

Speech delivered by the Chairman of the CCF to INTERPOL's General Assembly

75th INTERPOL General Assembly Session
Rio de Janeiro, Brazil, 19-22 September 2006

Annual Report 2005 of the Commission for the Control of INTERPOL's Files

*Speech by Mr Peter Hustinx
Chairman of the Commission for the Control of INTERPOL's Files*

Mr President,
Mr Secretary General,
Ladies and Gentlemen,

It is a great pleasure for me to speak to you as Chairman of the CCF on some of the main points of our Annual Activity Report for 2005. As you know, 'CCF' stands for 'Commission for the Control of INTERPOL's Files'.

Let me say here, quite clearly, that this relates to one of the most strategic resources of INTERPOL: the exchange of information on individuals through INTERPOL's channels and on the basis of INTERPOL's files.

Years ago, INTERPOL has adopted Rules for the processing of personal information and it has recently updated them. This reflects a global trend of data protection legislation in an increasing number of countries around the world.

The aim of these rules is to protect the quality and integrity of information, based on fundamental principles of human rights, as reflected in INTERPOL's Constitution, and while doing so also protect the vital interests of your Organisation.

The activities of the CCF should be seen in this perspective. The Commission acts in full independence. It consists of five members from different countries: a chairman with a judicial background, a member appointed by the French Government (in line with the present headquarters agreement), a human rights expert, a member of the Executive Committee and an IT expert. The same applies to the alternate members.

The CCF has basically three functions:

- a control function (e.g. spot checks) as to the content and operation of data files and exchanges of information, which may lead to certain recommendations to the Organisation.
- an advisory role as to projects and policies with an impact on the protection of personal information, also leading to recommendations to the Organisation.
- a special role in processing of requests for individual access to INTERPOL's files, including requests for correction or deletion, complaints etc. This may lead to decisions or recommendations, depending on the specific facts of a case.

The first main point in our annual report is that activities of the CCF have increased tremendously since 2000. The number of individual requests has more than doubled – even tripled – in five years, and is still growing, with present numbers exceeding last year's. This no doubt reflects developments in data protection all over the world, and a growing awareness of the public and the legal community. But it also reflects the increasing activities of INTERPOL and the development of its projects relating to the processing of personal information.

This means that data protection has become increasingly relevant for the activities of the Organisation. However, there is a new tendency in this context: the involvement of legal expertise in support of individual requests and legal challenges, either at the national level or internationally, which could affect INTERPOL, also quite apart from a growing complexity of these cases.

Earlier this year, in a case before the European Court of Human Rights, a state was convicted basically for lack of an effective remedy at national level. This is likely to have some consequences, not only for the member state involved, but also for other European states, and indirectly therefore for INTERPOL as a whole, since this case may influence standards of cooperation globally.

Secondly, and this may be even more relevant for INTERPOL, there is a tendency to look more critically at international organisations, and to withdraw their immunity from national jurisdiction under international law, if they cannot demonstrate the existence of sufficient internal procedures and effective remedies.

INTERPOL's rules on the processing of personal information are based on three basic principles, in short:

- National sovereignty
- Accurate and up-to-date information
- Respect for the Universal Declaration of Human Rights.

The proper operation of these rules requires a full and effective cooperation between NCB's and Secretariat General, and where necessary with the CCF.

This clearly underlines the role of the CCF as a strategic tool to help in guaranteeing:

- Respect for fundamental rights
- INTERPOL's judicial immunity.

The CCF is presently reflecting about the development of its role in the future and about different ways to make its role even more effective.

However, it should be clear that the CCF can only be an effective remedy, if it is able to process individual requests within reasonable time limits and without undue delay.

NCB's are essential actors in this context. There is a need for their quick and full cooperation with Secretariat General and CCF for:

- Efficiency of international police cooperation through INTERPOL's channels
- Respect for fundamental rights
- Protection of the Organisation.

Let me mention here, quite openly and with satisfaction, that there has been a clear improvement of cooperation with many NCB's.

However, some exceptions still give reason for concern. This may have consequences for individual cases, if NCB's fail to react to repeated requests from the CCF.

Firstly, it is possible that the CCF will then assume that an NCB has approved the communication of certain information to a party asking for access.

Secondly, the CCF could recommend that certain information be deleted from INTERPOL's files, since there is insufficient evidence to support their continued storage.

Mr President, let me just conclude: this clearly shows that data protection has become and should now be dealt with as a 'condition for success' of INTERPOL cooperation.

Thank you for your attention.

Rio de Janeiro, 21 September 2006