



SPEECH DELIVERED BY
Ms Teresa MCHENRY, CHAIRPERSON OF THE CCF
AND Mr Mohamed KAMARA, VICE CHAIRPERSON,
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Mr. President,
Mr. Secretary-General,
Distinguished Delegates,

My name is Teresa McHenry, and I am honored to address you today as the Chairperson of the Commission for the Control of INTERPOL's Files.

I am accompanied by the Commission's Vice-Chairperson, Lt. Colonel Dr. Mohamad Kamara, who will share the presentation with me, and with Ms. Florence Audubert, longtime head of the Secretariat which supports the Commission. As you know, the CCF is an integral part of INTERPOL, and as we are fond of repeating the wise words of our outgoing SG, that if we didn't have an independent CCF, we wouldn't still have red notices.

Pursuant to the CCF's statute adopted by the General Assembly in 2016 and in force since March 2017, the CCF oversees the processing of personal data in INTERPOL's files and allows individuals to access and request deletion of data held by INTERPOL. The basis of all our work is set out in the CCF Statute and some of you may already be familiar with it. Nonetheless, because it is essential to understanding our work, we thought it necessary to again repeat some fundamentals.

As set out in more detail in our annual report, the CCF's guiding principles include: independence and impartiality, security and confidentiality, efficiency, anticipation and innovation, and transparency and support.

In practical terms, the Commission has a supervisory function, an advisory function, and a quasi-judicial function through its processing of individual requests by Applicants who seek to find out if INTERPOL has data concerning them or who seek to have data deleted.



In its quasi-judicial role, the Commission has by design the difficult task of deciding on the application of INTERPOL's rules in circumstances of conflicting interests between the applicants (individuals who have lodged a request before it), and the NCB¹ sources of these challenged data.

The Commission is bound by its Statute to adopt final decisions on individual requests within strictly defined time limits. Indeed, the right of parties to be provided with a reasoned conclusion on their claim within reasonable delays is a crucial component of the right to an effective remedy. The ability of the CCF to provide an effective remedy is relied upon by INTERPOL in defending INTERPOL's immunity from national courts.

Absent exceptional circumstances, the Commission is required under the statute to decide on requests for access within 4 months and on requests for deletion within 9 months, starting from the date they become admissible.

Your authorities' cooperation, which is required under INTERPOL's rules, is central to the ability of the Commission to review the legal compliance of data in INTERPOL's files.

It is only with the cooperation and support from your NCBs that the Commission can most effectively fulfill its role of protecting the Organization. I emphasize timely and adequate answers to the CCF inquiries because it is essential to have the relevant information in order to meet our statutory deadlines. For example, it is important that NCBs respond with adequate information to confirm the position when asked questions about claims of extradition denial, protective status, court decisions dismissing charges, the validity of arrest warrants, and that NCBs provide direct and concise answers to questions regarding applicable laws and the charges.

We want the relationship between NCBs and the CCF, and between Applicants and the CCF, to be of mutual respect and understanding of each other's roles and competencies, understanding that we may not always agree. In that regard, we continue to work with NCBs and with IPSTG to ensure that NCBs understand the different roles of the NDTF² and the CCF, with the CCF's role being limited to deciding requests made by Applicants for correction or deletion of data.

As we have said before, although the Commission decides cases, we do NOT operate in the same manner as a judicial tribunal at national level. The Commission does not decide on the veracity of any accusation, and we do not make general pronouncements regarding a judicial system. Furthermore, we do not decide

¹ INTERPOL National Central Bureaus

² IPSTG Notices and Diffusions Task Force



on the appropriateness of extradition in particular circumstances. The entirety of the Commission's work focuses on one question: whether the data under review are compliant with INTERPOL's rules.

Thus, for example, it is certainly the case that we have instances where an applicant claims that the proceedings are politically motivated in some way and the evidence against him is false, while the NCB reports that the applicant is accused of serious financial or corruption related crimes and describes the witness and documentary evidence that exists against the person. In such cases, the CCF must evaluate all the information presented to it to determine if whether under INTERPOL's rules, the data appear to have a political predominance. But in making this determination, the CCF does not make a finding of facts, including whether the facts as presented by the Applicant, or the NCB are actually true. Those who are concerned about abuse of the INTERPOL process sometimes point to this limitation as allowing some countries, particularly those who understand the limitations of the CCF's jurisdiction, to potentially abuse the system. But under our rules, we do not and cannot become a trial court evaluating the validity or strength of the evidence. Instead, we evaluate the information provided by both applicants and NCB's and overall context of the case to decide whether there is political predominance in a particular case.

Now we will discuss briefly some information about the Commission's work in 2023.

As you may know, the CCF has two chambers who work together-the Supervisory and Advisory Chamber and the Requests Chamber. In 2023, the Supervisory and Advisory Chamber provided numerous consultations to the INTERPOL General Secretariat on the compliance of ongoing projects and procedures that entail the processing of personal data in INTERPOL's files.

Starting with the supervisory and advisory part of the CCF's work, generally handled by Chamber 1 of the CCF, Chamber 1 of the CCF was very active, with a high volume of meetings, discussions, and decision-making activities. It provided advice and oversight on over a dozen INTERPOL projects, including draft cooperation agreements, new databases, and new technical developments, including large data sets or the use of artificial intelligence. The CCF gave an opinion on the development of INTERPOL's "Worst of" List (IWOL) of websites publishing child sexual abuse material which is being presented to the GA this year. The CCF also conducted spot checks and examined four major legal and technical matters involving security and integrity of data, and data protection standards.

Now, some information about the processing of requests handled primarily by Chamber 2 also known as the Requests Chamber.

The number of requests before the CCF continued to dramatically increase. In 2023, the CCF received 2,793 requests and closed 2,238 requests. The numbers of requests received and closed are the highest



numbers ever encountered by the CCF, representing a 70 per cent increase in requests from 2021 and a 24 per cent increase from 2022.

The number of closed cases, in other words, the number of requests dealt with and completed by the CCF is also the highest number, which is 2238. It is a high number but not sufficient to keep up with the increasing number of cases, so our backlog is increased.

We note with sincere regret that this increase in workload has meant that the CCF has not always been able to immediately respond to questions from applicants or from NCBs concerning the status of their matters. Furthermore, the workload of the CCF, as well as the workload of those parts of IPSG that are responsible for letting the CCF know if there are data, has resulted in the CCF not always being able to fulfil its statutory deadlines. This delay is a serious concern, for applicants, for NCBs, for the CCF and for INTERPOL as a whole.

We can assure that the CCF has been and continues to work to try to address the workload challenges. And we understand that IPSG is working to address the significant delays experienced by the CCF when it asks IPSG to search its databases to determine whether data about an applicant exist.

The Commission has continued to develop its internal procedures, The Commission has also sought additional resources and information technology tools to enable it to fulfil its statutory mandate. IPSG recently completed an audit by a consulting firm, and the audit confirmed that additional personnel and IT tools were needed for the CCF Secretariat, and the CCF looks forward to working with IPSG on implementing the recommendations. As you may know and will hear more details about in the next presentation, the CCF has also requested increased compensation for the 7 CCF members because they need to spend more time on their CCF work. As anyone who is the part of the CCF can attest, and as the independent audit recently conducted concluded, the members have insufficient paid days to adequately review and deliberate on each case .

Given the time needed to develop new IT tools and hire new persons in the CCF Secretariat, and then integrate the resources into the process, we don't anticipate short term improvements and indeed, we believe that the CCF delays will be worse for 2024 and likely for 2025, but we are optimistic about medium term improvements if the additional resources and adequate IT tools are provided.

Let me turn for a bit to some of the ongoing initiatives of the CCF. As part of our continued efforts to have better communication with NCBs and as some of you may know, we developed in 2023 a detailed questionnaire sent to NCBs asking what sort of additional information or training about the CCF they would like. Using what we learned from the 62 NCBs that responded, we put on line an e-learning module



about the CCF. We have also this last year done some training of various country delegations remotely and in Lyon, and we are working on a video for applicants.

In the coming year, we want to continue, resources permitting, to support training and better communication both with NCBs and with civil society. As part of our commitment to increased transparency, the CCF has put more information about some of our policies and continues to put new anonymized decisions on our website. So, we have made improvements in transparency, and we would very much like to do more, though the priority, given our limited resources, has been and continues to be to resolve cases within the statutory deadlines. We note that both NCBs and civil society want more anonymized decisions, and civil society has been requesting more statistics and information, such as about the countries involved in CCF cases. The CCF will be looking at what and when it can further increase transparency though next year, we plan as our highest priority, to continue to work on handling our large number of cases and working to obtain and integrate resources necessary to handle the cases.

Another high priority in the coming year will be engagement in the process that is being run by the CPD³ to review aspects of the CCF statute to explore possible amendments to it. IPSPG initially proposed a review of the CCF statute as it has been 7 years since it was enacted, and the CCF agreed that a review was appropriate. The specifics of what topics should be reviewed has been the subject of much discussion between CCF and IPSPG, with everyone agreeing that any changes to the statute should not threaten the CCF's independence but not always agreeing what that means in practice. And just because of the workload I previously mentioned, the CCF would have preferred that the review be postponed for a bit. Nonetheless, for understandable reasons, the decision was made that the review should start now, and the CCF will be constructively contributing to that review. And although the focus of the CPD is the CCF statute, I am sure that as part of the process of discussion with NCBs and presumably also with civil society, the CCF will identify parts of the CCF operating rules or practices that could be improved without statutory amendment.

Indeed, I remind you that as part of our efforts to continually assess and improve the functioning of the Commission, we always want suggestions and feedback.

I will end here. On behalf of the Commission, I thank you for your attention and for your continued support for our work.

³ The INTERPOL Committee on the Processing of Data