



INTERPOL

OFFICE OF LEGAL AFFAIRS

*Operating rules of the  
Commission for the Control of  
INTERPOL's files*

[II.E/RCCF/CCF/2008]

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**PREAMBLE**

Considering the Rules on the Control of Information and Access to INTERPOL's Files (hereinafter referred to as "the RCI") which entered into force on 1 January 2005,

Considering Articles 1 and 4 of the RCI which set out the functions of the Commission for the Control of INTERPOL'S Files (hereinafter referred to as "the Commission"),

Considering Article 5(d) of the RCI which states that the "Commission shall determine its own operating rules, insofar as they are not laid down in the present Rules",

The Commission adopts the following Operating Rules which cancel and replace the Commission's Rules of Procedure which entered into force on 18 October 1996.

**Article 1: Scope**

In line with the specific tasks of the Commission as set out in Article 4 of the RCI, the present Rules shall apply to:

- (a) requests within the meaning of Articles 1(c) and 4(a) of the RCI addressed directly to the Commission or received and transmitted by the General Secretariat (Part 1);
- (b) consultation by the General Secretariat in cases referred to in Articles 4(b) and 4(c) of the RCI (Part 2);
- (c) the Commission's spot checks, as referred to in Article 4(d) of the RCI (Part 3).

**PART 1: REQUESTS**

**Article 2: Purpose**

Part 1 sets out the procedure by which the Commission deals with a request, namely a request submitted by a person wishing to exercise his right of access to INTERPOL's files, or the right of access of the person whom he represents.

**CHAPTER 1.1:  
PRELIMINARY EXAMINATION OF  
REQUESTS**

**Article 3: Registration of requests**

The Commission shall register all the requests it receives.

**Article 4: Order of processing of requests**

Requests shall be processed in order of arrival. The Commission may, however, decide to give priority to a particular request.

**Article 5: Initial checks**

The Commission shall carry out the following checks:

- (a) it shall examine whether the request comes within the scope of its powers and whether it is admissible with regard to Article 10 below;
- (b) it shall consult the General Secretariat to determine whether the identity particulars of the person who is the subject of the request appear in INTERPOL's files;
- (c) it shall determine whether the request calls into question the processing in INTERPOL's files of information concerning the person who is the subject of the request.

**Article 6: Acknowledgment of receipt of requests**

- (1) The Commission shall acknowledge receipt of all the requests it receives, within one month of the date of their receipt.
- (2) The Commission shall inform the requesting party of the applicable procedure for processing his/her request.
- (3) The Commission may inform the requesting party that it has asked the General Secretariat to examine his/her request. It may inform him/her of the deadlines set.
- (4) At this stage, the Commission may also ask the requesting party to supply any additional items which may be needed to ensure the admissibility of, or in support of, his/her request. (see Articles 11 and 17(2) below).

**Article 7: Information on requests to the General Secretariat**

- (1) The Commission shall transmit to the General Secretariat a copy of any request calling into question the processing, in INTERPOL's files, of an item of information about the person who is the subject of the request, or raising a question concerning the processing of information in the General Secretariat's files, for a possible study in accordance with Article 16(1) below.
- (2) As soon as possible, the Commission shall indicate whether the request is admissible or, where necessary, whether the requesting party has been given a deadline to supply the items required for his/her request to be admissible.

**Article 8: Forwarding requests to the Commission**

Without prejudice to any appropriate step deemed necessary and authorized by INTERPOL's rules, the General Secretariat shall forward all requests to the Commission as soon as they are received.

**Article 9: Joint examination**

- (1) The Commission may decide, at the request of the requesting parties or on its own initiative, to process together several requests which relate to the same case or which raise similar problems.
- (2) If a request calls into question the processing of information in INTERPOL's files, the Commission may, simultaneously, verify that such processing has been carried out in conformity with the applicable rules, and take the necessary steps to permit disclosure to the person who is the subject of the request, whether there is any information about him/her in INTERPOL's files.

**CHAPTER 1.2:  
EXAMINING THE ADMISSIBILITY OF  
REQUESTS AND THE COMMISSION'S  
POWERS**

**Article 10: Admissibility criteria**

A request shall be considered admissible if the following conditions are met:

- (a) the request includes an original letter, signed by the requesting party and explaining the purpose of the request;

- (b) it is written in one of the Organization's official languages;
- (c) the request comes from the person whom it concerns, or from that person's duly authorized representative or his/her legal representative;
- (d) if the request comes from the duly authorized representative of the person who is the subject of the request, the request shall be accompanied by an original power of attorney signed by the said person authorizing his/her representative to access any information about that person recorded in INTERPOL's files;
- (e) if the request comes from the legal representative of the person who is the subject of the request, it shall be accompanied by a corresponding written declaration;
- (f) the request shall be accompanied by a copy of an identity document belonging to the person who is the subject of the request, in order to prove his/her identity;
- (g) if the request calls into question the processing of information in INTERPOL's files, it shall set out the reasons, that is to say be accompanied by a summary of the arguments in support of the request, making specific reference to any relevant document attached. The Commission shall only be obliged to take into consideration those documents attached which have been translated into one of INTERPOL's official languages and certified if necessary.

**Article 11: Rectification of omissions**

If, upon receipt of the request, further information is reasonably needed from the requesting party to determine the admissibility of the request, the Commission shall invite the requesting party to rectify any omissions within the deadline it has set.

**Article 12: Decision on admissibility**

- (1) The Commission shall decide on the admissibility of a request as soon as possible, generally during the session immediately following receipt of the said request or of the further information needed to determine its admissibility.
- (2) If, after a period determined by the Commission, the additional information requested has not been provided, the request shall be closed without further action.

- (3) Such a closure will not bar examination of the request if the information is submitted at a later date.
- (4) Without prejudice to the case referred to in (2) above, the Commission shall inform the requesting party of the admissibility of his/her request within one month of its decision. If the Commission considers the request to be inadmissible, it shall give the reasons for its decision.

**Article 13: Non-processing of a request**

- (1) The Commission shall not process a request in the following cases:
  - (a) the request is essentially the same as another request previously examined by the Commission and does not contain any new facts that justify re-examination in accordance with Article 19 of the present Rules;
  - (b) the request does not come within the scope of the Commission's powers, as set out in the RCI;
  - (c) the request is clearly unreasonable. The notion of "unreasonable" shall be assessed by taking into account, *inter alia*, the number or repetitive nature of requests submitted by the requesting party.
- (2) If the request is rejected in whole or in part, the Commission shall explain its reasons to the requesting party.

**CHAPTER 1.3:  
EXAMINATION CONCERNING THE  
DISCLOSURE OF THE EXISTENCE OR  
NON-EXISTENCE OF INFORMATION**

**Article 14: Prior consultations**

- (1) Where necessary, the Commission shall consult the source – or probable source – of the information concerned, or the National Central Bureaus which may be able to help in handling the request, in order to obtain authorization to disclose to the requesting party whether or not there is any information in INTERPOL's files about the person who is the subject of the request.

- (2) When such a measure implies consulting a National Central Bureau, an authorized national institution or authorized international entity, as defined in Article 1 of the Rules on the Processing of Police Information for the Purposes of International Police Co-operation (RPI), the Commission may ask the General Secretariat to consult on its behalf.
- (3) In all cases, the Commission shall specify the date by which it wishes to obtain a reply.
- (4) The Commission may also ask the General Secretariat to indicate, within the period determined by the Commission, whether it is of the opinion that the information may be disclosed, or not to the requesting party. If the General Secretariat concludes that information may not be disclosed, it will give the grounds for this.
- (5) The above provisions shall not apply if the Commission considers that the person who is the subject of the request has provided sufficient evidence showing that he/she knows that there is information about him/her in INTERPOL's files.

**Article 15: Commission's examinations and conclusions**

- (1) If the request does not raise any questions relating to the processing of information in the INTERPOL's files, the Commission shall decide what reply to give to the requesting party, generally speaking, at the session immediately following receipt of the decision of the source(s) of the information concerned or, if appropriate, the General Secretariat's opinion, or after expiry of the deadline set by the Commission.
- (2) If the entity consulted fails to reply by the deadline set, subject to the said entity having been duly informed, the Commission may conclude that the said entity is not opposed to the information for which its authorization had been requested being disclosed to the requesting party.
- (3) If the request raises a question relating to the processing of information in INTERPOL's files, the Commission shall assess the advisability of providing an interim reply to the requesting party, pending the outcome of the examination of this question, in application of Chapter 1.4 below.

**CHAPTER 1.4:  
EXAMINATION OF THE PROCESSING OF  
INFORMATION**

**Article 16: Preliminary study by the General Secretariat**

- (1) Without prejudice to any decision on appropriate measures necessary for the furtherance of its mission, the Commission may invite the General Secretariat to carry out a preliminary study of any requests which concern an individual whose identity particulars are in its files, and which call into question the processing of information about him/her, or which raise a question concerning such processing. The Commission shall forward to the General Secretariat any information relevant to the preliminary study.
- (2) The Commission may set a deadline within which the General Secretariat is requested to report on its position concerning the conformity of the processing of information with applicable rules.
- (3) If, in the course of its examination of such a request, the General Secretariat considers that additional details must be obtained from the requesting party, it shall submit a reasoned request to the Commission.
- (4) If the Commission decides to admit this request, it shall invite the requesting party to supply the details, specifying that they have been requested by the General Secretariat, and shall forward them to the General Secretariat on receipt.
- (5) If the Commission decides not to admit the request, it shall inform the General Secretariat of its decision and its reasoning.
- (6) The General Secretariat shall forward to the Commission a report on the conformity of the processing of information recorded in INTERPOL's files on the person who is the subject of the request. It shall inform the Commission of any action it has already taken in the matter and forward all information supporting its position, including a copy of all correspondence with the source of the information concerned and with other authorized entities.

**Article 17: Examination by the Commission**

- (1) The Commission shall examine the conformity of the processing of the information concerned in INTERPOL's files, generally speaking at the session immediately following receipt of the position papers from the persons and entities consulted, or following expiry of the deadline set by the Commission. It shall decide on any appropriate measures necessary for the furtherance of its mission.
- (2) When the Commission considers that it cannot make findings or formulate recommendations solely on the basis of the position papers of the persons or entities consulted without further information, the Commission may ask the General Secretariat or any other person or entity for further information to be provided within a specified period.
- (3) The Commission shall again examine the conformity of the processing of the information concerned in INTERPOL's files generally speaking at the session immediately after the position papers of the persons and entities consulted have been received, or following expiry of the deadlines set by the Commission.

**Article 18: Findings and recommendations of the Commission**

- (1) If the Commission considers that it has received sufficient information to reach a decision on the conformity of the processing of the information concerned in INTERPOL's files, it shall draw reasoned conclusions and make recommendations concerning the particular request.
- (2) In conformity with Article 41 below, the Commission shall inform the General Secretariat of the results of its work.
- (3) It shall also decide on the reply to be given to the requesting party.
- (4) When the Commission's decision has become final, in conformity with Article 41(5) of the present Rules, it shall notify the requesting party within one month that it has carried out the required checks. Subject to the outcome of the measures in conformity with Chapter 1.3 above, the Commission may disclose the results of its work to the requesting party.

- (5) Once the Commission has been informed of the implementation of its findings and recommendation, or on expiry of the deadline within which the General Secretariat must report back to it, the Commission shall assess the advisability of informing the requesting party accordingly.
- (6) At any time, the Commission may however decide to send an interim reply to the requesting party to inform him/her of the state of progress with his/her request.

**CHAPTER 1.5:  
RE-EXAMINATION OF A REQUEST ON  
APPLICATION BY THE REQUESTING  
PARTY**

**Article 19: Re-examination**

- (1) An application for re-examination of a request by the Commission may be made by the requesting party only when it is based on the discovery of a fact which would probably have led to a different conclusion if that fact had been known at the time the request was processed.
- (2) The Commission shall assess the advisability of forwarding the application for re-examination to the General Secretariat. The Commission shall set a deadline by which the General Secretariat must notify it of its comments regarding this application.
- (3) In its opinion to the Commission, the General Secretariat shall give the reasons for its position.
- (4) On receipt of the General Secretariat's opinion stating its position, or on expiry of the deadline it has set, the Commission shall decide whether or not to re-examine the request.
- (5) The Commission shall inform the General Secretariat of its decision. If the Commission disagrees with the General Secretariat, it shall explain its decision.
- (6) The Commission shall also inform the requesting party of its decision.

**CHAPTER 1.6:  
GENERAL PROVISIONS RELATING TO  
REQUESTS**

**Article 20: Confidentiality of requests**

- (1) Requests, or items making up the requests, shall not be recorded in INTERPOL's files used for the purposes of international police co-operation.
- (2) The Commission may nonetheless be bound to communicate certain items of information to the INTERPOL General Secretariat, or to the entities concerned, in order to be able to process the request.
- (3) In cases referred to in point (2) above, in the absence of any instructions to the contrary from the Commission, the General Secretariat may be required to process some of such information in its files or to communicate it to entities which it consults in order to carry out its preliminary study of requests and to ensure that the basic rights of the persons concerned are protected, to the extent necessary.

**Article 21: Contact point for the requesting party**

Without prejudice to any appropriate step the General Secretariat deems necessary and authorized by the Organization's rules towards the requesting party, the Commission will be the sole contact point for the requesting party.

**Article 22: Hearing of requesting parties**

The Commission shall not meet requesting parties, or their duly appointed agents or legal representatives, other than in exceptional circumstances if, after examining the case, it considers this necessary.

**Article 23: Closure of request files**

Once the Commission has notified the requesting party of its decision and/or the General Secretariat's implementation of the Commission's findings and/or recommendations, it shall close the request file.

**PART 2: ADVISORY ROLE**

**Article 24: Purpose**

Part 2 sets out the procedure by which the Commission is consulted by the General Secretariat in all cases referred to in the RPI, and in all the other cases in which the General Secretariat may decide to consult the Commission.

**Article 25: Matters which must be submitted to the Commission**

- (1) The Commission shall consider matters involving operations to process personal information, submitted to it by the General Secretariat in all cases referred to in the RPI with a view to obtaining the Commission's opinion on the conformity of any such processing with INTERPOL's rules.
- (2) All files submitted to the Commission by the General Secretariat for an opinion, in conformity with the RPI, particularly if related to new projects, such as co-operation agreements or databases, shall be accompanied by the following:
  - (a) an overall description;
  - (b) a technical description;
  - (c) an operational description of the Organization's objectives;
  - (d) an indication of the type of information processed;
  - (e) an indication of the legal considerations and impact vis-à-vis the purposes and conditions of processing as set out in the Organization's rules;
  - (f) any additional relevant documents.
- (3) In the case of new projects or databases, submissions should be made to the Commission prior to their implementation and sufficiently early to allow the Commission to give its opinion in good time. However, if it proves necessary to launch a project before consulting the Commission, the project shall be submitted to the Commission as soon as possible. This exceptional procedure should not restrict the possibility of making modifications to the project following any recommendations made by the Commission.

- (4) If the Commission considers that it has received sufficient information to reach a decision, it shall give an opinion to the General Secretariat, in conformity with Article 41 below. If the Commission needs additional information to give an opinion, it should ask the General Secretariat. In that case, the Commission may decide to provide an interim opinion.

**Article 26: Optional referral to the Commission**

- (1) The Commission shall examine any other issue involving the processing of personal information submitted to it by the General Secretariat, with a view to obtaining the Commission's opinion on the compliance of such processing with INTERPOL's rules.
- (2) Articles 25(2) and 25(4) shall apply *mutatis mutandis* to the optional referral of matters to the Commission.

**Article 27: Items to be submitted to the Commission for its information**

- (1) The Commission shall consider the following items, which shall be submitted to it by the General Secretariat for its information:
  - (a) a list of INTERPOL's files, submitted in application of Article 1(c) of the RCI;
  - (b) an annual list of entities with which co-operation agreements have been concluded;
  - (c) an annual list of all new databases developed;
  - (d) an annual list of all databases likely to be downloaded and databases connected to the police information system;
  - (e) an annual list of all databases in which information may be directly recorded by authorized entities;
  - (f) details of any intrusion or serious attempted intrusion affecting the network or one of the Organization's databases, or of the violation or attempted violation of the integrity or confidentiality of an item of information;
  - (g) details of instances where the General Secretariat has communicated any item of information in urgent situations.

- (2) When items are submitted to it for information, the Commission may decide to give an opinion or make its observations known to the General Secretariat as to whether the personal information concerned was processed in compliance with INTERPOL's rules.
- (3) Articles 25(2) and 25(4) shall apply *mutatis mutandis* to items submitted to the Commission for its information.

### **PART 3: SPOT CHECKS**

#### **Article 28: Purpose**

Part 3 sets out the procedure by which the Commission carries out spot checks in accordance with Article 4(d) of the RCI.

#### **Article 29: Spot checks**

- (1) With a view to ensuring that the operations relating to the processing of personal information by the Organization comply with the Organization's rules, the Commission may decide to carry out spot checks, either in the context of a case before it, or at its own initiative.
- (2) If the Commission decides to carry out spot checks at its own initiative, it shall determine the scope and the subject of these checks and the way in which they should be carried out, with prior notification to the General Secretariat. However, the Commission may at any time carry out spot checks for the purpose of processing requests, consulting the General Secretariat on its projects or checking deadlines for processing files in INTERPOL's archives.
- (3) The General Secretariat shall assist the Commission in the performance of the checks, in particular by providing any information or allowing any access to files the Commission may request.

#### **Article 30: Reporting on spot checks**

- (1) If, while carrying out spot checks, at its own initiative, the Commission detects anomalies in the processing of information, it shall draw up a report containing:
  - (a) the information which contains the anomalies;
  - (b) a reference to the rules applicable to the anomalies detected;

- (c) any other remark the Commission wishes to make.
- (2) The Commission may decide to submit its provisional findings to the General Secretariat, for comment or information, before drawing up a report.
- (3) In conformity with Article 41 below, the Commission shall inform the General Secretariat of the results of its work.
- (4) The Commission may take any further steps, where appropriate, in accordance with Articles 6(c) and 6(d) of the RCI.

### **PART 4: GENERAL PROVISIONS**

#### **CHAPTER 4.1: GENERAL FRAMEWORK FOR THE FUNCTIONING OF THE COMMISSION**

#### **Article 31: Free access by the Commission to INTERPOL's Files**

- (1) In compliance with Article 5(e) of the RCI, the Commission shall have free and unlimited access to all personal information processed by INTERPOL, and to any system for processing such information, irrespective of the place, form or medium involved. As far as possible, the Commission shall exercise its right of access in such a way as not to interfere unnecessarily with the day-to-day work of the General Secretariat.
- (2) The General Secretariat shall ensure that the checks made by the Commission on files can be carried out under the best possible conditions. The Commission may consult the General Secretariat and ask to hear its representatives in order to perform its duties, in conformity with Article 37 below.

#### **Article 32: 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 its internal use, unless it expressly decides that they need to be disclosed.

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

**Article 33: Independence**

- (1) The members of the Commission shall be completely independent in the exercise of their duties, in accordance with Article 5(e,1) of the RCI. The same shall also apply to the Secretariat of the Commission which shall receive instructions only from the Commission or from its duly empowered members, in conformity with Article 7 of the RCI.
- (2) The Chairperson of the Commission shall ensure that the regulatory conditions concerning the independence of the Commission and its Secretariat are enforced.

**Article 34: Delegation**

- (1) The Commission may delegate some of its duties to one or more of its members who are able to act as rapporteurs, or to its Secretariat.
- (2) The Commission specifies the tasks required and the conditions attached, where appropriate.

**Article 35: Secretariat**

- (1) The Commission's Secretariat is responsible for carrying out all the work required to perform its tasks in application of Article 7 of the RCI, as may be specified by the Commission.
- (2) The Commission's Secretariat is therefore required to take all the necessary and appropriate measures, within the limits of its remit, to ensure the smooth operation of the Commission and to allow it to carry out its duties as well as possible.

**CHAPTER 4.2:  
ADMINISTRATION OF THE  
COMMISSION'S SESSIONS**

**Article 36: Organization of sessions**

- (1) The Commission shall meet at the Organization's Headquarters, at least three times a year.
- (2) The dates of the Commission's meetings shall be set by its Chairperson, after consultation with the members of the Commission.

**Article 37: Attendance at meetings**

- (1) The Commission's sessions shall be held in camera. In principle, only members or their duly appointed alternates and the Commission's Secretariat shall attend the Commission's sessions.
- (2) The Commission may nonetheless invite the General Secretariat to be present for certain items on the agenda of the Commission's sessions if its attendance is considered necessary in connection with:
  - (a) Files referred to the Commission in application of the RPI;
  - (b) Any issue or operation concerning the processing of personal information referred to the Commission for an opinion, or being studied by the Commission in the context of a request or spot check.
- (3) The Commission may also invite:
  - (a) persons who are the subject of requests, their duly appointed representatives or their legal representatives;
  - (b) any other person whose presence the Commission may consider necessary to deal with a specific item.

**Article 38: Conduct of discussions**

The Chairperson of the Commission shall chair the Commission's sessions and direct the discussions. He/she shall open and declare closed each session, give the floor to or take the floor from speakers, and put proposals to the vote.

**Article 39: Adoption of decisions**

- (1) The quorum required to allow the Commission to take decisions shall be four members present and voting.
- (2) Only members of the Commission shall be entitled to vote.
- (3) Each member of the Commission shall have one vote. The Commission shall vote by a show of hands, unless it decides otherwise.
- (4) The Commission's decisions shall be taken by a simple majority of members present and voting, except decisions requiring another majority. If there are an equal number of votes for and against a motion, the Chairperson shall have a casting vote.

**CHAPTER 4.3:  
THE COMMISSION'S DEADLINES,  
REPORTS AND FILES**

**Article 40: Deadlines set by the Commission**

- (1) The Commission shall set the deadlines within which the persons and entities it consults are asked to provide it with the information requested.
- (2) At any time before the deadline is due to expire, the Commission may request the entity consulted to inform it of the progress with the processing of its request.
- (3) Upon receipt of a reasoned request by the entity consulted, the Commission may extend the deadline.
- (4) If the deadline set by the Commission is not met, the Commission may choose to decide on the matter without involving the entity consulted.

**Article 41: Reports of the Commission**

- (1) Following each session, the Commission shall prepare one or more reports containing its decisions, conclusions, recommendations and/or advice concerning files examined, and any information required for their comprehension.
- (2) Within one month of its session, the Commission shall forward to the General Secretariat one or more of the reports that it considers necessary to bring to the General Secretariat's attention. If appropriate, it shall set a specific deadline by which the General Secretariat is invited to notify it of its comments on the findings of the Commission. In the absence of this, the one-month deadline as provided for in Article 41.5 below shall apply.
- (3) If the General Secretariat disagrees with any part of a report sent by the Commission, it shall inform the Commission within one month following receipt of the report.
- (4) At the session immediately following the request, the Commission shall study the General Secretariat's position and shall decide whether to maintain or modify its report on the basis of the information provided by the General Secretariat in support of its position. It shall inform the General Secretariat of its decision, conclusion, recommendation and/or advice.

- (5) A report by the Commission forwarded to the General Secretariat shall become final one month after it has been forwarded, unless the General Secretariat has expressed its disagreement. If the General Secretariat has expressed disagreement with regard to a specific report, that report shall become final after the Commission has informed the General Secretariat of its final decision, conclusion, recommendation and/or advice.
- (6) Once the Commission's report has become final, the General Secretariat shall report on its implementation within the deadline set by the Commission.

**Article 42: Retention of the Commission's files**

The Commission shall retain the files it processes, its conclusions and its recommendations, for a period of 30 years.

**CHAPTER 4.4:  
FINAL PROVISIONS**

**Article 43: Measures taken by the General Secretariat**

- (1) These Rules shall not prevent the General Secretariat from taking any appropriate step deemed necessary and authorized by the Organization's rules.
- (2) The General Secretariat shall inform the Commission as soon as possible of any action it has taken in application of the present Operating Rules.

**Article 44: Adoption, modification, entry into force**

- (1) The present Operating Rules shall enter into force on the first day of the month after the date on which they are approved by four members of the Commission.
- (2) The same majority shall be required for the adoption of any amendments. Such amendments shall enter into force on the first day of the month after the date on which they are adopted.

**Article 45: Authoritative texts**

The present Operating Rules shall be adopted in application of Article 5(d) of the Rules relating to the Control of Information and Access to INTERPOL's Files, and shall not be construed as restricting or derogating from any of the provisions of the said Rules.

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