

**Speech delivered by Mr Billy Hawkes, Chairman of the Commission,
to INTERPOL's General Assembly
(82nd session, Cartagena de Indias, Colombia, October 2013)**

Madame President,
Distinguished Delegates,
Ladies and Gentlemen,

I have the honour once again to present to the General Assembly the Annual Report of the Commission for the Control of INTERPOL's Files.

We have tried this year to make the report more informative, for example in the manner that we present statistical information on our activities. This is part of a broader effort we have been making to explain both to the INTERPOL community and to the public the role and functions of the CCF. In agreement with the Secretary General, we have published on our website the report we commissioned on the standards of data protection in INTERPOL, viewed in an international context. We have also improved the information we provide on the CCF website. One of our members gave a presentation on our activities at this year's meeting of NCBs.

The CCF's role is not an easy one. Our key function is to ensure that the Organisation lives up to the high standards of data protection that it has set itself. This is particularly challenging in the context of an organisation whose life-blood is the sharing of information that is highly prejudicial to the people concerned. While INTERPOL correctly asserts that a Red Notice is no more than a request for cooperation with a view to extradition, it has serious consequences for the individual concerned. If the Notice is not justified, then an individual's right to freedom of movement and to a good name is unjustifiably restricted. This is something that the CCF is very conscious of when it is performing its three functions of advice, inspection and complaints-handling. In all of our activities, we are also conscious of the practical requirements of police cooperation. In this, we are ably assisted by our international police expert.

Only a tiny fraction of notices and diffusions processed through INTERPOL end up as complaints to the CCF. This highlights the importance of the advisory and inspection functions of the Commission. Our regular programme of inspections is geared towards testing if the systems in use in the Organisation incorporate sufficient checks and balances to ensure that the rules of the Organisation are respected. Our IT expert has a particular

focus on such systems and has been able to offer guidance to those directly concerned with processing systems.

The Commission has a specific role in relation to new projects of the Organisation involving the processing of personal data. The Commission is happy to discharge its advisory role in this area. To be able to do so effectively, it needs to be informed, in a timely manner, of any such project and to obtain accurate and precise information on each new draft agreement and project. More generally, it appears to the Commission that there is a need for greater oversight of such projects.

In the past year, we have continued to focus on the adequacy of the safeguards built into the I-Link system. We have been happy to note continued improvement in the oversight arrangements that are now an integral part of the system. I welcome resolution n° 6 on the use of I-link forms, tools and services as well as the Compliance Check Mechanisms adopted yesterday. This will facilitate compliance with the rules of the organization. Constant vigilance in this area is essential, particularly in relation to Red Notices. If Red Notices are to be granted the enhanced status that the Organisation aspires to, it is essential that NCBs can be assured that each Notice has been subject to rigorous quality control before issue. Our inspections, in 2012, suggested that further improvement was required in this area - for example in relation to the summary of facts contained in Notices. However, we have been glad to note significant improvement in this area in the course of this year. The Commission has also welcomed the significant efforts made to train users of the I-Link system, both at INTERPOL headquarters and in NCBs.

The establishment of a confidentiality regime has also been welcomed by the Commission.

The Organisation, in its work, has committed itself to adherence to generally accepted principles of data protection. One such principle is that personal data should not be retained when the purpose for which it was processed has ceased. In some cases, there may be a case for retention - examples might include where re-offending is considered likely such as in cases of serious child abuse or terrorism. But otherwise, continued retention of data is inappropriate.

The revised Rules on the Processing of Data have helped to demonstrate to the outside world that INTERPOL takes seriously its duty to protect the rights of individuals. The Commission has particularly welcomed the requirement that, in each NCB, there be a data protection officer as well as a security officer. This requirement, if properly implemented, should ensure strict compliance with the rules by NCBs.

A logical corollary of the requirement to appoint a data protection officer in each NCB would be the appointment of a data protection officer in the General Secretariat. I welcome the decision by the Secretary General that such a post is to be created.

Dealing with individual complaints from persons who are the object of INTERPOL action continues to be a priority activity of the Commission. The preparation of files for decision by the Commission is greatly facilitated by the work of one member acting as our Rapporteur. His work has become all the more important due to the increased number and complexity of the complaints being addressed to the Commission. The complaints often raise difficult issues of the application of Article 3 of the Organisation's Constitution. We have also recently seen increased allegations of breaches of Article 2, on the grounds that the country originating a notice does not afford adequate procedural rights to the individuals concerned.

The Commission examines each complaint carefully, taking account both of the views of the NCB and the complainant. The Commission relies on the cooperation of NCBs to address the allegations made by the complainant. In most cases, this cooperation is forthcoming and often leads the Commission to conclude that the Organisation's rules have been respected. Where NCBs do not cooperate, the Commission's approach is to recommend at least blocking, and often deletion, of the information.

The General Secretariat promptly implements the recommendations of the Commission, except in the rare case where it asks the Commission to reconsider a case, often based on new facts. The Commission is always willing to do so. The Commission adopts the same approach when - as sometimes happens - an NCB requests the Commission to reconsider a decision to recommend deletion of data.

INTERPOL, and the Commission, are working in an increasingly challenging international environment. On the one hand, the need for effective international police cooperation and the role of INTERPOL, has never been more necessary in view of the increasingly international nature of criminal activity - including activity conducted on the Internet. Monday's session on the challenges of cybercrime brought this home to all of us. Most of the activity of INTERPOL is uncontroversial, involving as it does effective cooperation to bring common criminals to justice. But where INTERPOL is used inappropriately - especially where political issues are involved - this can be extremely damaging to the Organisation. While the pressure on NCBs in such cases is understandable, it is for the Organisation as a whole to make clear that such behaviour is unacceptable. The Commission can only play a limited role and is very alive to the accusation that it colludes with such behaviour by not adopting a more challenging approach in cases that come before it. The fact that the Commission's decisions on individual cases are formally only recommendations contributes

to this negative perception. Since the General Secretariat invariably accepts our recommendations, there is clearly a case for formalising this position.

It may also be appropriate for the Organisation to consider changes taking place in the international environment on issues such as the right to know whether information exists on an individual, without necessarily disclosing its content. The Commission remains ready to work with the General Secretariat on any updating to the Organisation's Rules that might be considered appropriate to take account of these international developments.

I thank you for your attention.