have consented to their publication in a notice.



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- (f) Disclosure to the public of a notice and of all or part of the information contained in that notice shall be subject to:
1. the prior approval of the source of that information, and to
 2. the General Secretariat's agreement to proceed with such disclosure, it being understood that the General Secretariat shall determine which sets of information contained in the notice may be disclosed to the public.
- (g) Methods other than those described above may be used to process special notices published on the basis of an agreement with another international organization concluded pursuant to Article 41 of the Constitution.

CHAPTER IX

COMPLIANCE WITH THE CONSTITUTION AND RELEVANT PROVISIONS IN THE ORGANIZATION'S RULES

Article 39: General provision

For the purpose of implementing Article 10.1(a,1) of the RPI concerning compliance with INTERPOL's Constitution and relevant provisions in the Organization's rules as a condition for processing information, the following rules shall apply.

Article 40: Article 3 of INTERPOL's Constitution

- (a) To determine whether a specific intervention or activity is of a political, military, religious or racial character, all relevant information shall be examined, including the following:
- (i) the nature of the offence, namely the charges and underlying facts
 - (ii) the status of the persons concerned
 - (iii) the identity of the source of the information
 - (iv) the position expressed by a Member or international authorized entities other than the source of the information
 - (v) the obligations under international law
 - (vi) the implications on the neutrality of the Organization
 - (vii) the general context of the case.



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- (b) National Central Bureaus and international authorized entities shall inform the General Secretariat as soon as possible when there is any doubt about whether the processing of an item of information complies with Article 3 of the Constitution.

- (c) The General Secretariat shall develop a repository of practice on the application of Article 3 of the Constitution, based on directives issued by the General Assembly and pertinent elements of international law, which shall be made available to National Central Bureaus, national authorized institutions and authorized international entities.
