

Commission de Contrôle des Fichiers de l'O.I.P.C. - Interpol

Commission for the Control of Interpol's Files

Comisión de Control de los Ficheros de la OIPC-Interpol

لجنة الرقابة على محفوظات الـ م د ش ج – انتربول



**SUMMARY OF THE WORK OF THE COMMISSION FOR
THE CONTROL OF INTERPOL'S FILES
2003**

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1. COMPOSITION OF THE COMMISSION IN 2003

Article 16 of the Rules on International Police Co-operation and on the Internal Control of Interpol's Archives (henceforth referred to as the Rules on Police Co-operation), which takes up the provisions of the Exchange of Letters concerning organization of the internal control of the archives held by the ICPO-Interpol, states that "*The Commission for the Control of Interpol's Files shall be composed of five members of different nationalities. (...)*"

The terms of office of the current members began in January 2002 for a period of three years. In 2003, following changes in their professional positions, some of the members were unable to continue on the Commission and new members were appointed to serve for the remainder of the three-year period.

The composition of the Commission is currently as follows.

| <u>POSITION</u> | <u>MEMBER</u> | <u>ALTERNATE</u> |
|--|--|---|
| Chairman | Mr Peter HUSTINX (Netherlands) President of the Dutch Data Protection Authority | Mr Josef RAKOVSKY (Czech Republic) Judge at the Supreme Court of the Czech Republic |
| Member appointed by the French Government | Mr Michel GENTOT Chairman of the <i>Commission Nationale de l'Informatique et des Libertés</i> , (Chairman of the French Commission on EDP and Freedom) <i>Président de section honoraire du Conseil d'Etat</i> (Honorary Section Chairman, Council of State) | <p><i>Until 29 July 2003:</i> Mr Pascal GIRAUT Secretary General of the <i>Ecole Nationale d'Administration</i> (training college for senior civil servants) and former <i>Adjoint au sous-Directeur des libertés publiques et de la police administrative</i> (deputy to the assistant director for public freedoms and administrative police), French Ministry of the Interior</p> <p><i>Since 29 July 2003:</i> Ms Pascale COMPAGNIE <i>Chef du Bureau des Libertés publiques au Ministère de l'Intérieur, de la Sécurité intérieure et des Libertés locales</i> (Head of the department for public freedoms at the Ministry of the Interior, internal security and local freedoms)</p> |

| | | |
|--|--|---|
| Data-protection expert | Ms Elizabeth FRANCE (United Kingdom) Office of the Telecommunications Ombudsman | Ms Kinga SZURDAY (Hungary) Senior Counsellor at the Public Law Department, Hungarian Ministry of Justice |
| Executive Committee member | <i>Until 2 October 2003:</i> Mr Neal PARKER (Canada) Superintendent, Royal Canadian Mounted Police, International Liaison Branch | <i>Until 2 October 2003:</i> Mr Eduardo MOLINA FERRARO (Uruguay) Director of national police and assistant director general of the Uruguayan Ministry of the Interior |
| | <i>From 2 October 2003:</i> Mr Rodolfo DE LA GUARDIA GARCIA (Mexico) Director General de Despliegue Regional Policial (Director General, Regional police deployment) | <i>From 11 February 2004:</i> Mr Juris JASINKEVICS (Latvia) Deputy Chief of the Criminal Police of Latvia |
| Information technology expert | Mr Iacovos THEMISTOCLEOUS (Cyprus) Head of the Information Technology Department of the Central Information Service, Cyprus Police | Mr Oleg BLUDOV (Russian Federation) Sub-Division Head, Information and Technical Development Division, Interpol Moscow |

2. THE COMMISSION'S ROLE

In conformity with the provisions of the Exchange of Letters between the French Government and Interpol, and of the Rules on International Police Co-operation, the Commission has a dual role: a supervisory role in the processing of requests from private individuals and of spot checks that it carries out in Interpol's files, and an advisory role vis-à-vis the Organization.

The Commission emphasizes that while its tasks have not changed, it now has a significantly greater role in advising the General Secretariat on matters concerning the processing of personal information.

The Commission considers that it is important to continue along these lines so that it can provide the Organization and those involved in international police co-operation with constructive assistance, with due respect for basic human rights.

By virtue of its composition, and as laid down in Article 1.3 of the Agreement between the Commission for the Control of Interpol's Files and the ICPO-Interpol General Secretariat and in Article 19 of the Rules on International Police Co-operation, the Commission acts entirely independently. Again in 2003, it held four two-day sessions at the Organization's Headquarters in Lyon. Its sessions are held *in camera*.

2.1 Priorities set by the Commission

To enable it to work as efficiently as possible, and given its workload (which notably stems from the number of requests to be processed), the Commission listed the following five subjects as priority items for its forthcoming sessions:

- requests
- spot checks
- developments in the processing of files affected by Article 3 of the Organization's Constitution
- the Organization's new projects relating to information processing
- the preparation of information-processing and control rules.

If necessary, other issues will also be considered from time to time, in particular at the request of the General Secretariat.

3. ACCREDITATION OF THE COMMISSION

The Commission's accreditation as an independent body for supervising the processing of personal information was granted during the closed session of the 25th International Conference of Data-Protection Commissioners, which was held in Sydney, Australia, in September 2003.

The Commission is one of the very first international bodies to have been given such accreditation.

4. THE PROCESSING OF REQUESTS

4.1 Increase in the number of requests

The Commission noted a significant and continuing increase in the number of requests, particularly those sent via the Organization's Internet site, which made it very difficult to process them within a reasonable period of time. It received some 50 new requests in 2001 and over 160 in 2003. It therefore expressed its satisfaction at the procedure for processing requests established last year, which makes it possible to examine in session only those requests which raised specific questions or problems.

The Commission continues to seek further ways of making its processing of requests as efficient as possible. It is also considering laying down a number of criteria concerning the admissibility of requests, and the consequences to be drawn from the failure on the part of some NCBs to reply to the Commission's queries in the context of processing requests. So that admissible requests, or those that are likely to become admissible, can be processed within a reasonable time, the Commission has decided to take the following measures forthwith:

- requests from journalists will no longer be considered as requests to be dealt with by the Commission;
- requests that are automatically inadmissible will no longer be subject to processing checks in ICIS; only requests that are admissible or likely to become admissible will be examined in detail.

The interim reply letter sent to requesting parties will indicate a deadline beyond which their requests will be considered as inadmissible, if the documents needed to examine their requests are not received (e.g. copy of identity document and/or original copy of the power of attorney).

However, the Commission expects a further increase in requests for access when the area of the website devoted to the Commission is established. It will then determine what steps should be taken to process such requests.

4.2 Admissibility of requests

The Commission considers that when a parent applies for access to information about his/her child, proof of parenthood should be supplied.

The Commission considered as admissible a request submitted by a prisoner who had produced a certificate of presence to prove his identity, since the person was not in a position to produce any other document. It also considered admissible a request from a lawyer who had power of attorney in respect of a deceased individual.

The Commission considered that the requests submitted by an employer, by a spouse who was suing for divorce or who suspected her husband of bigamy, were inadmissible because the requesting parties had not been duly appointed by the persons concerned by the requests, and because there was a conflict of interests between the nature of access to the files and the purpose of the requests for access.

The Commission added that the admissibility criteria could be made flexible in the interest of the families or when the requesting parties were in distress.

4.3 Unreasonable requests

Referring to Article 9.5 of its Rules of Procedure, the Commission confirmed its previous decisions regarding the abusive nature of certain repeated requests which contained no new information.

4.4 Disclosure to requesting parties

- * The Commission confirmed its previous decisions to the effect that, when a requesting party knows of the existence of information concerning him, and the information in question has been destroyed, it is not appropriate to ask the source of the information for authorization to inform the requesting party of that fact. Nevertheless in such cases, the Commission will not give the reasons why the information was destroyed and will inform the NCB concerned of the disclosure made to the requesting party.
- * The Commission noted that the NCBs did not always reply to the requests it sent to them, in particular those asking for authorization to disclose the existence (or otherwise) of information in Interpol's files to a requesting party. Faced with the failure of some NCBs to reply to queries from the Commission in the course of processing requests, the Commission has decided to distinguish between several different situations:
 - If an NCB does not reply to the Commission within a reasonable period of time to reminders asking for authorization to disclose that there is no information about a person, the Commission will inform the NCB that, failing a reply on its part, the requesting party will be informed that there is no information.
 - When information has been recorded about a person when it should not have been, for example in a file on a case which turns out to infringe the provisions of Article 3 of the Constitution, and that information has subsequently been deleted from the database, the Commission ought to be able to inform the requesting party that the information concerning him has been destroyed.

4.5 Updating of information by the NCBs

Processing requests again showed that the sources of the information processed in Interpol's files did not always take care to ensure that the information they communicated to the Organization was properly monitored and kept up to date.

In conformity with the Commission's recommendation, the General Secretariat agreed to remind the NCBs, in the annual circular letter, of the need to update any information obtained through Interpol channels and stored in their national databases.

Lastly, the Commission feels that, when it consults an NCB because it is unsure about the justification for recording an item of information in ICIS, or about its validity, and the NCB fails to reply to the first request, the reminder letter should specify that if no reply is received within three months, the Commission considers that it should be able to recommend that the General Secretariat destroy the file concerned.

However, to ensure that the lack of any reply was not due to the Commission's request not having been received, the Commission's Secretariat should attempt to contact the NCB using several means of communication.

4.6 Disclosures of notices on websites operated by the NCBs

When processing a number of requests, the Commission noted that some NCBs published on their websites information about wanted persons in the form of notices issued by the General Secretariat. The Commission therefore stresses that:

- Since the General Secretariat's role is to verify that the rules the Organization has adopted on the subject are being respected, the General Secretariat is consequently empowered to exercise its discretion with regard to circulating information to the public at large, once it has the permission of the NCBs concerned to disclose the information in question. However, the texts currently in force in that respect do not have the legal status of a General Assembly resolution.
- Notices are issued by the General Secretariat, which is responsible for verifying the relevance of circulating extracts from them to the general public via the Interpol website, in application of the rules the Organization has adopted, and NCBs should obtain prior authorization from the General Secretariat before posting such extracts from notices on their own websites.
- The extracts from notices communicated via the NCBs' websites should be exactly the same as those posted on Interpol's official website.
- The information not published by the General Secretariat on its own website (control number of the notice, summary of facts of the case produced by the General Secretariat, etc.) should under no circumstances be communicated by the NCB as being elements of the notice, even though the NCB communicated the information to the General Secretariat.
- The General Secretariat should regularly remind the NCBs of the rules applicable to the circulation of extracts from notices over the Internet.

These recommendations have been taken into account in the draft annual circular letter which the General Secretariat will be sending out every year to the information sources to remind them of their rights and obligations, in application of the new Rules on the processing of information for the purposes of international police co-operation.

4.7 Corporate bodies

In order to allow the General Secretariat a reasonable amount of time in which to implement the planned changes, the Commission asked for a further report on the processing of information concerning corporate bodies, with specific examples.

4.8 Destruction of information

Following correspondence with the information sources concerned, the Commission decided to recommend the destruction of items of police information which had not been kept up to date by the NCBs, or which were no longer of international police interest. Its recommendations have been put into effect by the General Secretariat.

4.9 Information about persons whose entity files have been deleted

The General Secretariat accepted the Commission's recommendation concerning the processing of information about persons whose files have been deleted. This recommendation states that all information in files concerning persons whose nominal files have been deleted should be destroyed.

However, the destruction of all the information may prove impossible, firstly, if the information is connected to another item of information which can be retained (as long as that information does not concern offences for which the person has been tried and acquitted) or, secondly, if it is unreasonable to consider destroying all the information because of the cost or volume of work involved. When such an item of information is retained, the reasons for deleting the nominal file on the person concerned, and the fact that the information should be considered to have been deleted, should be very clearly indicated.

The Commission stressed the fact that the Implementing Rules should specify those items of information which can be retained about a person whose nominal file has been deleted.

5. SPOT CHECKS

5.1 Procedure

The Commission noted that the current procedure for carrying out spot checks allowed it to fulfil its role of adviser to the General Secretariat efficiently, and to give enlightened opinions on the different problems encountered during the processing of information. It therefore decided to continue with the same procedure.

The fact that the checks are carried out by its Secretariat which then discusses the findings (and possible solutions to any problems encountered) with the General Secretariat prior to the Commission's session makes it possible for the Commission firstly, to gain the best possible idea of how information was processed in ICIS and, secondly, to discuss a number of basic problems. Consequently, the Commission is able to fulfil its advisory role vis-à-vis the Organization more effectively.

5.2 Arrest warrants and directly accessible information

The Commission expressed its satisfaction regarding the General Secretariat's application of its recommendation concerning, firstly, the input of information relating to **arrest warrants**, judicial decisions and other legal documents giving rise to requests for arrest with a view to extradition and, secondly, direct access to such information via the ASF.

At the same time, the Commission emphasized that it should be possible to access more information directly, so that the user would be able to understand the purpose for which a file had been processed and obtain fuller, and therefore more accurate, information.

5.3 File retention period

The Commission noted that there were no clear rules for determining which items of information could justify extension of the retention period for an item of information. It considers that the updates made to the files should not lead to their retention periods being extended, unless the information is definitely of international importance for the police.

Given the difficulty of assessing the justification for such extensions of the retention period, the Commission suggested that the General Secretariat consider the possibility of only assessing whether it would be appropriate to postpone the deadline for examining the need to retain an item of information at the end of the five-year period, in the light of the importance of the complete file for international police co-operation.

The Commission also welcomed the initiatives taken by the General Secretariat in response to the recommendations it had made regarding processing files for which the deadline for examining the need for their retention had expired. It added that assessing the need to retain an item of information was an essential part of the processing procedure and could not be delayed.

The Commission emphasized the need for regular checks in this connection.

5.4 Formatted messages

On several occasions, the Commission noted that files such as those concerning drug cases, prepared on the basis of formatted messages, had been processed more quickly, more clearly, and with very few errors. The Commission therefore pointed out on several occasions that the use of formatted messages should be further developed, which would encourage the NCBs to provide relevant information.

5.5 New projects developed by the General Secretariat on the restricted part of its website

The Commission has taken note that the restricted part of the Organization's website is being used as the vehicle for a number of proactive, innovative data-processing projects. The greatest caution should be exercised in the development of such projects because of the inherent risks of processing information copied from Interpol's central database.

It also noted a number of irregularities, probably connected with the rapid development of one particular project, and made various proposals with a view to ensuring that all such projects conform to the information-processing rules the Organization has adopted, particularly with regard to updating information and data security.

The Commission will continue to work with the General Secretariat to seek improvements in this connection.

5.6 Status indications used in Interpol's files

During the spot checks, the Commission had wondered about the relevance of the statuses allocated to individuals who were the subject of files in Interpol's archives. It concluded that the list of the statuses which could be selected appeared clear and efficient.

The Commission nonetheless pointed out that the status "request for information" covered a number of very different concepts and said that, when files were opened, it was important to indicate clearly the status of the persons who were the subjects of those files.

5.7 Particularly sensitive information

The Commission reiterated that sensitive information should be processed with the utmost caution in view of the risks involved from the data-protection point of view, and that the procedures for processing such information should be written into the implementing rules.

The Commission stressed the fact that the recording of particularly sensitive information had to be justified by its specific international interest to the police. To allow the General Secretariat to examine the need to record the information, the Commission feels it is up to the NCBs as sources of the information, to clearly indicate the purpose for which they are communicating the information.

The General Secretariat has followed the Commission's recommendation and reminded the NCBs of their obligations connected with the communication of this type of information.

The Commission also suggested the General Secretariat should compile a list of such items of information and process them in such a way that they were clearly identifiable as being particularly sensitive by, for example, "flagging" them in ICIS or creating a special "sensitive information" field, notably in order to warn any person likely to access the information.

A comparison, by the Commission, of the rules applied in two member countries (Netherlands and United Kingdom) with the practice and rules of the Organization revealed a large number of similarities in the processing of such information.

The Commission wishes to consider the issue again in the light of precautions taken in Interpol's member countries, and in the light of the new Rules.

5.8 Accuracy of information

The Commission intends to follow up the improvements which will probably be made in the e-ASF regarding the accuracy of information relating to offences committed, and details of information which has been entered in ICIS but which can not currently be accessed directly by the NCBs.

The Commission is satisfied at the initiatives taken by the General Secretariat, in particular vis-à-vis the sources of information concerning persons who have been arrested and about whom no further information has been received from those sources. The Commission stresses that care has to be taken to ensure the ongoing validity of such important and sensitive information as the status of persons recorded in Interpol's databases.

5.9 Criteria for creating an entity

The question of the criteria for creating an entity in ICIS arose in connection with the processing of requests during spot checks.

The Commission discussed the question of the criteria for creating files on natural persons linked to corporate bodies which were the subject of files opened in their names. In that connection, it noted that there was no written rule to ensure uniform processing of files concerning persons (persons and corporate bodies). The Commission took note of the difficulty of establishing specific criteria for creating entity files for individuals, since the advisability of creating such files depended on the extent to which the individuals were involved, as indicated by member countries in the messages they sent.

The Commission welcomed the General Secretariat's initiatives aimed at reminding member countries of the general criteria required for recording items of information in ICIS. It nonetheless emphasized the importance, firstly, of establishing basic criteria which would make it possible to assess whether it was appropriate to create a nominal file for a person or simply to mention the person's name in the summary of facts of the case and, secondly, of forwarding those criteria to all those responsible for processing information. To that end, the Commission suggests that a number of standard cases be included in the guide for criminal data compilers and controllers.

The General Secretariat agreed to prepare a note for the Commission setting out the criteria for creating these entities. Specific examples would be given by way of illustration.

The Commission had also noted that entity files had been opened for individuals suspected of belonging to criminal organizations, although not all the criteria normally required for doing so had been met. The Commission is therefore of the opinion that, if the General Secretariat considers it necessary to establish criteria for entering specific data concerning persons involved – or suspected of being involved – in organized crime, the appropriate procedures should be clearly set out with the reasons and written into the implementing rules.

The General Secretariat will keep the Commission informed of developments.

5.10 Suspects

In the light of the information it has been given, the Commission considers it is possible to open files on suspects when their involvement has not been clearly established, so long as the NCB has provided enough information for the suspicion to be justified.

It did however emphasize the importance, firstly, of standardizing the processing of information on suspects and, secondly, of the precautions to be taken when processing such information, notably with regard to indicating the status of such people.

5.11 Management of access restrictions

The Commission pointed out that, by virtue of the principle of national sovereignty, the General Secretariat had to scrupulously observe the restrictions imposed by the NCBs and systematically take all the necessary steps to ensure that those restrictions were observed.

It agreed to carry out spot checks on the management of restrictions imposed by the information sources, especially in the light of the future security and classification rules.

The Commission approved the General Secretariat's plan to put in place a warning system to inform users that, before making any use of the information, they had to consult the General Secretariat and the source of the said information about any restrictions that might have been imposed. The Commission recommended that the plan be put into effect as soon as possible.

6. ADVICE AND OPINIONS FOR THE ORGANIZATION

6.1 Article 3

6.1.1 *Procedures developed by the General Secretariat*

- * The Commission considered highly pertinent the measures the General Secretariat had taken to make the processing of files being examined in the light of Article 3 as efficient as possible, pending the findings of the Working Group comprising representatives of member countries, who were responsible for examining the issue.

The Commission approved the General Secretariat's project to set up an administrative database for those cases which were being studied by the Legal Counsel's Office and for which recording in ICIS had been denied, in order to prevent any subsequent processing of the information without due consideration of the opinion already given. The Commission feels that such a database, access to which will be restricted, will guarantee respect for Interpol's rules and regulations concerning the processing of police information.

The Commission emphasized the importance of the transparent approach developed by the General Secretariat vis-à-vis the Organization's member countries in cases where it felt that the available information did not allow it to conclude that a case came under Article 3 of the Constitution, although some countries might consider it to be predominantly political in nature. The countries to whom requests were addressed must be given this information so that they can assess the validity of the request for police co-operation and the desirability of taking action.

- * In response to the General Secretariat's question about what the Commission felt a reasonable retention period would be, firstly, for the files recorded in this administrative database and, secondly, for the hard copies relating to these files, the Commission expressed the following opinion:
 - The retention periods for personal information constitute a key element in data-protection procedures, and it is therefore of the utmost importance for the periods to be defined in relation to the purpose for which the information is being held, and for the limits so defined to be respected.
 - Once a maximum retention period has been laid down, it is imperative that the need to keep the files be periodically reassessed.
 - The items of information stored have to be of value, i.e. needed to gain an understanding of the files concerned.
 - Lastly, the Commission recommends that the same retention periods be adopted for storing information in the computerized database and in the paper files.

The Commission nevertheless asked that annual spot checks be conducted to monitor the evolution of the database.

- * The Commission further pointed out that it was up to the requesting countries to supply sufficient evidence to prove the terrorist nature of the organization in question on the one hand, and, on the other, the individual's membership of that organization. The Commission considers that the second aspect is probably the most difficult to assess and that evaluation criteria can only be established in light of actual cases.

6.1.2 Role of the Commission with regard to Article 3

The Commission noted that the General Secretariat and the Commission did not approach Article 3 matters from the same standpoint. The role of the Commission – especially in the current context – is primarily to ensure that the General Secretariat introduces the necessary procedures and follows them. Even if it does not seem appropriate for the Commission itself to assess whether a case was predominantly political, military, religious or racial in character, it is not impossible for it, as part of its remit, to carry out such an assessment with the aim of providing a helpful and measured response.

Nevertheless, the new procedures reflect an important change in the way the Commission feels it should approach files in connection with which Article 3 issues arise.

6.2 New rules on the processing of police information

6.2.1 Preparation of the rules

The General Secretariat had involved the Commission in the preparation of the new rules on the processing of police information which were adopted by Interpol's General Assembly in September 2003. The Commission was pleased with the co-operation there had been with the Organization on all those issues, and stressed the importance of pursuing co-operation along those lines.

The Commission expressed a generally favourable opinion on the draft rules, saying that they achieved a balance between the requirements of international police co-operation, respect for privacy, and for national sovereignty as countries remained the owners of the information they supplied.

The Commission was also consulted by the working group involved in drafting the rules, regarding the frequency for examining the need to retain information for ten years in Interpol's files. The group wondered whether it would be possible to keep information about a person who was not wanted and then destroy it at the end of that period if no new information was received.

The Commission considered that a period of ten years was too long to be able to assess the relevance and quality of an item of information, particularly its accuracy and topicality. The five-year period currently in force was the minimum required to maintain the quality of the information recorded in Interpol's databases. The Commission stressed the importance of this question in the context of data protection.

The Commission endorsed the idea of regularly informing the NCBs of their rights and obligations relating to information they sent through Interpol, especially with regard to the accuracy of the information transmitted. This recommendation has also been included by the General Secretariat in the draft of the annual circular letter it will be sending to the NCBs (see 6.2.3 below).

6.2.2 Limitations on the right of free access to Interpol's files

At the request of some of the members of the Working Group on the Processing of Police Information (see 6.2.1 above), the Commission began to consider the question of accessing information communicated to the Commission by requesting parties, with a view to using that information for police co-operation purposes. It reasserted the basic principle of free access to the Organization's files, and confirmed that it was impossible to record such requests in the files for police co-operation purposes.

However, the Commission is frequently called on to suggest that certain elements of a request be included in ICIS. The Commission does feel that it is within its remit to communicate information contained in requests which will make it possible to update the Organization's databases (when it considers it appropriate), in order to ensure Interpol's files comply with data-protection principles, and if communicating such information is not prejudicial to the requesting party.

Nevertheless, the Commission had reservations about the idea of drawing up a list of exceptions to the principle of free access to Interpol's files. It reiterated that its mandate was to process requests for access to Interpol's files and, that it alone could determine – on a case-by-case basis – whether information contained in a request could be processed in ICIS. However, a certain number of cases had been identified: the Commission would have to study them individually in the light of specific examples.

In addition, the Commission noted that, in order to process requests, it had to communicate some of the information contained in them to the General Secretariat and the NCBs concerned, even though that information was not intended for processing in police files.

The Commission is continuing its work on these issues.

6.2.3 *Introduction of the new rules*

- * The Commission welcomed the procedures developed by the General Secretariat to ensure that any project involving the processing of police information, by or through the Interpol police-information system would respect the Organization's new rules.
- * The Commission appreciated the succinctness and preciseness of the annual circular to information sources, and the fact that the General Secretariat had taken account of its remarks concerning particularly sensitive information and the processing of notices.

6.3 New quality-control procedures

The Commission expressed a favourable opinion on the new quality-control procedures the General Secretariat had introduced to cope with the increase in the number of messages sent to the General Secretariat without requiring a corresponding increase in the number of quality controllers.

First of all, sampling in the ICIS database has been made more effective by using a software programme to identify certain contradictory or incoherent fields. Secondly, a list has been compiled of the fields which cannot be queried by the procedure and which need to be systematically checked. The list has been drawn up in the light of the importance and sensitivity of the information, especially with regard to its accuracy.

Lastly, an error-handling procedure has been developed to understand the causes of the errors and avoid their repetition.

7. MISCELLANEOUS

7.1 Yaoundé Group

The Commission noted the Group's report with great interest, as it raised a number of issues which had been discussed by the Commission on more than one occasion. However, it considered that the conclusion of the Group's report was a little too optimistic. The conclusion suggested that seeking to resolve the ambiguities linked to the Organization's legal status, because there was no international convention, seemed to be more risky than continuing as at present.

The Commission feels the Organization needs a solid legal basis, particularly in view of its responsibilities and the risks it runs in processing police information of a personal nature in an increasing variety of forms. The Commission does not consider that the time required to draw up an international convention governing data protection and other matters should be regarded as sufficient reason for not initiating the process.

The Commission therefore considers that, for the sake of the smooth operation of the Organization, it is necessary to continue to explore the possibility of producing an international convention binding its Member States. The Commission stresses the need to put in place a system which will make it possible not only to impose the Organization's information processing rules on member countries, but also to ensure that they are observed.

7.2 Presentation to the Interpol General Assembly by the Chairman of the Commission

The Commission's Chairman gave a presentation at the Interpol General Assembly session, describing the Commission and its activities. The presentation was well received and gave member countries an opportunity to better understand the role of the Commission and assure them that it was always available to respond to any needs they might have.

7.3 Co-operation with Europol

The Commission attended a meeting organized by the Europol Joint Supervisory Body with the supervisory bodies which had concluded co-operation agreements with Europol, to discuss the checks carried out by those authorities in the context of information exchanges with Europol. The Europol liaison officer with Interpol, like her counterparts with the other supervisory bodies, only took up her duties very recently. As there have not yet been any information exchanges, the Commission has not carried out any corresponding checks.

The Commission did however feel it would be useful to maintain contact with those supervisory bodies.

7.4 Co-operation with the General Secretariat

The Commission expressed its satisfaction at the excellent co-operation procedures set up with the General Secretariat. It hopes to be able to continue to communicate with the General Secretariat in the most transparent way possible, so that co-operation will be constructive and efficient.

It did however stress the need to be kept informed of projects involving the processing of personal information, before they are implemented, so that it can give the General Secretariat appropriate advice for their development.

7.5 Publications about the Commission

- The members of the Commission discussed the most effective way of informing the public about its activities.
- The Commission agreed to publish an article in national and international journals consulted by lawyers, giving a practical description of the Commission and its activities, and highlighting the possibility of consulting the Organization's website to obtain detailed information about the Commission's role. The article would be sent to a number of organizations involved in data-protection activities, and in particular to national data-protection authorities, asking them to circulate it.

The Commission also considered the possibility of preparing a press release announcing the publication of information about the Commission on the Organization's website.

- The Commission approved the outline for the documents which would appear on the CCF's part of the Organization's website. There will be an electronic form which requesting parties can use to send the Commission their requests for access via the Internet, with a scanned copy of their identity documents.

It will then be possible to open a file and make any appropriate contacts with the NCBs. However, initially the Commission will only consider requests admissible if they are confirmed in writing with a paper copy of the requesting party's identity document.

7.6 Retention period for the Commission's files

Given the problems encountered with regard to archiving, the Commission felt it reasonable to keep documents relating to requests for access to Interpol's files for only ten years, except in the case of files which had given rise to procedural issues or specific points of law; those files would be kept for longer because of their historical interest.

8. BASIC TEXTS OF INTERPOL AND THE CCF CONCERNING THE CONTROL OF THE ORGANIZATION'S ARCHIVES

The following texts contain the main rules on the processing of information by Interpol, and the supervision thereof:

- The Exchange of Letters between the Government of the French Republic and the ICPO-Interpol concerning the organization of the internal control of Interpol's archives
- The Rules on International Police Co-operation and on the Internal Control of Interpol's Archives

- The Rules on the Deletion of Police Information held by the General Secretariat
- Rules Governing the Database of Selected Information at the ICPO-Interpol General Secretariat and Direct Access by NCBs to that Database
- The Rules Governing Access by an Intergovernmental Organization to the Interpol Telecommunications Network and Databases
- Interpol's Constitution
- The Rules of Procedure of the Commission for the Control of Interpol's Files
- The Agreement between the Commission for the Control of Interpol's Files and the ICPO-Interpol General Secretariat.
