



HISTORY OF THE COMMISSION

The Commission, which was previously known as the “Supervisory Board for the Internal Control of INTERPOL's Archives”, was created in 1985 to guarantee the inviolability of INTERPOL's archives and official correspondence, and also provide for internal supervision of INTERPOL's archives by an independent body rather than by a national supervisory body. Its first session took place in 1986.

In 2008, the Commission was incorporated in INTERPOL's Constitution and established as an official body of the Organization, thus strengthening the legal status and position of the Commission within the Organization.

In line with INTERPOL's commitment to protect both international police cooperation and individual rights, and to follow developments in the area of data processing, INTERPOL's membership adopted a new Statute for the Commission. This Statute came into force on 11 March 2017, whereby the Commission underwent an in-depth reform of its structure, composition and procedures.

A. Creation of the Commission

The Commission was previously called the “Supervisory Board for the Internal Control of INTERPOL's Archives”.

In the early 1980s, when INTERPOL renegotiated its Headquarters Agreement with the French Government, France claimed that the Law of 6 January 1978 concerning information technology, files and freedoms was applicable to the nominal data stored in INTERPOL's premises at Saint-Cloud, France. As a result, France argued that people should have access to data concerning them – a right which could be exercised through the Commission Nationale de l'Informatique et des Libertés (French Commission on EDP and Freedom), which was set up in application of the above-mentioned law and given powers to monitor computerized files in France.

- INTERPOL argued that this law should not be applicable to the police information processed by the General Secretariat for the following two reasons:
- Information sent in by member countries does not belong to INTERPOL, which merely acts as a depository;
- Applying the Law of 1978 to INTERPOL's files in France could hamper international police cooperation, since certain countries would prefer not to communicate police information which could be disclosed to French bodies;

Much was clearly at stake for both parties. France was unwilling to strengthen INTERPOL's status on its territory without some kind of guarantee concerning the processing of personal data protected by the Law of 1978, and the Organization was keen to ensure the smooth functioning of international police cooperation through its channels.

These conflicting aims were reconciled as a result of both parties' commitment to data protection, in order to protect both international police cooperation (France is a member of INTERPOL) and individual rights (Article 2 of INTERPOL's Constitution states that its activities are carried out in the spirit of the Universal Declaration of Human Rights).



The consensus was made official on 3 November 1982 with the signing of a new Headquarters Agreement between France and INTERPOL, which came into force on 14 February 1984 and to which an Exchange of Letters is appended. These texts form the basis of the system for the supervision of INTERPOL's files.

By signing the text, France agreed not to apply the Law of 1978 to INTERPOL's files. The Agreement guarantees the inviolability of INTERPOL's archives and official correspondence (Articles 7 and 9 of the Headquarters Agreement), and also provides for internal control of INTERPOL's archives by an independent body rather than by a national supervisory board (Article 8).

In accordance with the Exchange of Letters between INTERPOL and the French authorities, which invites INTERPOL to set up a Supervisory Board and define its function, the Organization adopted the Rules on International Police Cooperation and on the Control of INTERPOL's Archives in 1985.

The purpose of these Rules, as stated in Article 1(2), is "... to protect police information processed and communicated within the ICPO INTERPOL international police cooperation system against any misuse, especially in order to avoid any threat to individual rights". This text sets up the Board. It has been replaced by the Rules on the Processing of Data and by the Rules on the Control of Information and Access to INTERPOL's Files.

In October 2008, the Commission strengthened its legal status and position within the Organization.

B. Strengthening the legal status of the Commission

In 2003, the INTERPOL General Secretariat began negotiations with the French government to amend the Headquarters agreement concluded in 1982. The negotiations resulted in an amended version of the Headquarters Agreement signed by both parties on 14 April 2008 and adopted by the Organization on 9 October 2008 during the Organization's 77th General Assembly session.

- The adoption of the amended Headquarters Agreement abrogated the 1982 Headquarters Agreement as well as the Exchange of Letters between the French government and ICPO-INTERPOL.
- The amended Headquarters Agreement no longer contains specific regulations on the organization of controls of ICPO-INTERPOL's files, such as the 1982 requirement that France hold a permanent seat on the Commission. The Organization wished to broaden Member State participation in the functioning of the Commission to better guarantee a fair geographical representation of the Organization's members inside the Commission.

In parallel, in 2008, the INTERPOL General Assembly also amended INTERPOL's Constitution and incorporated the Commission into INTERPOL's internal legal structure (Articles 5 and 34 of the Constitution) and established it as an official body of the Organization.

This amendment to the Constitution increases the visibility of the Commission and also conforms to international practice, since numerous commissions, committees, tribunals and international courts are principal or subsidiary bodies of international organizations.

Finally, this amendment, which provides the Commission with a legal basis in the Organization's Constitution, also guarantees the independence required for it to perform its duties.



C. The Current Commission

In 2014, the Working Group on the Processing of Information (GTI), was mandated by the INETRPOL General Assembly, to carry out a comprehensive review of INTERPOL's supervisory mechanisms in the area of data processing, including the Commission.

After two years of preparatory work, consultations and negotiations, the Working Group drafted a the current Statute of the Commission, replacing and abrogating the Rules on the Control of Information and Access to INTERPOL's Files (RCI), which profoundly reforms the Commission's structure, composition, procedures and powers.

The Statute of the Commission was adopted in November 2016 during the 85th INTERPOL General Assembly session held in Bali, Indonesia, and entered into force on 11 March 2017.

In March 2017, during the Commission's first meeting under its new Statute, the members of the Commission adopted their new Operating Rules.