

Annual Report 2008 AND JANUARY-FEBRUARY 2009 of the Commission for the Control of INTERPOL's Files

Speech by Mr Billy Hawkes

Chairman of the Commission for the Control of INTERPOL's Files

Mr President,

Mr Secretary General,

Ladies and Gentlemen,

It is an honour for me to present the Annual Activity Report for 2008 of the Commission for the Control of Interpol's Files. In doing so for the first time, I wish to pay tribute to the former Chair of the Commission, Peter Hustinx. Under his leadership, very significant progress has been made in developing the role of the Commission within Interpol. I also wish to pay tribute to my fellow Commission members who give unstintingly of their time in the interests of the Organisation, as well as to our hard-working Secretariat.

I am in the happy position of taking over the post of Chair following the strengthening of the legal status of the Commission within the organisation and the finalisation of its Operating Rules. Such a strengthening was important and timely. We have seen an increasing tendency for the decisions of international organisations to be challenged in national and regional courts. It is therefore essential that Interpol can demonstrate that in its handling of personal information - which is, after all, the life-blood of the organisation - it complies with the high standards set out in its governing statutes.

The Commission's Report reflects its three main functions:

- the provision of **advice** on issues of personal data protection
- the active **supervision** of the Organisation's data systems

- and dealing with requests from individuals about the processing of their personal data by the organisation.

There has been a significant increase in both the number and complexity of individual requests. These requests increasingly are presented by lawyers who are well versed in data protection and human rights law. The requests also come from many different parts of the world. The Report acknowledges significant progress in the manner in which the General Secretariat cooperates with the Commission in dealing with requests, reflecting the new Rules of Procedure of the Commission. There has since been further progress in this area, leading to a more speedy and efficient processing of requests. Improved cooperation of NCBs in dealing with requests from the Commission has greatly contributed to the positive developments in this area.

In the area of supervision, the Report records very significant progress by the General Secretariat in ensuring that the rules on retention of personal data are respected. Discussions are continuing with the General Secretariat on retention issues related to projects.

The Commission has continued to offer advice to the Organisation on issues that give rise to data protection concerns. Since personal data are the “raw material” of Interpol’s work, there are of course many issues that give rise to data protection concerns. The Commission was able to express a positive view on the Organisation’s cooperation agreements as well as on implementation rules on the processing of data and on the MARAS project.

One of the main functions of the Commission is to protect the legal immunity of Interpol by ensuring that, in its activities, it does not leave itself exposed to legal challenge. The

recent improvements in the procedures for the protection of personal data and in the status of the Commission have contributed positively to this objective.

There are two issues facing the organisation at present which, in the Commission's opinion, pose particular challenges. These are the I-Link project and INTERPOL-UN Special Notices.

The **I-Link project** is an ambitious undertaking designed to make Interpol an even more effective instrument of international police cooperation. But it is essential that the legal risks associated with the project are given proper attention - otherwise the Organisation may expose itself unnecessarily to additional risks to its legal immunity.

The Commission has offered advice on various aspects of the project. The Commission is convinced that, in the development of the project, sufficient attention must quickly be paid to further safeguard mechanisms. Any of you that have been involved in large-scale IT projects will know that it can be quite challenging to incorporate safeguards into such a system but that this is an essential step in these projects.

The Commission is happy to note that its preoccupations are reflected in the report presented by the Chairman of the Working group on the processing of information.

So, on behalf of the Commission, I hope that a message can go to the dedicated individuals involved in this exciting project that they will be forgiven if their ambitious time-lines have to be modified somewhat in order to build in the necessary safeguards now.

Another issue relates to Interpol's dissemination of **Special Notices from the UN Security Council Sanctions Committee**. It is clear that the UN Security Council is anxious to improve the quality of its lists - not least by providing fuller identification information about the individuals concerned.

Nevertheless, the Commission is faced with complaints from certain persons who are the subject of such Notices. Hopefully, a mutually beneficial solution can be reached where Interpol can offer the resources of its national bureaux and General Secretariat to ensure that persons on UN lists also meet the standards required by Interpol for the issue of Red or other Notices. This should greatly reduce the risk of misidentification or of legal challenge.

It should also serve to enhance the growing cooperation between the two organizations which has been so clearly demonstrated by the successful ministerial conference.

More generally, it is important that the Organisation does not hesitate to make use of the resource that is the Commission by consulting it at an early stage on all issues with data protection implications

Mr President, Interpol has a crucial role to play in developing effective police cooperation in the interests of humanity. Under the able leadership of its Secretary General, Mr Noble, it has shown itself capable of rising to the new challenges thrown up by a rapidly changing global environment. The Commission looks forward to continuing to play its part in ensuring that Interpol can meet these challenges in a way that also shows leadership in how individual rights are respected.

Thank you for your attention.