



INDEPENDENCE OF THE COMMISSION

A. The Commission's independence is provided for in:

- INTERPOL's Constitution which, when identifying its functions and roles (Article 36), describes the Commission as an independent body;
- The Statute of the Commission for the Control of Files (the Statute), which states that the Commission is to be independent in the performance of its functions (Article 4);
- The Operating Rules of the Commission for the Control of INTERPOL's Files.

B. The Commission's independence is also guaranteed by:

- Its composition (Article 8 of the Statute);
- The extent of its powers of investigation (Article 3 of the Statute);
- Its full, unlimited and direct access to all personal data processed in the INTERPOL Information System, irrespective of the place, form or medium involved (Article 19 of the Statute);
- Its ability to consult the sources of the data processed through INTERPOL's channels;
- Its capacity to establish and enforce its own Operating Rules of the Commission for the Control of INTERPOL's Files (Article 25 of the Statute);
- The conditions applicable to the withdrawal of a member of the Commission (Article 12 of the Statute and Rule 2 of the Commission's Operating Rules).

C. Accreditation of the Commission

The Commission gained accreditation and recognition as a data-protection authority on 12 September 2003 during the 25th International Conference of Data Protection and Privacy Commissioners held in Sydney. This accreditation recognizes both the existence of the Commission and its independence.

The International Conference of Data Protection Commissioners deals with major issues relating to data protection. Every year, since 2003, a Credentials Committee examines applications for "accreditation as a data-protection authority". The main criteria which have to be met for an authority to be accredited are its autonomy and independence, which must be explicitly provided for in a national or international legal instrument.