

Speech delivered by Mr Billy Hawkes, Chairman of the Commission,
to INTERPOL's General Assembly
(80th session, Hanoi, Vietnam, November 2011)

Mr President,
Mr Secretary General,
Ladies and Gentlemen,

It is again my privilege to present the Annual Activity Report of the Commission for the Control of INTERPOL's Files.

The Report represents the dedicated work of the members of the Commission who served up to this year. I am glad to report that the same degree of dedication is being displayed by the members you appointed at last year's General Assembly, ably assisted by our Secretariat.

The Commission has continued to serve the Organisation by acting as an independent watchdog on how the Organisation lives up to the standards it has set itself on the processing of personal information. We serve the Organisation in three main ways:

- Providing advice on issues that involve the processing of personal data
- Carrying out inspections of the Organisation's data processing operations
- And dealing with complaints from individuals who assert their rights have been infringed by the manner in which the Organisation has dealt with them.

It is important that INTERPOL is seen, not only as an effective tool of international police cooperation, but also as an organisation that fully accepts, and is seen to accept, the rules of the international community. The Commission therefore welcomes the decision taken by this Assembly to register INTERPOL's Constitution with the United Nations.

The Commission has contributed to the work of ensuring that INTERPOL has a robust system of data protection which respects the rights of individuals while recognising that the sharing of sensitive personal data is at the heart of effective international police cooperation. The Commission has participated in the work of the GTI Group which has produced the new **Rules on the Processing of Personal Data** which have been approved by the Assembly. The Rules recognise the profound change brought about in the manner in which INTERPOL operates with

the introduction of the *I-Link* system and the increased responsibility given to NCBs to ensure that data entered into INTERPOL systems complies with the Organisation's rules. The Commission has given a favourable opinion on the Rules. The Commission particularly welcomes the new requirement that each NCB must have a dedicated Data Protection Officer to work alongside the officer responsible for data security.

The Commission looks forward to working with the Organisation on the specific rules that relate to its functions in the new system.

The Commission has also made an independent contribution to the review of the Organisation's Rules by commissioning an **external benchmarking study** of the quality of the system of data protection within INTERPOL. The study concluded that INTERPOL has a robust system of data protection which generally compares well with international benchmarks. It noted the challenges represented by the introduction of the *I-Link* system and also the increasing tendency to question the immunity of international organisations. The study made some suggestions for how the system of data protection within INTERPOL might be improved. We have been discussing these suggestions with the General Secretariat and the Executive Committee. Some are already reflected in the new Rules on Data Processing which you have approved. Others require further consideration to ensure an appropriate balance that reflects both the rights of individuals and the exigencies of international police cooperation.

In its inspection work, the Commission has had a particular focus on **the impact of the *I-Link* system on data quality**. It is obviously essential that NCBs can rely on the quality of information being processed through INTERPOL channels if they are to be willing to act on this information - especially where Red Notices are concerned. It is important to remember that, for the individual, being listed as "wanted" by INTERPOL has very significant consequences - much more so than being sought in a single country. This is both the greatest merit of INTERPOL, but also one that carries significant risks for the Organisation and its members if its rules on data protection are not sufficiently rigorous or, more importantly, if they are not applied in practice. For an Organisation of 190 members, this will always be a significant challenge.

The enhanced status that INTERPOL seeks for its Red Notices will only be achievable if the Organisation can offer guarantees that these Notices are based on reliable information and are issued strictly in accordance with the Organisation's Rules. The Commission has been concerned at the delay in implementing appropriate control mechanisms in *I-Link*. In its inspections it has noted the negative impact of the absence of adequate control mechanisms on

data quality. It has recently received assurances from the General Secretariat that its concerns - which I am sure would be shared by delegations - are being addressed by having extra personnel assigned to the work of checking requests coming from NCBs to ensure that they meet the basic standards set by the Organisation. The Commission will continue to monitor the situation closely in its future inspections.

The increased focus on the responsibilities of NCBs also makes it essential that the Organisation steps up its **training activities** for NCB personnel. The Commission welcomes the efforts already made to this end. Clearly there is a lot of work yet to be done in this area. The Commission remains ready to provide any assistance that it can to the Organisation in this important work.

Another issue of concern to the Commission remains the arrangements for the issue of **INTERPOL-UN Special Notices**. Recent changes in the political situation in certain countries have highlighted the fragility of the system for the issuance and withdrawal of such Notices by the UN Security Council. It is important that this issue is kept under review, taking account of the possible risk to the legal immunity of the Organisation.

The Commission continues to deal with an increasing number of **complaints** from individuals who allege that information about them is either inaccurate or not in compliance with the Organisation's Rules. The complaints are increasingly complex. They are often presented by lawyers, some with direct knowledge of the operations of INTERPOL. Each such complaint is examined carefully by the Commission in conjunction with the General Secretariat and the relevant NCBs. In the vast majority of cases, the Commission concludes that the Rules of the Organisation are being respected but may recommend that information be corrected or updated. In order to reach such conclusions, the cooperation of NCBs is essential in order to provide the information necessary to rebut the allegations made by the complainants where these are not justified. This involves, as a minimum, provision of appropriate documentation - in particular copies of arrest warrants. Where NCBs do not cooperate with the Commission, it has no choice but to recommend that information on the individuals concerned be deleted from INTERPOL databases or blocked if the General Secretariat considers that it can succeed in obtaining relevant information where the Commission has failed to do so. So, on behalf of the Commission, I appeal to delegations to cooperate fully with Commission investigations. In return, I can assure you that the Commission will fully respect the rights of Member Countries, in accordance with the principle that data in INTERPOL systems belongs to them.

In conclusion, may I, on behalf of the Commission, congratulate the Executive Committee, the General Assembly and the Secretary General and his staff on the significant progress made by INTERPOL in the past year to be an even more effective instrument of international police cooperation.

The Commission is convinced that the Organisation can continue to do its valuable work while respecting the rights of individuals in the spirit of the Universal Declaration of Human Rights. The Commission will continue to work with the Organisation in this spirit.

Thank You