

APPENDIX

Preface - CRIDS report on data protection at INTERPOL

- 1. Recommendations which have already been taken into consideration in the new Rules on the Processing of Data (RPD)
- Article 10.7 on the processing of data for any other legitimate purpose distinct from international police cooperation refers to 132 which set the conditions for this processing (see CRIDS report, point 3.d.2 p. 12).
- The vocabulary referring to databases has been harmonized (see CRIDS report, point 5 p. 18).
- The concept of information security management system has been introduced in article 15 of the RPD (see CRIDS report, point 6a p. 19).
- The issues raised by the processing of data concerning INTERPOL's staff are wholly dealt with by the « confidentiality desk » and the developments of specific procedures (see CRIDS report, point 6 p. 20).
- The need to further limit the circumstances in which data can be downloaded from INTERPOL databases has been reflected in the revision of article 56 on « Downloading for the purposes of international police cooperation" of the RTD (see CRIDS report, point 9b p. 24).
- The concept of « *accountability* » is reflected in articles 118, 122, 123, 130 of the RPD dealing with security incidents, oversight on the use of data, the evaluation of national organizations and the measures applicable in the case of breach of the rules by a user (see CRIDS report, point B, a p. 30).
- 2. Elements introduced in the new rules which did not exist when the study took place.

A certain number of new provisions have been introduced in the new Rules which were not part of the Rules examined by CRIDS :

- Article 9 : Direct communication using messages
- · Article 42: Additional conditions for recording particularly sensitive data
- Article 47: Recording of data at the initiative of the General Secretariat
- · Article 52: Temporary retention of criminal history
- Articles 60 and 61: Access by third parties and disclosure of data to the public
- Articles 64 and 65: Use for a criminal investigation purpose other than the initial purpose and for administrative purposes
- · Article 127: Comparison of data for verification purposes
- Articles 132 and 133: Definition of processing for any other legitimate purpose and processing conditions.

3. Clarifications on some issues

- The General Secretariat has developed many tools and training modules for its own personnel and for those of NCBs (see CRIDS report, point 4a,2 p. 14).
- NCBs that are the source of data are required to give answers to questions raised by the Commission. In the absence of such answers, the Commission may conclude that it is not in a position to assess whether the data have been processed in accordance with the Rules and that deletion of the data would therefore be appropriate(see CRIDS report, point B, intro, p. 28).
- It is for the source of information to specify the purpose for which it seeks the processing of data in INTERPOL's files (see CRIDS report, point 2, intro, p. 32).
- « SG » stands for INTERPOL General Secretariat (see CRIDS report, point B2 p. 32).
- Finally, INTERPOL's rules on the processing of data have been updated since the CRIDS report was finalized. As a result, some of the references to the rules are no longer accurate. For example, the list of purposes for which data may be processed in the files of INTERPOL are now contained in Chapter II of the new Rules (see CRIDS report, point 3.b, p. 10).