



<p style="text-align: center;"><u>Chapter Title</u> RULES ON THE PROCESSING OF INFORMATION FOR THE PURPOSES OF INTERNATIONAL POLICE CO-OPERATION</p>	<p style="text-align: center;">Part 2</p> <hr/> <p style="text-align: center;">Chapter 15</p>
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C O N T E N T S

15.1 SUBJECT

15.2 REFERENCES



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15.1 SUBJECT

15.1.1 This chapter deals with the Rules on the processing of information for the purposes of international police co-operation.

15.2 REFERENCES

15.2.1 Rules adopted by the General Assembly at its 72nd session (Benidorm, Spain, 2003) in Resolution AG-2003-RES-04. Entered into force on 1 January 2004.

15.2.2 These Rules abrogate Articles 1 to 14 of the *"Rules on International Police Co-operation and on the Internal Control of Interpol's Archives"* (Resolution AGN/51/RES1), the *"Rules on the deletion of police information held by the General Secretariat"* (Resolution AGN/55/RES/2) and the *"Rules governing the database of selected information at the ICPO-Interpol General Secretariat and direct access by NCBs to that database"* (Resolution AGN/59/RES/7).

15.2.3 Rules amended by Resolution AG-20054-RES-15 adopted by the General Assembly at its 74th session (Berlin, Germany, 2005). Entered into force on 1 January 2006.

15.2.4 The Spanish version of the Rules was corrected by the General Secretariat on 22 October 2008, in application of the provisions of Article 33(3) of the Rules of Procedure of the ICPO-INTERPOL General Assembly.

The Secretary General



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PREAMBLE

Considering Article 2 of the Organization's Constitution, which provides that its aims are to ensure and promote the widest possible mutual assistance between all criminal police authorities within the limits of the laws existing in the different countries and in the spirit of the "Universal Declaration of Human Rights", and to establish and develop all institutions likely to contribute effectively to the prevention as well as the suppression of ordinary law crimes,

Considering Article 3 of the Organization's Constitution, which forbids it to undertake any intervention or activities of a political, military, religious or racial character,

Deeming that the processing of information constitutes an essential tool for co-operation between all the Member States, thereby allowing the Organization to fulfil its mission,

Bearing in mind Article 26(b) of the Organization's Constitution as well as Article 26(c), which provides that the General Secretariat shall serve as a technical and information centre, and thus be responsible for processing police information,

Also bearing in mind that the processing of information by the General Secretariat within the Organization's buildings and premises is not subject to any national laws,

Considering Articles 31 and 32 of the Constitution and, in particular, the central liaison role of the NCBs, in supervising and co-ordinating all forms of participation by the various departments of their countries in the Organization's activities.

Considering that under the terms of Articles 8(b) and 8(d) of the Constitution, the General Assembly is empowered to determine principles and lay down the general measures suitable for attaining the objectives of the Organization as given in Article 2 of the Constitution, and to determine any other regulations deemed necessary,



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Bearing in mind the following decisions:

- In 1982, at its 51st session (Torremolinos, Spain), the General Assembly adopted the "Rules on International Police Co-operation and on the Internal Control of Interpol's Archives" (Resolution AGN/51/RES/1), which provide, *inter alia*, that information shall be processed "[...] in an electronic data processing system consisting of a processing centre installed at the General Secretariat [...]";
- In 1987, at its 84th session (St Cloud, France), the Executive Committee adopted the "Rules on the Deletion of Information held by the General Secretariat", having been delegated by the General Assembly at its 55th session held in Belgrade (Resolution AGN/55/RES/2);
- In 1990, at its 59th session (Ottawa, Canada), the General Assembly adopted the "Rules governing the Database of Selected Information at the ICPO-Interpol General Secretariat and Direct Access by NCBs to that Database" (Resolution AGN/59/RES/7),
- In 1996, 1998 and 2000, at its 65th session (Antalya, Turkey), 67th session (Cairo, Egypt) and 69th session (Rhodes, Greece), the General Assembly adopted three resolutions, respectively on "ACIU and crime analysis" (AGN/65/RES/16), "Interpol's crime analysis training strategy and programme" (AGN/67/RES/9) and the "Development of a strategic criminal intelligence capability at the Interpol General Secretariat" (AGN/69/RES/4).

Bearing in mind, finally, that at its 71st session (Yaoundé, Cameroon, 2002), the General Assembly decided to set up a working group to revise the rules relating to the processing of information referred to above,

The General Assembly adopted the following Rules at its 72nd session held in Benidorm, Spain, in 2003. They were modified at its 74th session, held in Berlin, Germany, in 2005.



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ARTICLE 1: DEFINITIONS

- (a) Ordinary-law crimes means crimes as referred to in Article 2(b) of the Constitution but not those excluded by Article 3 of the said Constitution.
- (b) Information means any item of information or set of items of information (personal or otherwise, and irrespective of the sources) pertaining to constituent elements of ordinary-law crimes, in compliance with Article 1(a) above, the investigation and prevention of such crimes, the prosecution and punishment of offences, and any information pertaining to missing persons and unidentified dead bodies.
- (c) Personal information means any information relating to an identified or identifiable natural person: an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identification number or to one or more factors specific to his¹ identity, or to his physiological, psychic, economic, or social characteristics.
- (d) Particularly sensitive information means any personal information revealing racial or ethnic origin; political opinions; philosophical, religious or other convictions; or concerning health or sexuality.
- (e) National Central Bureau means any body provided for in Articles 32 and 33 of the Organization's Constitution.
- (f) Authorized national institution means any official public national institution or any entity legally authorized to fulfil the role of a public institution in enforcing the criminal law and which has received the express authorization of its country's NCB to consult or provide information via the Organization's channels within the limits set by the said NCB.
- (g) Authorized international entity means any entity, as referred to in Article 41 of the Constitution, which has concluded an agreement with the Organization authorizing it to process information directly through the Organization's channels.
- (h) Source of the information means the entity providing the information through the Organization's channels.
- (i) Police information system means all the Organization's databases and networks which can be used for processing information, through its channels, for the purposes of international police co-operation.

¹ Terms referring to persons in the masculine gender are equally applicable to men and women



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- (j) Processing of information includes any operation or set of operations (automated or manual) applied to information in any form or on any medium, from the moment it is accessed to the moment it is destroyed, and any exchange in between.
- (k) Specific international interest to the police means any information, as defined in Article 1(b) above, which may be of interest to the police or law enforcement authorities because of its direct link with the Organization's aims as defined in Article 3.1 below.
- (l) Notices mean international Interpol notifications containing sets of information recorded in the police information system and circulated by the General Secretariat, for purposes referred to in Article 3.1(a) below.
- (m) A crime analysis means the identification of and the provision of insight into the relationship between crime data or between crime data and other potentially relevant crime data with a view to prosecutorial, police and judicial practice.

ARTICLE 2: PURPOSE AND SCOPE

- (a) The present Rules 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 (Article 3.1 below), or for any other legitimate purpose (Article 3.2 below), 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 to which the said Article refers.
- (b) The present Rules apply to any operation to process information, by automated or other means, on any medium or in any form.
- (c) The General Secretariat, the National Central Bureaus, the authorized national institutions, and the authorized international entities using the police information system and the information transmitted thereon shall be required to observe the provisions of the present Rules and the texts to which they refer.

ARTICLE 3: PURPOSES FOR WHICH INFORMATION IS PROCESSED**3.1 PROCESSING FOR INTERNATIONAL POLICE CO-OPERATION PURPOSES**

- (a) Information shall be processed by the Organization or through its channels in order to prevent, investigate and prosecute ordinary-law crimes, as referred to in Article 1(a) above, to assist with such investigations and for the following reasons:



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1. A search for a person with a view to his arrest;
 2. To obtain information about a person who has committed or is likely to commit, or has participated or is likely to have participated (directly or indirectly) in an ordinary-law crime;
 3. To warn police authorities about a person's criminal activities;
 4. To locate a missing person;
 5. To locate a witness or victim;
 6. To identify a person or a dead body;
 7. To locate or identify objects;
 8. To describe or identify *modus operandi*, offences committed by unidentified persons, the characteristics of counterfeits or forgeries, and seizures of items connected with trafficking operations.
- (b) Information may also be processed, as provided for in (a) above, for the purpose of identifying threats and criminal networks.
- (c) The purpose for which information is processed must be stated explicitly for each database.

3.2 PROCESSING FOR ANY OTHER LEGITIMATE PURPOSE

- (a) The General Secretariat may also process information, outside of the police information system, for any other legitimate purpose, i.e. for administrative reasons, scientific research and publications (historical, statistical, or journalistic) or to defend the interests of the Organization, its members or staff in the context of a trial, a settlement, pre-litigation procedures, post-trial or appellate proceedings, in conformity with Article 10.4 below.
- (b) Such processing shall be the subject of implementing rules as described in Article 23(c,3) below. The rules shall specify the storage conditions and retention period for information thus processed.

ARTICLE 4: ROLE OF THE GENERAL SECRETARIAT

4.1 GENERAL PROVISIONS

- (a) Under Article 26(b) of the Constitution, the General Secretariat shall serve as an international centre in the fight against international ordinary-law crime. To this effect, within the limits and under the conditions set in the present Rules, the General Secretariat is responsible for:



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1. Processing information it receives or collects, in accordance with the rules the Organization has adopted on such matters;
 2. Ensuring that the provisions of the present Rules and the texts to which they refer are observed during any operation to process information through the Organization's channels;
 3. Deciding on the type and structure of the Organization's telecommunications network(s) and databases without prejudice to the provisions of Article 22(d) or Article 29(1) of the Organization's Constitution;
 4. Developing and maintaining those telecommunications network(s) and databases, as well as the means necessary for National Central Bureaus, authorized national institutions and authorized international entities to have access to them;
 5. Developing and verifying the security of those telecommunications network(s) and databases;
 6. Housing the Organization's databases on its premises.
- (b) The General Secretariat is also empowered to take any appropriate steps which may contribute effectively to combating international ordinary-law crime, within the limits of the tasks set for it and the provisions of the present Rules. For that purpose, it may, *inter alia*, request information (Article 4.2 below) or conclude co-operation agreements involving the exchange of information (Article 4.3 below).

4.2 REQUESTS FOR INFORMATION

- (a) In conformity with the provisions of Article 4.1(b) above and subject to the provisions of Article 4.3 below, the General Secretariat may request information, particularly in the following cases:
1. It has reasons to believe that it is necessary to achieve the objectives of the Organization and in keeping with the aims pursued;
 2. The request is made in the context of a case or specific project;
 3. Its request is motivated by a desire to ensure that an item of information is processed in conformity with the present Rules, or to ensure the quality of that information;



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- (b) The General Secretariat may not request information from an authorized national institution without having obtained prior authorization from the National Central Bureau of the member country concerned, unless the said National Central Bureau has not replied to the General Secretariat within 45 days of being so informed, it being understood that the National Central Bureau retains the right to oppose this communication with an authorized national institution in its country at any moment.

4.3 CONCLUSION OF CO-OPERATION AGREEMENTS

- (a) Before an international entity may provide information, or be requested to do so, on a regular basis, the General Secretariat shall conclude a co-operation agreement for that purpose with the said entity, under the conditions below.
- (b) The General Secretariat shall request the opinion of the Commission for the Control of Interpol's Files about any co-operation agreement involving operations to process personal information, in conformity with the Rules relating to the Control of Information and Access to Interpol's Files. This will in particular be the case in situations referred to in Articles 20.2(a) and 21(a,4) below.
- (c) The General Secretariat shall forward the opinion of the Commission for the Control of Interpol's Files to the Executive Committee, which may require that the co-operation begun in the context of a project be modified, or may oppose such co-operation if it has not yet been established. This will in particular be the case in situations referred to in Articles 20.2(b) and 21(a,5) below.
- (d) For any regular co-operation with an international organization, as referred to in Article 41 of the Constitution, the General Secretariat shall obtain authorization to engage in such co-operation from the General Assembly, and shall comply with the provisions of the Rules governing access by an intergovernmental organization to the Interpol telecommunications network and databases.
- (e) Every year, the General Secretariat shall prepare a list of the entities with which co-operation agreements involving information processing have been concluded, and shall provide the list to the General Assembly and the Commission for the Control of Interpol's Files for their information.
- (f) The provisions of any co-operation agreement dealing with a processing of information shall be in conformity with the provisions of the present Rules and the text to which they refer.



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ARTICLE 5: ROLE OF ENTITIES IN THE PROCESSING OF INFORMATION**5.1 GENERAL PROVISION**

Whenever necessary, and at least once a year, the General Secretariat shall remind the National Central Bureaus and the entities with which it has concluded a co-operation agreement of their role and responsibilities connected with the information they process through the Organization's channels, particularly with regard to the accuracy of that information and its relevance in relation to the purpose for which it is provided.

5.2 ROLE OF THE NATIONAL CENTRAL BUREAUS IN THEIR RELATIONS WITH THE AUTHORIZED NATIONAL INSTITUTIONS

- (a) In carrying out their liaison function - as defined in Article 32(a) of the Organization's Constitution - between the General Secretariat and the authorized national institutions, the National Central Bureaus shall be responsible vis-à-vis the General Secretariat for the entities and persons they have authorized to consult, or supply information for, the police information system.
- (b) With regard to their responsibility vis-à-vis the authorized national institutions, prior to authorizing them to consult, or to provide information through, the Organization police information system, the National Central Bureaus shall first establish that procedures conforming to their national laws have been put in place to ensure and to continue to ensure that the said entities respect the present Rules (in particular Article 10.1(a,5) below) and the texts to which they refer.

5.3 PROVISION OF INFORMATION

- (a) The National Central Bureaus, authorized national institutions and authorized international entities shall continue to be responsible for the information which they provide through the police information system and which may be recorded in the Organization's files.
- (b) The information sources shall be required to take any appropriate steps to:
 - 1. Ensure that the information continues to fulfil the conditions for being processed by the Organization, as required by the present Rules and the texts to which they refer;
 - 2. Ensure the accuracy and relevance of the information and inform the General Secretariat of any change or deletion which needs to be carried out regarding that information (via the National Central Bureau, in the case of authorized national institutions), or carry out such changes or deletions if they themselves have recorded the information directly in one of the Organization's databases.



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5.4 CONTROL OF INFORMATION BY THE INFORMATION SOURCE

- (a) Information sources shall retain control over the processing rights to their items of information, in conformity with the procedures set out below and subject to any additional restrictions which may be imposed by the General Secretariat in application of Article 8(b) below.
- (b) To enable them to retain control of information they provide, the following provisions are applicable:
1. The General Secretariat shall inform the National Central Bureaus and the authorized international entities whenever a new authorization has been granted to a National Central Bureau or authorized international entity to process information, via the police information system;
 2. With effect from the date of notification by the General Secretariat, a National Central Bureau or an international entity has 45 days to signify its opposition to granting a new right to an entity (as defined in Article 1(e) or 1(f) above) to process an item of information it has provided through the police information system. However:
 - i. The National Central Bureaus and the authorized international entities shall retain the right to oppose at any moment any specific processing right attaching to an item of information which they have supplied via the police information system;
 - ii. Only the National Central Bureaus may issue restrictions concerning any specific right to process, through the police information system, information supplied by an authorized national institution in their countries;
 - iii. The National Central Bureaus and the authorized international entities may not issue restrictions with regard to an authorized national institution, however, they may issue restrictions applicable to National Central Bureaus and those restrictions shall also apply to all the national institutions authorized by the said National Central Bureaus;
 3. The General Secretariat shall keep an updated list of all the entities authorized to process an item of information through the police information system. It shall communicate this list at least once a year to the National Central Bureaus and the authorized international entities. It shall also indicate the purpose, the nature and the scope of processing rights and any changes to these.
- (c) The National Central Bureaus shall inform the General Secretariat and the other National Central Bureaus whenever a new processing right has been granted to an entity which has



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been authorized to provide or consult an item of information through the police information system.

5.5 USE OF INFORMATION

- (a) Prior to the use of any information obtained through the Organization's police information system, the National Central Bureaus, authorized national institutions and authorized international entities must check with the General Secretariat and the source of that information to ensure that the information is still accurate and relevant.
- (b) It is understood that:
1. Authorized national institutions shall conduct the necessary checks and additional investigations via their NCBS;
 2. Authorized international entities shall conduct the necessary checks and additional information requests in consultation with the source of the information via the General Secretariat.

ARTICLE 6: THE ORGANIZATION'S DATABASES

6.1 DIFFERENT CATEGORIES OF DATABASES

The police information system is composed of the following databases, in which information sent and received over the Organization's network can be recorded:

- (a) The central database: this is the Organization's main database used *a priori* for processing information received or obtained by the General Secretariat, and items of information which make it possible to manage it, in compliance with the present Rules and the texts to which they refer.
- (b) The specialized databases:
1. The subsidiary databases to the central database are those linked to the central database by an indexing system in conformity with Article 6.1(d) below and contain information which, because of its specific nature, cannot be recorded directly in the central database;
 2. Extractions are databases which may be linked to the indexing system in conformity with Article 6.1(d) below, and contain information processed in another of the Organization's databases and then copied into the said databases.



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3. The autonomous databases are not linked to the central database by an indexing system for security reasons but are also subject to the provisions of the present Rules and the texts to which they refer.
- (c) Analysis files are working files created for the purpose of crime analysis as defined in Article 1(m) above.
- (d) The indexing system is an automated system allowing the General Secretariat to link the information and databases in the police information system, to facilitate the information management and searches and also to inform the user where an item of information may be recorded, notably for co-ordinating analysis work relating to that information, with due respect for the processing restrictions the source of the information has imposed, in conformity with Article 5.4 (b.ii) above.

6.2 CONDITIONS FOR SETTING UP AND DELETING DATABASES

- (a) When any new database is set up or whenever a database is deleted, the General Secretariat:
 1. shall inform the Commission for the Control of Interpol's Files, if the database contains or is linked to personal information, and shall request its opinion, and
 2. shall inform the Executive Committee, to which the General Secretariat shall forward the opinion of the Commission for the Control of Interpol's Files if necessary; the Executive Committee shall retain the possibility of requiring the deletion or amendment of any database.
- (b) Every year the General Secretariat shall forward to the General Assembly and to the Commission for the Control of Interpol's Files, a list of all the new databases developed, indicating in particular their position in the overall police information system, the purpose of each, the nature of the information they may be used to store, and the processing rights attaching to each database.
- (c) Specialized databases, in the sense of Article 6.1(b) above, may only be set up in the following cases:
 1. When it is necessary and relevant for reasons of a technical, legal or security nature, or to facilitate the processing of information, or secure the management of rights of access to that information, or for information to be studied in the context of a project concerning working information or a crime analysis operation;
 2. When it is not likely to prejudice the integrity, security, topicality or relevance of the information processed in those databases.



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- (d) Such a database could be set up, in particular, to process particularly sensitive information or because of the particularly sensitive nature of the subject being dealt with.
- (e) The additional conditions under which databases may be set up and deleted shall be laid down in implementing rules as referred to in Article 23 below.

ARTICLE 7: THE RIGHT TO PROCESS INFORMATION

- (a) All information transmitted through the Organization's channels or obtained by the General Secretariat may be processed in the Organization's files if, and only if the conditions on processing laid down in the present Rules, and in the texts to which they refer, are met, and subject to the restrictions attached to its processing.
- (b) The present Rules shall not apply to requests from individuals for access to the Organization's files, which must be forwarded to the Commission for the Control of Interpol's Files, in accordance with the Rules relating to the Control of Information and Access to Interpol's files, as referred to in Article 25 below
- (c) Notwithstanding the Rules relating to the Control of Information and Access to Interpol's Files, referred to in Article 25 below, requests from individuals for access to the Organization's files cannot be processed in the police information system except under the conditions provided for in those Rules.

ARTICLE 8: CONFIDENTIALITY OF INFORMATION

- (a) The source of an item of information, whether it be a National Central Bureau, authorized national institution, or authorized international entity shall determine its level of confidentiality, thereby classifying the information.
- (b) The General Secretariat may attribute a confidentiality level to the information which is higher than that attributed by the source, in the light of the risks to international police co-operation, or to the Organization, its staff, and its member countries of processing, and more particularly of disclosing, the information.
- (c) The General Secretariat shall determine the level of confidentiality of the value it adds to an item of information, notably when it carries out analysis work or issues a notice, it being understood that, on retransmission, it must respect the restrictions the source referred to in the analysis has imposed on the said item of information.



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- (d) The General Secretariat may also classify a database in the same conditions as those mentioned above.
- (e) The General Secretariat, in co-ordination with the entities concerned, may draw up equivalence tables for its levels of classification and those used by the National Central Bureaus, the authorized national institutions, and authorized international entities whenever that is deemed necessary.
- (f) The different levels of confidentiality of information shall be determined and the conditions attached to each level shall be indicated in the implementing rules.

ARTICLE 9: PROCESSING SECURITY

- (a) The General Secretariat shall take all necessary measures to protect the security, i.e. integrity, and confidentiality of information provided and processed through the police information system.
- (b) To this effect, the General Secretariat shall *inter alia* develop the appropriate technical, legal and procedural means to ensure that only duly authorized persons are able to process an item of information.
- (c) The General Secretariat shall take all appropriate steps to:
 - 1. Grant access to an item of information or to a database solely to those persons whose functions or duties are connected with the purpose for which the said information is processed;
 - 2. Protect the information it processes from any unauthorized or accidental form of processing such as alteration (modification, deletion or loss) or unauthorized access and use of that information;
 - 3. Check and ensure that only those persons authorized to access the information had done so;
 - 4. Be able to restore its databases as quickly as possible in the event of damage to the police information system.
- (d) In the event of intrusion or serious attempted intrusion affecting the network or one of the Organization's databases, or of violation or attempted violation of the integrity or confidentiality of an item of information, the General Secretariat shall inform the source of that information, the National Central Bureau concerned (if the source is an entity authorized



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by the NCB, the Executive Committee, and the Commission for the Control of Interpol's Files.

- (e) Interpol's staff is obligated to protect the confidentiality and security of the information processed by the Organization. The General Secretariat shall develop implementing rules governing Interpol's staff's obligations to protect and to control the confidentiality and security of its information in conformity with Article 23(c,1) below.

ARTICLE 10: GENERAL CONDITIONS FOR PROCESSING INFORMATION

10.1 GENERAL PROVISIONS

- (a) Processing of information through the Organization's channels may only be carried out if all the following conditions are met:
 1. It complies with the Constitution and relevant provisions in the Organization's rules;
 2. It is in accordance with one of the purposes referred to in Article 3 of the present Rules and the requirements of Article 2 of those Rules;
 3. It is relevant and connected with cases of specific international interest to the police;
 4. It is not such that it might prejudice the Organization's aims, image or interests, or the confidentiality (see Article 8 above) or security (see Article 9 above) of the information;
 5. It is carried out by its source in the context of the laws existing in its country, in conformity with the international conventions to which it is a party, and with the Organization's Constitution.
- (b) The information is considered, *a priori*, to be accurate and relevant, if it has been provided by a National Central Bureau, an authorized national institution, or authorized international entity.
- (c) In conformity with Article 12(a) below, if there is any doubt about whether the criteria for processing an item of information are being met, the General Secretariat shall consult the source of that information, or the National Central Bureau concerned, if the source of the information is an authorized national institution. It shall take all other appropriate steps to ensure that the criteria have indeed been met. The information may then be recorded with a view to obtaining supplementary information to permit its retention in the police information system.



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- (d) The General Secretariat shall take all appropriate steps to prevent any direct or indirect prejudice the information may cause to the member countries, the Organization or its staff, and with due respect for the basic rights of individuals the information concerns, in conformity with Article 2 of the Organization's Constitution and the Universal Declaration of Human Rights.
- (e) The processing of information in the central database and the specialized databases, particularly for the crime analysis files, shall be the subject of implementing rules intended to define the purpose of the database concerned, the nature of information which may be recorded therein, and the methods of processing information in the said database, in conformity with Article 23(c,2) below.

10.2 PROVISIONS RELATING TO PARTICULARLY SENSITIVE INFORMATION

- (a) Particularly sensitive information in any form or on any medium may only be processed if:
1. It is relevant and of particularly important criminalistic value for achieving the aims of the Organization and the purposes of the processing as described in Article 3.1 of the present Rules;
 2. It is linked to one or more items of information processed by the Organization;
 3. It is described objectively and contains no judgment or discriminatory comments.
- (b) The processing of such information shall be subject to implementing rules, in conformity with Article 23(c,4) below.

10.3 PROVISIONS RELATING TO EXTRACTED INFORMATION

The General Secretariat may only copy an item of information into an extraction (as defined in Article 6.1(b,2) above) if the following conditions are met:

- (a) In conformity with Article 5(4) above, the National Central Bureau, or authorized international entity which provided the information is not opposed to this.
- (b) Copying the information into the extraction is not likely to jeopardize the aims, image or interests of the Organization, or the integrity, security, topicality or relevance of the information copied, and the operation is carried out with due respect for the basic rights of individuals the information concerns, in conformity with Article 2 of the Organization's Constitution and the Universal Declaration of Human Rights.
- (c) The information is copied exactly.



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10.4 PROVISIONS RELATING TO PROCESSING INFORMATION FOR OTHER LEGITIMATE PURPOSES

- (a) An item of information may only be retained by the General Secretariat for another legitimate purpose as defined in Article 3.2 above if it is processed in an autonomous database outside of the police information system. Information processed in such a database may not then be used for the purposes of police co-operation.
- (b) The conditions and methods of processing information for any other legitimate purpose shall be laid down in implementing rules, in conformity with Article 23(c,3) below.

10.5 PROVISIONS RELATING TO THE PROCESSING OF NOTICES

- (a) Notices shall be published by the General Secretariat either at its own initiative or at the request of a National Central Bureau, authorized national institution or authorized international entity in conformity with Article 1(l) above.
- (b) Before publishing and circulating a notice, in particular to entities other than the National Central Bureaus, the General Secretariat shall assess whether it is necessary and advisable to do so, in the light of Articles 2 and 3 of the present Rules and the required security measures, bearing in mind the risks run to international police co-operation, the Organization, its staff, and its member countries.
- (c) The conditions and methods of processing notices shall be laid down in implementing rules, in conformity with Article 23(c,5) below.

ARTICLE 11: GENERAL PROCEDURE FOR PROCESSING INFORMATION

- (a) Irrespective of the processing form or medium, the General Secretariat shall process information:
 - 1. So that the original information shall be distinguishable from deductions and conclusions drawn from that information, particularly in the context of working information and crime-analysis work;
 - 2. Without distorting its contents;
 - 3. Specifying:
 - i. the source(s) of the information;
 - ii. the level of confidentiality of the information, giving details of the scope of processing rights and, any restrictions imposed;



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- iii. the status of the person who is the subject of the information, in conformity with provisions yet to be determined of the implementing rules;
 - iv. the deadline for examining the need to retain the information, calculated in conformity with the provisions of Article 13 below.
- (b) When the General Secretariat processes one or more items of information concerning the one or more persons involved or likely to be involved in one or more linked criminal cases being processed by the Organization, it shall link those items of information, unless the source of the information expressly opposes such linking, in conformity with Article 5.4 above.

**ARTICLE 12: CASES WHEN THE GENERAL SECRETARIAT MUST CONSULT
THE SOURCE OF AN ITEM OF INFORMATION**

The General Secretariat must consult the source of an item of information in the following cases:

- (a) When the General Secretariat has reason to believe that the conditions for processing information referred to in the present Rules and the texts to which they refer are no longer being met, in conformity with Article 10.1(c) above;
- (b) At the latest, six months prior to the deadline for examining the need to retain an item of information concerning a person who is the subject of a notice or is wanted, to ask the source of the information whether it considers it is still necessary and relevant to retain the item in the Organization's files, and
- (c) If, three months before the deadline for assessing the need to retain an item of information concerning a person who is the subject of a notice or is wanted, the source of that information has not replied to the General Secretariat's request, the General Secretariat shall send it a further request.

**ARTICLE 13: CALCULATING THE DEADLINE FOR EXAMINING THE NEED TO
RETAIN AN ITEM OF INFORMATION**

- (a) The deadline for examining the need to retain an item of information shall be calculated from the date of receipt of the information recorded.
- (b) The need to retain an item of personal information shall be examined, at the latest, every five years, subject to a shorter retention period being required, notably by the source of the said information.



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**ARTICLE 14: POSTPONEMENT OF THE DEADLINE FOR EXAMINING THE
NEED TO RETAIN AN ITEM OF INFORMATION**

- (a) When an item of information is connected to another set of information concerning the same person or persons, implicated or likely to be implicated in the same case or a number of connected cases, the General Secretariat may postpone the deadline for examining the need to retain the information until the deadline for examining the need to retain the other information.
- (b) The deadline for examining the need to retain an item of information in any form or on any medium concerning someone who is wanted or the subject of an international request for information shall be suspended during such time as the person concerned is deprived of his freedom, in the context of crime investigation.
- (c) The General Secretariat may postpone for a maximum of five years the deadline for examining the need to retain an item of information in any of the following cases:
1. When the source of the information has requested the General Secretariat to do so;
 2. When the source of the information has not requested the General Secretariat to do so, but the latter considers that the information remains relevant and of specific international interest to the police;
 - i. Such shall be the case, for instance, when the source of the information, or the country to which that source is attached, is no longer likely to update the information because of technical, mechanical or other conditions;
 - ii. Such shall not be the case, however, if the source of the information has expressed its opposition in principle to the possibility of the General Secretariat retaining an item of information in the absence of express authorization from the source of that information;
 3. When in conformity with Article 15.2(c,1) below and subject to the provisions of Article 15.2(c,3) below, the initial purpose for recording the information concerning a person who is wanted or is the subject of a request for information has been achieved but the Secretariat considers, in exceptional circumstances, that the information is still relevant and of specific international interest to the police.
- (d) In any case, the deadline for examining the need to retain an item of information, in any form or on any medium, can only be postponed if the conditions for its processing provided for in the present Rules and the texts to which they refer are still met.



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- (e) When the General Secretariat is able to apply one of the provisions of the present Article, it shall indicate the facts or reasons justifying the postponement of the deadline for examining the need to retain an item of information.
- (f) When a deadline for examining the need to retain an item of information is reached, the General Secretariat shall assess the possibility of applying the provisions of the present Article.

ARTICLE 15: MODIFICATION, BLOCKING OR DESTRUCTION OF AN ITEM OF INFORMATION**15.1 AT THE INITIATIVE OF THE SOURCE OF AN ITEM OF INFORMATION**

- (a) The General Secretariat shall modify, destroy or block an item of information when the source requests that it do so, in conformity with and within the limits set by the present Rules.
- (b) When a number of entities are the source of the same item of information and only one of them requests its modification, blocking or destruction, the General Secretariat shall ask the other sources whether they also wish to proceed with the said modification or destruction.
 - 1. If so, the information shall be modified, blocked or destroyed as requested.
 - 2. If not, the existence of the request for modification, blocking or destruction must be clearly indicated; if a request has been made for the information to be destroyed, the name of the source making the request must be deleted from the list of sources which supplied the information.

15.2 AT THE INITIATIVE OF AN ENTITY OTHER THAN THE SOURCE OF THE ITEM OF INFORMATION

- (a) When a request to modify, block or destroy an item of information is made by an entity other than the source of the information, the General Secretariat shall first determine whether the conditions for processing the said information have been met, and then consult the source, or any National Central Bureau concerned, and take any other appropriate steps to determine whether it is possible and necessary to carry out the requested action.
- (b) After consulting the source of the information, or indeed the National Central Bureau concerned, in conformity with Articles 10.1(c) and 12(a) above, the General Secretariat shall modify, block or destroy an item of information on its own initiative if it has specific, relevant reasons for considering that retaining it or rights of access to it in its current state would risk violating one of the criteria for processing information referred to in the present



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Rules and the texts to which they refer, or prejudicing international police co-operation, the Organization, its staff or the basic rights of the person concerned by the information, in conformity with Article 2 of the Organization's Constitution.

- (c) In addition, subject to the provisions of Article 14 above and Article 16.2 below, the General Secretariat shall destroy items of information, in all their forms, in the following cases:
1. The purpose for which the information was processed has been achieved and there are no provisions in the present Rules allowing the information to be retained.
 2. The deadline for examining the need to retain the information has expired, the source of the information has not given an opinion on the need to retain it, and there are no provisions in the present Rules allowing it to be retained.
 3. The General Secretariat has specific reasons for considering that the person who is wanted or is the subject of an international request for information has been cleared of the offences which led to the information concerning him being recorded, or has died or, in the case of family interest, has disappeared and been found alive or dead. It is understood that, in that case, the General Secretariat will have previously taken any other appropriate steps with a view to obtaining confirmation of the elements in question from the source of the information concerned, in conformity with 15.2(a) above.

15.3 PROVISIONS SPECIFICALLY CONCERNING NOTICES

- (a) When the information on which a notice is based is modified, the General Secretariat assesses the need to retain the notice. If necessary, it shall modify the notice.
- (b) When the information on which a notice was based is destroyed, the General Secretariat must also destroy the notice.
- (c) When the General Secretariat cancels a notice it may retain the information on which the notice or diffusion was based for a maximum of five years, in conformity with the provisions of Article 14(c,3) above.



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**ARTICLE 16: CONSEQUENCES OF MODIFICATION, BLOCKING OR
DESTRUCTION OF AN ITEM OF INFORMATION****16.1 ACTION TAKEN BY THE GENERAL SECRETARIAT**

(a) When the General Secretariat modifies, blocks access to, or destroys, in application of Article 15.2(b) an item of information which has been provided by a National Central Bureau, an authorized national institution or an authorized international entity and concerns a wanted person or a person who is the subject of a request for information:

1. It shall inform the source of the information, and shall explain the reasons for its action, unless:
 - i. the source was notified of the modification, blocking or destruction of the information during the three months prior to the date on which it was actually destroyed;
 - ii. the information destroyed was not personal in nature;
2. It shall indicate the reasons why it modified, blocked access to, or destroyed the information;
3. It shall modify, block access to or destroy in the same way all copies of the information in any other database in the Organization's police information system, subject to Article 16.2 below;
4. It shall assess the consequences of that action on all operations relating to the processing of the information concerned and any related information. If necessary, it shall take any steps considered to be essential.

16.2 RETENTION OF ELEMENTS OF AN ITEM OF INFORMATION

- (a) When the General Secretariat destroys an item of information, it may nevertheless retain:
1. Those elements strictly necessary for identifying the criminal or suspected criminal concerned, the name of the source, and the type of crime concerned, with a view to directing a requesting entity to the source of the information, unless that source has expressly opposed the retention of such items of information;
 2. The elements of an item of information which make it possible to avoid unauthorized or erroneous processing of the said item of information;



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3. The information necessary for the pursuit of any other legitimate purpose (in the sense of Article 3.2 above).
- (b) When it is impossible to destroy some elements of an item of information because of the cost and volume of work involved, the General Secretariat shall take all appropriate steps to ensure that the information concerned cannot be read, to prevent access to the information and its use for the purposes of a criminal investigation, or to indicate clearly that the information must be considered to be non-existent.
- (c) Copies of notifications, by the General Secretariat, that information has been deleted or of documents indicating that information will be deleted from an Interpol database in three months may be kept in a database of administrative information, to defend the interests of the Organization, its Members or staff, in accordance with the provisions of Article 3.2 above. The General Secretariat shall not be allowed to use these copies of notifications for the purposes of a criminal investigation.

ARTICLE 17: CONDITIONS AND INSTANCES IN WHICH AN ITEM OF INFORMATION MAY BE PROVIDED

17.1 GENERAL REMARKS

- (a) The General Secretariat may provide an item of information, subject to the provisions of the present Rules and the texts to which they refer, and if all the following conditions are met:
 1. To further the purposes of international police co-operation as referred to in Article 3 of the present Rules and within the limits of Article 2 of those Rules,
 2. Either in response to a reasoned request, or on its own initiative, to a National Central Bureau, an authorized national institution or an authorized international entity, it being understood that:
 - i. in the case of a reasoned request, the General Secretariat may nevertheless require the requesting entity to provide a descriptive summary of the facts justifying the request,
 - ii. in the case of direct access, reasons are reputed to have been given,
 - iii. to provide information on its own initiative to the entities referred to above, the General Secretariat must consider their interventions to be necessary in the light of the Organization's aims, in which case the Secretariat shall specify the purposes for which it is communicating the information;



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3. Subject to any restrictions imposed in application of Article 5.4 above;
4. With the express prior authorization of the National Central Bureau or the authorized international entity which is the source of the information, before it is forwarded to an entity other than a National Central Bureau, an authorized national institution or an authorized international entity.
 - (b) The General Secretariat may only provide an item of particularly sensitive information when it is relevant and of a particular criminalistic value for the pursuit of the Organization's aims and for the purposes for which the said information is being processed (see Article 3.1(a) of the present Rules), subject to any restrictions imposed by the source of the information, as provided for in Article 5.4 above.
 - (c) Nothing in the present Rules shall prevent the General Secretariat from providing an item of information, even without having obtained prior authorization from the authorized entity which originally supplied it, in the following cases:
 1. When the information has come into the public domain;
 2. It is a matter of urgency, as defined in Article 22 below;
 3. Its provision is necessary to defend the interests of the Organization, its Members or its agents, as understood in Article 3.2 below.
 - (d) No provision of the present Rules shall hinder the possibility, when justified by exceptional circumstances, of providing police information from one of the Organization's member countries to institutions or authorities of the same country to which the services of that State, involved in the enforcement of the criminal law, must account for their actions by virtue of the law.
 - (e) When the General Secretariat is not empowered to provide an item of information to a requesting entity by virtue of restriction imposed by the source of that information, as provided for in Article 5.4 above, it may transmit the request to the source of the information which may be able to answer the request
 - (f) The provision of information through the Organization's channels must be carried out:
 - in the context of the relevant national and regional laws,
 - in conformity with the international conventions to which the sources of the information are party,
 - in conformity with the Organization's Constitution and its appendices.



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ARTICLE 18: METHODS OF PROVIDING INFORMATION

- (a) When the General Secretariat provides an item of information, if it considers it necessary, or if the source of the information so requests, it shall send a copy of the request and a copy of the communication to the source of the information concerned.
- (b) When the General Secretariat provides an item of information, it shall indicate:
1. The source;
 2. Any restrictions on processing of the information;
 3. Any conditions regarding retention of the information;
 4. The date of receipt;
 5. The latest date after which the need to retain the information should be assessed;
 6. The main corrigenda and updates to the information;
 7. The status of the person concerned, where personal information is concerned.

ARTICLE 19: RETENTION OF REQUESTS FOR INFORMATION RECEIVED AND OF THE COMMUNICATIONS THEMSELVES

The General Secretariat may keep records of requests for information it has received and of communications it has made:

- (a) in the police information system until the date on which the information that is the subject of the request is destroyed,
- (b) outside of the police information system, to defend the interests of the Organization, its member countries or its staff, or for any other legitimate purpose provided for in Article 3.2 above.

ARTICLE 20: DIRECT ACCESS, DOWNLOADING AND INTERCONNECTION**20.1 GENERAL PROVISIONS**

- (a) The General Secretariat may authorize a National Central Bureau, an authorized national institution or an authorized international entity to access the police information system directly, to download an item of information from one of the Organization's databases, or to make interconnections between the network and the Organization's databases, if all the following conditions have been fulfilled:



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1. The Organization has adopted implementing rules (in conformity with Article 23(c,6) below) governing such operations and specifying the conditions and procedures for carrying them out, or in the interim, sufficient conditions have been established to ensure respect for the principles set forth in the present Rules and the spirit of those Rules;
2. Such an operation shall be carried out in conformity with the provisions of the present Rules and the texts to which they refer, and in particular shall be relevant and of specific interest in relation to the Organization's aims and the purposes for which the information is processed, as defined by Articles 2 and 3 of the present Rules;
3. The proposed processing is not subject to any restrictions, as provided for in Article 5.4 above.
4. The authorized international entities have expressly undertaken to:
 - i. observe and enforce the rules on use of the police information system and the processing of information referred to in the present Rules and the texts to which they refer,
 - ii. allow only expressly authorized persons to benefit from the possibilities of direct access, downloading and interconnection,
 - iii. modify, block or delete an item of information if the Organization so requests, on the basis of the provisions of the present Rules.
5. Subject to the provisions of Article 20.2 below, relating to, downloading and interconnection
 - (b) The General Secretariat shall keep a log of consultations of direct access databases, of downloading operations and interconnections, management of which shall be defined in the implementing rules in conformity with Article 23 below.

20.2 PROVISIONS RELATING TO DOWNLOADING AND INTERCONNECTION

- (a) The General Secretariat shall inform and request the opinion of the Commission for the Control of Interpol's Files with regard to any co-operation involving downloading or interconnection operations involving personal information.
- (b) The General Secretariat shall forward the opinion of the Commission for the Control of Interpol's Files to the Executive Committee in conformity with Article 4.3(c) above.



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- (c) Every year, the General Secretariat shall forward to the General Assembly and the Commission for the Control of Interpol's Files an updated a list of all the databases likely to be downloaded and the databases connected to the police information system, indicating their purposes, the type of information that may be recorded in them and the access rights attached to each database.

**ARTICLE 21: RECORDING INFORMATION IN AN AUTONOMOUS DATABASE
DIRECTLY BY AN AUTHORIZED ENTITY**

- (a) The General Secretariat may create and house an autonomous database intended to be supplied directly by a National Central Bureau, an authorized national institution or an authorized international entity, under the following conditions:
1. Such an operation conforms to the provisions of the present Rules and in particular is relevant and of specific interest in relation to the Organization's aims and the purposes for which the information is processed, as defined in Articles 2 and 3 above;
 2. The Organization has adopted implementing rules on this subject (in conformity with Article 23(c,6) below), or in the interim, sufficient conditions have been established to ensure the respect of the principles set forth in the present Rules and the spirit of those Rules;
 3. It is clearly apparent, when consulting information, that the information has been recorded by a National Central Bureau, an authorized national institution, or an authorized international entity, and not by the General Secretariat;
 4. The General Secretariat shall inform and request the opinion of the Commission for the Control of Interpol's Files (Article 24 below) with regard to the direct processing of personal information by a National Central Bureau, an authorized national institution or an authorized international entity;
 5. The General Secretariat shall forward the opinion of the Commission for the Control of Interpol's Files to the Executive Committee in conformity with Article 4.3(c) above.
- (b) National Central Bureaus, authorized national institutions and authorized international entities may be authorized to record an item of information themselves in one of the Organization's autonomous databases, it being understood that:
1. In the case of an authorized national institution, the National Central Bureau responsible for it must have expressly accepted that such a possibility may be granted to it.



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2. In the case of an authorized international entity, the entity must have given a contractual undertaking to observe the provisions of the present Rules.
3. This authorization is subject to the said entities:
 - i. observing, and ensuring that the users they designate observe, the provisions of the present Rules and of the texts to which they refer,
 - ii. allowing only persons who are expressly authorized by the General Secretariat to enter information directly in the database concerned,
 - iii. allowing the Organization and the Commission for the Control of Interpol's Files to check the information they have recorded in the database; for that purpose, they must be able to provide any item on the basis of which information has been recorded or which justifies retaining the information in the database,
 - iv. modifying, blocking or deleting an item of information at the Organization's request, on the basis of the provisions of the present Rules, or allowing the Organization to do so.
- (c) A National Central Bureau, an authorized national institution or an authorized international may only impose restrictions, as defined in Article 5.4 above, on the processing of personal information which it records in such a database.
- (d) The General Secretariat shall keep a log of consultations of databases which are supplied directly by the National Central Bureaus, authorized national institutions and authorized international entities, and whose management shall be defined in the implementing rules in conformity with Article 23 below.
- (e) Every year, the General Secretariat shall forward to the General Assembly and the Commission for the Control of Interpol's Files an updated list of all the databases in which information may be directly recorded by the authorized entities, indicating their purposes, the type of information that may be recorded in them and the access rights attached to each database.



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ARTICLE 22: REQUESTING AND PROVIDING INFORMATION IN URGENT SITUATIONS

- (a) An urgent situation, as defined in Article 17.1(c,2), shall be deemed to exist when the Secretary General considers there to be a real, imminent threat to the Organization or to its staff, to a member country, or its citizens or residents, and when that threat is likely to endanger the physical safety of the persons concerned.
- (b) When an urgent situation exists, the General Secretariat shall be empowered to communicate any item of information relating to a threat to any National Central Bureau, after having notified the source of the information and unless express opposition to that communication has been received from the source of the information within the time limit stipulated by the General Secretariat in the light of the said threat.
- (c) Furthermore, the General Secretariat shall inform the Executive Committee and the Commission for the Control of Interpol's Files as soon as possible that it has applied the urgency procedure.
- (d) The procedure for applying the urgency procedure may be described in implementing rules.

ARTICLE 23: IMPLEMENTATION OF THE GENERAL PRINCIPLES SET OUT IN THE PRESENT RULES

- (a) Implementation of the principles of police co-operation and data protection set out in the present Rules, and the adoption of particular instructions or procedures for processing information (particularly information on certain media or in certain forms), shall be determined in implementing rules which shall be submitted to the Commission for the Control of Interpol's Files for its opinion.
- (b) This shall be the case in particular for all co-operation projects with entities other than National Central Bureaus, an authorized national institution or authorized international entities.
- (c) The implementing rules covering the following issues shall be submitted to the General Assembly:
 - 1. The confidentiality and security of the information (see Articles 8 and 9 above);
 - 2. Methods of processing information in each category of database, particularly in respect of crime analysis files (see Article 10.1(e) above);



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3. Methods of processing information for any other legitimate purpose (see Article 3.2(b) above);
4. Methods of processing particularly sensitive information (see Article 10.2(b) above);
5. The processing of notices (see Article 10.5(a) above);
6. Direct access, downloading, interconnection and direct processing of information by a National Central Bureau, an authorized national institution or an authorized international entity (see Article 20.1(a,1) above).

ARTICLE 24: SETTLEMENT OF DISPUTES

Disputes that arise between National Central Bureaus, authorized national institutions, authorized international entities, or between one of these entities and the General Secretariat in connection with the application of the present Rules and the implementing rules to which they refer, should be solved by concerted consultation. If this fails, the matter may be submitted to the Executive Committee and, if necessary, to the General Assembly in conformity with the procedure to be established.

**ARTICLE 25: MONITORING THE PROCESSING OF INFORMATION IN
INTERPOL'S FILES AND ACCESS TO SUCH INFORMATION**

The procedure for verifying conformity with the present Rules on the processing of information by the Organization, and access by persons and legal entities to the Organization's files, shall be laid down in a set of rules relating to the Control of Information and Access to Interpol's Files.

ARTICLE 26: ENTRY INTO FORCE OF THE PRESENT RULES

The present Rules shall enter into force on 1 January 2006.
