

Speech delivered by Mr Billy Hawkes, Chairman of the Commission,
to INTERPOL's General Assembly
(79th session, Doha, Qatar, November 2010)

Mr President,
Mr Secretary General,
Ladies and Gentlemen,

It is again my privilege to present the Annual Activity Report of the Commission for the Control of INTERPOL's Files.

The Report reflects the Commission's 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.

The Commission represents the Organisation's commitment to the outside world that it is willing to be **accountable** to an independent body for the manner in which it deals with the sensitive information entrusted to it. The enhanced legal status granted to the Commission in INTERPOL's Constitution has been an important step. It demonstrates the Organisation's willingness to be accountable for compliance with its Regulations on the processing of personal data, Regulations which reflect its commitment to operate within the spirit of the Universal Declaration of Human Rights. The Organisation's commitment to international human rights standards would be further strengthened by the inscription of the Organisation's Constitution with the United Nations, a proposal that the Commission fully supports.

The revised rules for the appointment of the Members of the Commission permit the General Assembly to further demonstrate its commitment to effective accountability by only selecting persons of unquestionable independence, integrity and competence.

The need for effective external accountability has been underlined by the increasing tendency for the decisions of international organisations to be challenged in National and regional courts. The Commission is always conscious of such threats to the Organisation's **legal immunity** as it deals with the issues placed before it. But the Commission is also conscious of the need to ensure that INTERPOL can carry out its vital work of effective international police cooperation without unnecessary constraints. Its approach is to provide advice and seek solutions which facilitate the essential work of INTERPOL, while respecting the rules on the processing of personal information.

In order to achieve this, it is important that the Commission is consulted at an early stage in the development of new projects, so that the necessary safeguards can be built in from the beginning.

The Commission is happy to note that, in the development of the important **I-Link project**, more attention is now being devoted to the safeguards that must be put in place to prevent the entry of data which is not compliant with the Organisation's rules. This is vitally important if the Organisation is to succeed in its efforts to have Red Notices given wider international recognition - something that the Commission fully supports.

The Commission is also following closely the efforts of the Organisation to improve the quality and reliability of **INTERPOL-UN Special Notices**. The negotiation of a revised agreement between INTERPOL and the UN provides an opportunity to ensure that the Organisation's legal immunity is not put at risk due to alleged inadequacies in the listing procedures used by the UN Security Council's Sanctions Committees.

The Commission has continued its role of active **supervision** of the Organisation's databases. This includes regular spot-checks to ensure that the Organisation's rules on the processing of personal data are being respected, including the rules on the retention of such data. The role of the Commission's IT Expert is particularly important in this area.

There has been a significant increase in the complexity of individual **requests** dealt with by the Commission. These requests come from many different parts of the world. They are increasingly presented by lawyers who are well versed in data protection and human rights law. They are often quite detailed in their allegations that data is being processed through INTERPOL channels in violation of international human rights norms and the specific rules of INTERPOL.

In order to deal adequately with these requests, while respecting the principle of national sovereignty, the Commission's Secretariat is obliged to ask detailed questions of the NCBs concerned. The Commission appreciates the burden that this can place on NCBs. But it is essential in such cases that the Commission has the information available to it to judge whether or not personal information is being processed in accordance with INTERPOL's Regulations. Where it is not satisfied that the Regulations are being complied with, or where, in rare cases, NCBs do not cooperate, the Commission's duty under the Constitution is to advise the General Secretariat that information should be deleted, blocked, supplemented or corrected, as appropriate to the individual case. The Commission discharges this role in a fully impartial manner and in the interests of the Organisation as a whole, while fully appreciating that its recommendations can sometimes cause difficulties for the General Secretariat and individual NCBs.

I am happy to report that the Commission has benefited from increasingly close cooperation from the relevant Departments of the General Secretariat. The rapidity of response to individual requests has significantly improved. There has also been increased engagement with the Commission on general issues of policy that confronts the Organisation. If the Commission is to perform its duty effectively, it is essential that it is consulted, in a timely fashion, as new projects are being developed. I would like, on my own behalf and on behalf of my colleagues, to thank Secretary-General Ronald Noble and his colleagues in the General Secretariat for their indispensable support to our work.

On behalf of the Commission, may I also congratulate Mr Noble on his re-election.

As the term of office of the current members of the Commission comes to an end, I would like, on behalf of my colleagues, to thank you for entrusting us with the mandate of overseeing the application of the Organisation's Rules on the Processing of Personal Information. It has been a privilege for us to be associated with the vital work of INTERPOL in making the world a safer place through effective international police cooperation.

We hope that we have helped the Organisation to demonstrate that effective police work and respect for individual human rights are mutually reinforcing objectives. We wish the Organisation and our successors every success in meeting the challenges that lie ahead in a rapidly changing global environment.

Thank you for your attention.