

Speech delivered by Mr Billy Hawkes, Chairman of the Commission,
to INTERPOL's General Assembly
(81st session, Rome, Italy, November 2012)

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 situation regarding the processing of personal data by INTERPOL has changed dramatically in the past 2 years. The new Rules on the processing of data that came into effect last July provide an updated legal framework. The Rules complement the radical change brought about by the introduction of the I-Link system. They include significant provisions on the protection of personal data and have been broadly welcomed by the Commission.

One of the main changes has been the shift to National Central Bureaus of the role of entering data, including requests for Notices, in the Organisation's systems. This shift should lead to a welcome improvement in the speed of response of the Organisation's members to requests for assistance from other members. But with increased authority comes increased responsibility. The Commission has been concerned to ensure that NCBs have the tools to discharge this new responsibility in a way that respects the rights of individuals. This is a responsibility of all personnel of NCBs. But the role of the Data Protection Officer is particularly important. It is essential that these officers have the knowledge and independence to challenge inappropriate uses of the I-Link system and of INTERPOL's tools. There is an important role for the General Secretariat in ensuring that these Officers have the knowledge to discharge their responsibilities in accordance with the Rules. The Commission remains ready to assist in the necessary training of the Officers concerned and of their colleagues responsible for data security.

NCBs and their Data Protection Officers are the first line of defence in relation to data protection. But the General Secretariat continues to play a vital role in ensuring respect for INTERPOL's Rules. It is essential that Notices - particularly Red Notices - are only issued in strict conformity with the Organisation's Rules. The Commission had been concerned that quality control of Notices was inadequate, taking account of the serious impact on individuals of such Notices. I am glad to report that, in its recent inspections, the Commission has noted a significant improvement in the effectiveness of the checking methods used by the General Secretariat. There has been a necessary and welcome improvement in the quality of oversight by the General Secretariat, resulting in NCBs being in a position to place greater reliance on Notices and Diffusions for wanted persons. The Commission in its work will continue to focus on compliance with the Rules on Notices. Failure in this area could expose the Organisation to serious reputational risk.

The general approach of the Commission follows the old saying “prevention is better than cure”. In relation to projects, the Commission has expressed concern at a general failure to provide systematic oversight of the data protection aspects of such projects. The advisory role of the Commission in this area is crucial. The Rules rightly provide that new projects involving the processing of personal data be referred to the Commission for advice. The Commission can be of most use to the Organisation when its advice is sought with appropriate information at an early stage of project development when the expertise of members – and especially of its IT expert – can be brought to bear.

The Commission has recently faced difficulties in obtaining the information needed to fully discharge its mandate under the Organisation’s Constitution. Having discussed the problems with the Secretary-General, I have been assured that these difficulties will not persist into the future and that any obstacles to the effective discharge by the Commission of its duties will be removed. The establishment of a dedicated Data Protection Office within the General Secretariat could be helpful in this respect as well as signalling a commitment to ensuring better compliance with the Organisation’s Rules.

As indicated in the Report before the Assembly, the Commission continues to serve the Organisation by acting as an independent watchdog on how the Organisation lives up to the new and demanding 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.

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 often complex and presented by lawyers with direct knowledge of the operations of INTERPOL. We have also noted increased involvement of human rights organisations in supporting these complaints. Each such complaint is examined carefully by the Commission in conjunction with the General Secretariat and the relevant NCBs. In the 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 a small number of cases the Commission concludes that the files should be deleted for non-compliance with the Rules.

The cooperation of NCBs is essential to provide the information necessary to rebut the allegations made by the complainants where these are not justified. The Commission has been happy to note improved cooperation of NCBs with its investigations. 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 pending the provision of satisfactory information. I again appeal to delegations to cooperate fully with

Commission investigations, including allowing the Commission to provide relevant information to complainants. I am happy to report that NCBs are showing increased willingness to provide a minimum amount of information to complainants. In return, I can assure you that the Commission will fully respect the rights of Members, in accordance with the principle that data in INTERPOL systems belongs to them, and will scrupulously avoid damaging essential international police cooperation.

The Commission pays particular attention to complaints in relation to Red Notices. The revised Rules on such Notices approved at last year's Assembly require NCBs and the General Secretariat to only use these powerful tools of police cooperation where serious crime of international interest is involved. The Commission is systematically applying the new Rules in dealing with complaints about Red Notices, with a particular focus on the increasing number of complaints that involve allegations of misuse of such Notices for political purposes or where commercial or family disputes are involved. It is obviously in the interests of effective international police cooperation and of the reputation of the Organisation that great care is taken that the issue of each such Notice fully accords with the Rules.

INTERPOL is at a crossroads in terms of its development. Under the guidance of the Executive Committee and the Secretary General, it has equipped itself with the tools to be a more effective instrument of international police cooperation. The Ministerial Conference held on Monday highlighted the vital role of such cooperation in the fight against increasingly global and sophisticated crime. But in discharging this vital role it must demonstrate that it respects the rights of individuals and prevents misuse of its systems. It must also be conscious that its activities are coming under increasing external scrutiny. The Organisation should be in a position to point to the appropriateness and effectiveness of its control mechanisms in order to be able to withstand, and indeed welcome, such scrutiny. I note and welcome that the Asian regional conference held in Jordan in September called for greater focus by the General Secretariat and by NCBs on the necessity for police forces to ensure respect for data protection norms as reflected in the Organisation's Rules. The Commission will continue to play its part in this important task.

Thank You
