



COMMISSION FOR THE CONTROL OF INTERPOL'S FILES

OPERATING RULES

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OPERATING RULES
OF THE COMMISSION FOR THE CONTROL OF INTERPOL'S FILES

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PREAMBLE

The Commission for the Control of INTERPOL's Files ("the Commission");

Having regard to the Statute of the Commission (hereinafter referred to as "the Statute"), which entered into force on 11 March 2017, and in particular Articles 3 and 25 (1) of the Statute;

Adopts the following Operating Rules on 28 March 2017 which replace the Commission's Operating Rules that entered into force on 1 November 2008.

TITLE 1: ORGANISATION AND WORK OF THE COMMISSION

CHAPTER 1: INDEPENDENCE AND IMPARTIALITY OF THE COMMISSION

Rule 1: Incompatible activities

- 1) In accordance with Article 11 (1) & (2) of the Statute, the members of the Commission shall serve in their personal capacity and represent neither their administration, nor the NCB of their country, nor their country, nor any other entity.
- 2) In accordance with Articles 4, 11 (3) & (4) and 12 of the Statute, the members of the Commission shall not, during their term of office, engage in any action or activity which may appear to be incompatible with their independence or impartiality, in accordance with the present Rules. They shall take all appropriate measures to ensure respect of the independence and impartiality of their function and of the Commission.
- 3) In accordance with Article 11 (5) of the Statute, each member shall communicate to the Chairperson any concern regarding his/her independence and/or impartiality.
- 4) In the event of a disagreement between the Chairperson and the member concerned, any question arising shall be decided by the Commission.

Rule 2: Withdrawal of members

- 1) A member of the Commission may not take part in any way in the consideration of a case, if he/she may be seen to have a real or perceived, direct or indirect conflict of interest with respect to the case concerned, that would challenge his/her independence or impartiality, that is if:
 - a. he/she has a personal interest in the case (including a spousal, parental or other close family relationship), personal or professional relationship, or a subordinate relationship with any of the parties;
 - b. he/she has previously acted in the case, either as a consultant, advocate or adviser of a party or of a person having an interest in the case, or as a member of another international or national body, or in any other capacity;
 - c. he/she engages in any political, administrative, professional or any other activity which is incompatible with his/her independence or impartiality;
 - d. he/she is a national of the country source of the data challenged by an applicant;
 - e. for any other reason, when his/her independence or impartiality may legitimately be called into doubt.
- 2) When a member withdraws for one of the reasons referred to above, he/she:
 - a. shall notify the Chairperson, who shall exempt the member from sitting,
 - b. shall not be present during discussions and deliberations of the case and shall not have access to documents concerning the case.

- 3) In the event of any doubt or disagreement on the part of the member concerned or the Chairperson as to the existence of one of the grounds referred to in Rule 2.1), that issue shall be decided by all members of the Commission. After hearing the views of the member concerned, the Commission shall deliberate and vote, without that member being present. The decision shall be taken by a majority of the members present and voting.
- 4) In case of withdrawal of the Chairperson, Rule 9 below shall apply.
- 5) The withdrawal of a member shall be recorded in the minutes of the session and in the text of the Decision of the case concerned.

Rule 3: Solemn declaration

- 1) Before taking up office, each member shall, at the first meeting of the Commission at which the member is present or, in case of need, before the President of the Commission, make the following solemn declaration: "I solemnly declare that I will exercise my functions as a member of the Commission honorably, independently and impartially and that I will keep secret all materials, information and deliberations".
- 2) The declaration shall be signed by the member and kept in the records of the Commission.
- 2) This act shall be recorded in the minutes.

CHAPTER 2: RESIGNATION AND DISMISSAL OF MEMBERS

Rule 4: Resignation

- 1) The resignation of a member of the Commission shall be notified to the Chairperson who shall inform the other members of the Commission.
- 2) The Chairperson shall transmit the resignation to the General Secretariat. Article 10 (3) of the Statute shall apply for the election of a new member.

Rule 5: Dismissal from office

- 1) In accordance with Article 14 (1)(a) of the Statute, the Commission may propose the dismissal from office of a member who has ceased to fulfill the required conditions for office, due to misconduct or incapacity. Such decision shall be taken in session by at least five votes of the other members, cast in a secret ballot.
- 2) Any member of the Commission may set in motion the procedure for dismissal from office.

CHAPTER 3: CHAIRPERSON AND VICE CHAIRPERSON

Rule 6: Election

- 1) The Chairperson shall be elected by all the members of the Commission from among the members of the Requests Chamber in accordance with Article 7 (2) of the Statute. Only the members who are present shall take part in the election. To be elected, the Chairperson shall receive at least five votes cast in a secret ballot.
- 2) If no candidate achieves the required majority in the first round of voting, a second round shall take place between the two candidates having received the most votes. In the event of a tie between two candidates in the final round, preference shall be given to the member having precedence according to the date of his/her taking up office as member of the Commission. If the length of time they have served as members is the same, they shall take precedence according to age.
- 3) The Commission shall also elect a Vice Chairperson, pursuant to the same procedure.

Rule 7: Term of office

- 1) The Chairperson and the Vice Chairperson shall be elected for a term of office of 3 years.
- 2) They may be reelected for a second term, for the remainder of their mandate.

Rule 8: Functions

- 1) The functions of the Chairperson are established in Article 7 (1) and Article 16 (1) of the Statute.
- 2) The Chairperson of the Commission shall convene and preside sessions of the Commission and direct the discussions over both Chambers.
- 3) The Chairperson shall represent the Commission and, in particular, be responsible for its relations with the authorities of INTERPOL.
- 4) For the purposes of the first election under the present Rules, the session shall be convened and chaired by the member of the Commission having precedence according to the date of his/her taking up office as member of the Commission. If the length of time they have served as members is the same for all, the member having precedence according to age shall act as Chairperson.
- 5) The Vice Chairperson shall assume the functions of the Chairperson in the circumstances outlined in Rule 9 below.

Rule 9: Replacement of the Chairperson

The Vice Chairperson shall assume the functions of the Chairperson in case of resignation, dismissal, withdrawal or absence of the Chairperson, or if he/she is unable to carry out his/her duties, as long as the office is vacant.

**CHAPTER 4:
RAPORTEURS**

Rule 10: Appointment and functions of the Rapporteurs

- 1) In application of Article 17 of the Statute, which provides for the possibility for the Commission to delegate some powers to one or several members, the members of each Chamber may appoint from among themselves one or more Rapporteurs with the function of facilitating the Commission's work and taking decisions in between sessions of the Commission.

- 2) The Rapporteurs may be assisted by any other member of the Commission. They shall report back to the Commission.
- 3) The Rapporteurs shall participate in discussions and deliberations of the cases for which they serve as Rapporteurs.

Rule 11: Term of office

- 1) The Rapporteurs shall be appointed for 3 years.
- 2) They may be reappointed for the remainder of their mandate.

**CHAPTER 5:
SECRETARIAT OF THE COMMISSION**

Rule 12: Functions of the Secretariat

- 1) In accordance with Article 15 of the Statute, the Secretariat of the Commission shall take all necessary and appropriate measures, within the limits of its remit, to ensure the smooth operation of the Commission's work. The Secretariat shall assist the members of the Commission in performing their duties.
- 2) The Commission shall supervise the work of the Secretariat, relating in particular to its relation with the Chairperson, the Vice Chairperson or the Rapporteurs, the selection of its staff, and/or the preparation of the decisions of the Commission.

**CHAPTER 6:
GENERAL FRAMEWORK
FOR THE WORK OF THE COMMISSION**

Rule 13: Confidentiality and professional secrecy

- 1) The work and the files of the Commission are confidential.
- 2) The Commission's files and reports are reserved for internal use only, unless it expressly decides otherwise in conformity with Article 20 of the Statute.

3) In the exercise of their duties, members of the Commission and its Secretariat shall consider as confidential all documents and information that come to their knowledge as a consequence of, or in connection with, their membership of the Commission.

4) Members of the Commission and its Secretariat shall take all appropriate measures to ensure respect of the confidentiality requirements of the Commission's work, as described in Rule 29: below.

Rule 14: Working languages

1) The working languages of the Commission shall be those of the Organization, namely Arabic, English, French and Spanish.

2) In accordance with Article 18 (2) of the Statute, the working language selected by the Commission for the processing of its internal files is English.

3) Interpretation in Arabic, English, French and Spanish may be provided during the sessions of the Commission.

Rule 15: Timeframes set by the Commission

1) In addition to the timeframes established in Article 40 of the Statute, the Commission may set deadlines within which it wants to receive any information requested.

2) Such deadlines may be extended by the Commission upon receipt of a reasoned demand.

Rule 16: Organization of sessions

1) In accordance with Article 16 (1) of the Statute, the Commission shall meet at least three times a year. The sessions of the Commission shall be held at the Organization's Headquarters, unless otherwise decided by the Commission. Where necessary, the Commission may decide to allow remote participation by telephone and video.

2) The dates of the Commission's sessions shall be set by its Chairperson after consultation with the members of the Commission.

Rule 17: Attendance at sessions

1) In accordance with Article 16 of the Statute, the Commission's sessions shall be held *in camera*. Its deliberations shall remain secret. In principle, only members and the Commission's Secretariat shall attend the Commission's sessions.

2) In case of unavailability, the member concerned shall inform the Chairperson as soon as possible.

3) The Commission may nonetheless invite other persons whose presence it may consider useful.

4) If the person is not already bound by rules of confidentiality of the Organization, Rule 3 above shall apply *mutatis mutandis*.

Rule 18: Relations between Chambers

The meetings of the Supervisory and Advisory Chamber and of the Requests Chamber shall be scheduled in a manner that allows members of each Chamber of the Commission to consult and/or participate as non-voting members in the work and deliberations of the other Chamber, as provided in Article 6 (2) of the Statute.

**CHAPTER 7:
CONCLUSIONS OF THE COMMISSION**

Rule 19: Conclusions

1) For the purposes of the present Rules, conclusions of the Commission include any decisions, opinions and recommendations made by the Commission.

2) In accordance with Articles 26 (1) and 38 (1) of the Statute, decisions of the Chambers of the Commission which require any action by the General Secretariat to ensure compliance with INTERPOL's rules are binding decisions.

- 3) Conclusions of the Commission are in principle reached during its sessions, except in the case of delegation of powers in accordance with Article 17 of the Statute. Conclusions may be reached by the Commission also in between the sessions, if necessary and deemed possible.
- 4) In accordance with Article 27 (1) of the Statute, when the Commission considers that it has received sufficient information to reach a conclusion on a question or case under examination, it shall draw reasoned conclusions.

Rule 20: Quorum

- 1) The quorum of the Commission as a whole shall be four members present and voting.
- 2) The quorum of the Supervisory and Advisory Chamber shall be two members of that Chamber present and voting.
- 3) The quorum of the Requests Chamber shall be three members of that Chamber present and voting.
- 4) If there is no quorum, the Chairperson shall adjourn the session of the Chamber concerned.

Rule 21: Votes

- 1) A member shall vote in the Chamber he/she has been elected to. The Chairperson shall vote in both Chambers.
- 2) Each member of the Commission shall have one vote. Votes shall be taken by a show of hands, unless decided otherwise.
- 3) The conclusions of the Commission as a whole shall be reached by a majority of the members of the Commission, subject to Rule 34 below. The conclusions of each Chamber shall be reached by a majority of the members of the Chamber concerned. Members shall not abstain from deciding on the admissibility of a request and from adopting conclusions.

- 4) In the event of an equality of votes, a fresh vote shall be taken and, if there is still equality, the Chairperson shall have a casting vote.

TITLE 2:
SUPERVISORY AND ADVISORY CAPACITY

Rule 22: General provisions

- 1) For the performance of its functions, as stated in Article 26 of the Statute, the Supervisory and Advisory Chamber may seek information or clarification from the General Secretariat, in particular its Data Protection Officer, and the sources of data processed through INTERPOL's channels, or may invite them to provide any information.
- 2) In this respect the Supervisory and Advisory Chamber may set timeframes within which the General Secretariat or the source of data consulted shall provide the information requested or any comments concerning its decisions, opinions or recommendations.

Rule 23: Supervision and advice

- 1) The Supervisory and Advisory Chamber may examine and assess in light of INTERPOL's rules, any matter involving the processing of personal data in the INTERPOL Information System, to identify any potential sources of risks and to provide guidance on the processing of data, including to ensure effective implementation of applicable rules.
- 2) For that purpose, the Supervisory and Advisory Chamber may undertake various checks. These checks may be decided in light of issues identified or questions raised by the Requests Chamber.
- 3) The Supervisory and Advisory Chamber may determine the scope and subject of these checks and the way in which they shall be carried out.
- 4) The Supervisory and Advisory Chamber shall inform the General Secretariat of the checks undertaken in the context of its supervisory capacity.

Rule 24: Notification of conclusions

- 1) The Supervisory and Advisory Chamber shall provide its findings to the General Secretariat. It may decide to address provisional findings to the General Secretariat, for comments or information.
- 2) The Supervisory and Advisory Chamber may also provide its findings to the Requests Chamber. It shall do so when the Requests Chamber asked it to address an issue identified in the context of the examination of requests.

TITLE 3:
REQUESTS

CHAPTER 1:
GENERAL PROVISIONS

Rule 25: Registration

The Requests Chamber shall register all requests it receives.

Rule 26: Joint examination

At the request of the applicants or at its own initiative, the Requests Chamber may decide to process together requests that relate to the same case or which raise the same or similar issues.

Rule 27: Additional information

- 1) In addition to consultations foreseen in Articles 21 and 34 of the Statute, the Commission may invite the applicant to provide further information or clarifications relating to his/her request, as well as to supply any additional items which may be needed in support of the request, within a set deadline.
- 2) The Commission may also invite the General Secretariat to provide its views on a case or on the implementation of INTERPOL's rules, within a set deadline.

Rule 28: Hearings

In accordance with Article 36 of the Statute, the Commission shall meet applicants, or their duly authorized representatives or hold hearings, if it considers this necessary for the examination of a request.

Rule 29: Confidentiality

- 1) In accordance with Article 20 (2) of the Statute and with Rule 13:above, the information, work and files of the Commission are confidential. In the exercise of their duties, the members of the Commission and its Secretariat shall consider as confidential all information, work and files that come to their knowledge as a consequence of, or in connection with their membership of the Commission. They shall take all appropriate measures to respect the confidentiality of a request, and of the items making up the request submitted to the Commission.
- 2) When necessary, special handling procedures may be adopted by the Requests Chamber to ensure specific confidentiality requirements.

CHAPTER 2:
ADMISSIBILITY OF REQUESTS

Rule 30: Criteria of admissibility of requests

- 1) A request shall be considered admissible if the following conditions are met:
 - a. the request includes an original letter sent by post and signed by the applicant, explaining the purpose of the request;
 - b. it is written in one of the Organization's working language (Arabic, English, French and Spanish);
 - c. the request comes from the person whom it concerns, or from that person's duly authorized representative(s);

- d. where the applicant is represented by a duly authorized representative, the request shall be accompanied by an original power of attorney signed by the applicant authorizing his/her representative to access any information about him/her recorded in INTERPOL's files;
 - e. where the applicant is represented by a legal representative, the request shall be accompanied by the corresponding written declaration or certificate;
 - f. where the applicant is an entity, the request shall be accompanied by documents showing that the individual who lodged the application on behalf of the entity has standing or authority to represent the entity, for example an extract from the Chamber of Commerce register or minutes of the governing body;
 - g. the request shall be accompanied by a copy of a readable and non-redacted identity document belonging to the applicant in order to prove his/her identity. Where the applicant is an entity, the full name, date of incorporation or registration, the official registration number (if any), and the official address shall be provided;
 - h. where the applicant submits a request for correction and/or deletion of information processed in the INTERPOL Information System, the request shall set out the reasons, and be accompanied by a summary of arguments in support of the request, making specific reference to any relevant attached document in the form provided for by the Secretariat. The Requests Chamber shall only take into consideration the attached documents which are or have been translated into one of INTERPOL's working languages, as described in paragraph 1 (b) of the present Rule 30.
- 2) If, upon receipt of such request, further information is needed from the applicant to determine the admissibility of the request, the Requests Chamber shall invite the applicant to submit any missing or additional information within a given time limit. At the same time, the Commission shall inform the applicant that as a consequence of the failure to provide the information requested within the deadline that it specified, no admissibility decision nor further action will be taken in respect to the request concerned.
 - 3) The examination of such request may continue if the requested information is submitted at a later date.
 - 4) The Requests Chamber shall not deal with requests when it considers them as:
 - a. clearly unreasonable, for instance, because of their repetitive or systematic nature;
 - b. not within the Requests Chamber's competence, as set out in the Statute.

In such cases, the Commission may refrain from carrying out the action or actions requested and shall not be obliged to reply to the person or persons introducing the request.

Rule 31: Decision on admissibility of requests

- 1) Once the criteria of admissibility established in Rule 30 above have been fulfilled, the request shall be declared admissible.
- 2) If the criteria of admissibility established in Rule 30 above have not been fulfilled, the Requests Chamber shall declare the request inadmissible.
- 3) In both situations, the Requests Chamber shall inform the applicant of its decision at the earliest opportunity in accordance with Article 32 (1) of the Statute.
- 4) A decision not to deal with a request in whole or in part shall be explained to the applicant.

**CHAPTER 3:
CONCLUSIONS OF THE REQUESTS CHAMBER**

Rule 32: Notification of conclusions

- 1) In compliance with Articles 40 and 41 of the Statute and with Rule 19:(4) above, when its conclusions have become final, the Requests Chamber shall provide the reasoned conclusions to the General Secretariat and to the applicant, within the time frames set by the Statute and by the Commission.
- 2) The Requests Chamber may also decide to address interim conclusions or interim replies to the General Secretariat and to the applicant.

**TITLE 4:
FINAL PROVISIONS**

Rule 33: Non-derogation

The present Rules shall not be construed as derogating from any of the provisions of the Statute of the Commission.

Rule 34: Entry into force of the Rules and amendments

- 1) The present Rules shall enter into force upon adoption by at least five members of the Commission.
- 2) Any proposal for amendment to the present Rules shall be communicated to the Secretariat to the Commission at least one month before the session at which it is to be discussed. On receipt of such a proposal, the Secretariat shall inform all members of the Commission at the earliest possible moment.
- 3) Any Rule may be amended by a majority of five members of the Commission. The amendments shall enter into force upon adoption.
