

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 المنظمة الدولية للشرطة الجنائية (الإنتربول)



ACTIVITY REPORT OF THE COMMISSION FOR THE CONTROL OF INTERPOL'S FILES FOR 2016

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INTRODUCTION

1. The present report provides a summary of the work of the Commission for the Control of INTERPOL's Files in 2016.
2. Whereas last year's report documented the Commission's activities from its first session in 1986 until 2016, the present report gives a broad outline of the work carried out in 2016, with statistics to illustrate the Commission's activities.

1. COMPOSITION OF THE COMMISSION

3. In 2016, the Commission was composed of five members:
 - Ms Vajic (Croatia), Chairperson
 - Ms Madhub (Mauritius), Data-protection expert
 - Mr Frayssinet (France), Data-protection expert
 - Mr Harris (United States), Expert in international police cooperation
 - Mr Patrick (Canada), Information-technology expert.

2. DUTIES AND PRIORITIES OF THE COMMISSION

4. In 2016, the Commission carried out its three functions of supervision, advice, and processing of individual requests, as provided for in Article 1 of the Rules on the Control of Information and Access to INTERPOL's Files.
5. As a priority, the Commission ensured that cases were processed as quickly as possible and in accordance with the new standards envisaged under the new Statute of the Commission, which was adopted by the INTERPOL General Assembly in November 2016 and came into force in March 2017.

3. APPLICABLE RULES

6. The following texts provided the primary legal basis for the work of the Commission:
 - Rules relating to the Control of Information and Access to INTERPOL's Files;
 - The Operating Rules of the Commission, adopted in 2008;
 - The ICPO-INTERPOL Constitution, particularly Articles 2 and 3;
 - INTERPOL's Rules on the Processing of Data (RPD).
7. The Commission also took into consideration the texts relating to the implementation of these documents.

4. SUPERVISION AND ADVICE

8. Strengthening the measures taken at the INTERPOL General Secretariat: The Commission welcomed the General Secretariat's implementation of its recommendations which aim to guarantee compliance with INTERPOL's rules and the fundamental rights of individuals. In particular, these measures include:
 - significantly strengthening the mechanisms for checking the compliance of diffusions and requests for notices;
 - stricter criteria for publishing extracts of red notices on the INTERPOL website, and for retaining information on the basis of Articles 52 and 53 of the RPD, as well as the review of more than 600 old files which had been kept on the basis of these articles.
9. Advice on projects: The Commission was consulted by the General Secretariat on the following projects which involve the processing of personal data:

- Applicable texts:
 - o The updating of the RPD (amendments concerning the principles of governance and responsibilities, the roles of the Commission and the INTERPOL General Secretariat, and the appointment of a data-protection officer);
 - o The preparation of a new Statute of the Commission, as discussed with the Working Group on the Processing of Information (GTI).
 - Technical projects:
 - o Foreign Terrorist Fighters Analysis File;
 - o Databases of fingerprints and DNA profiles;
 - o Extension of the I-Checkit project to the maritime sector.
 - Cooperation agreements with:
 - o INHOPE;
 - o The World Customs Organization (WCO);
 - o The General Secretariat of the Cooperation Council for the Arab States of the Gulf in relation to GCC-POL;
 - o NATO's Supreme Headquarters Allied Powers Europe (SHAPE).
10. The Commission gave opinions that were mainly positive and generally accompanied by recommendations for their implementation. Prior to this, the Commission engaged in numerous exchanges with the INTERPOL General Secretariat to obtain additional information (legal, practical and technical), or to ensure that certain necessary amendments were made to projects with regard to the applicable rules. These actions were related mainly to the respect for the purposes of the processing of the data, the challenges related to quality, security and integrity of the data and the INTERPOL information system, and the role and responsibility of the different stakeholders in each project.

5. INDIVIDUAL REQUESTS

11. An “individual request” is understood to mean any request from a person (the applicant) who wishes to know if any information about him/her is contained in INTERPOL’s files (i.e. a request for access), or whose aim is to obtain an update or the deletion of data about him/her recorded in INTERPOL’s files (i.e. a complaint).
12. The Commission also receives:
- preventive requests aimed at blocking any processing in INTERPOL’s files of data sent by national authorities which are likely to send requests for cooperation through INTERPOL channels;
 - requests to revise its conclusions, sent by NCBs or applicants.
13. In 2016, the number of requests (requests for access and complaints) continued to rise. That year was also marked by an increase in the number of requests concerning the INTERPOL database of stolen and lost travel documents (SLTD).
14. The nature of the requests has also changed. The following in particular should be noted:
- the increase in the number of requests for access;
 - the increase in the number of complaints from applicants who benefit from the principle of non-refoulement, as laid down in Article 33 of the Geneva Convention (1951) regarding the status of refugees;
 - the increase in the number of complaints challenging the procedures instituted against applicants at national level or regarding the improper use of INTERPOL channels.
15. The substantive issues considered by the Commission when processing these requests have raised the following main points:
- the quality of information, for example:

- the existence of incorrect information in INTERPOL's databases, generally due to failure by INTERPOL's National Central Bureaus (NCBs) to update the information recorded in INTERPOL's databases;
 - inconsistencies between the summary of the facts of a case and the charges against an applicant, especially when these summaries do not – or do not properly – describe the possible actual involvement of the individual concerned in the facts alleged against him or her;
- questions about the purpose of the processing of the data being challenged;
 - observance of national rules, especially notification procedures for prosecutions brought;
 - observance of certain fundamental rights of the individual, such as those covered by Article 2 of INTERPOL's Constitution;
 - political issues surrounding the prosecution of former heads of State or government, or of particularly influential businessmen.
16. The average timeframe for processing files completed in 2016 was six months.
17. Lastly, the Commission has substantially developed its procedures in order to process requests as quickly as possible, ensure that the fundamental rights of applicants are respected, guarantee strict respect for its independence, and give reasoned decisions.
18. Statistics related to individual requests received and processed in 2016 appear in an appendix to this report.

APPENDIX
THE COMMISSION'S STATISTICS FOR 2016

A. INCREASE IN THE NUMBER OF REQUESTS FROM APPLICANTS FROM 2005 TO 2016

Detail \ Year	2005	%	2010	%	2015	%	2016	%
New requests	115	100	201	100	643	100	1,047 ⁽¹⁾	100
Complaints	24	20.9	123	61.2	280	44	429	41
Applicants who are the subject of information in INTERPOL's files	42	36.5	133	66.2	327	51	469	45
Requests raising the question of the application of Article 3 of INTERPOL's Constitution	16	13.9	32	15.9	133	21	172	16
Extracts of red notices published on INTERPOL's website	11	9.6	57	28.4	132	21	133	13

(1) .The Commission received 847 new individual requests in 2016, which corresponds to 1,047 new requests from applicants. A single request may involve several people, and the same person may make additional requests during the year. For example, a person may first request access to INTERPOL's files and, after receiving a final response to his or her request for access, may then submit a complaint.

B. REQUESTS RECEIVED IN 2016

- The statistics below relate to the 1,047 new requests received in 2016.

1. General profile of requests

Admissibility of requests	Quantity	%
Admissible requests	763	73
Non-admissible requests	284	27
TOTAL	1,047	100

Data processed in INTERPOL's files	Quantity	%
Applicants who are the subject of information in INTERPOL's files	469	45
Applicants who are not the subject of information in INTERPOL's files	578	55
TOTAL	1,047	100

Types of request	Quantity	%
Complaints	429	40
Requests for access	524	50
Preventive requests	70	7
Request for revision	24	2
TOTAL	1,047	100

2. The various INTERPOL databases containing information about applicants

Databases concerned for the 469 ⁽¹⁾ applicants known in INTERPOL's files	Quantity	%
Applicants who are the subject of information in ICIS ⁽²⁾	420	90
Applicants who are the subject of information in SLTD ⁽³⁾	45	9
Applicants who are the subject of information in SMV ⁽⁴⁾	4	1
TOTAL	469	100

(1) Reminder: The same applicant can address several successive requests to the Commission (for example, first a request for access, then a complaint).

(2) ICIS is INTERPOL's central database. Nominal data are recorded in this database.

(3) INTERPOL's database of stolen and lost travel documents (SLTD) contains the numbers of identity documents reported as lost or stolen, but does not contain any nominal information.

(4) The database of stolen motor vehicles (SMV) contains only the numbers of vehicles reported as stolen, as well as a description of the vehicles (colour, make, etc.). It does not contain any nominal information.

Profile of the 429 complaints	Quantity	%
Complaints related to individuals recorded in INTERPOL's files, of which: <ul style="list-style-type: none"> - 76% relate to individuals wanted for arrest - 67% relate to individuals who are the subject of a red notice - 30% relate to red notices with an extract published on the INTERPOL website 	357	83
Complaints related to individuals not recorded in INTERPOL's files	72	17
TOTAL	429	100

Profile of the 524 requests for access	Quantity	%
Requests for access regarding individuals recorded in INTERPOL's files, of which: - 83% relate to individuals wanted for arrest - 65% relate to individuals who are the subject of a red notice - 21% relate to red notices with an extract published on the INTERPOL website	115	22
Requests for access regarding individuals who are not recorded in INTERPOL's files	409	78
TOTAL	524	100

Profile of the 70 preventive requests	Quantity	%
Preventive requests related to individuals recorded in INTERPOL's files	7	10
Preventive requests related to individuals who are not recorded in INTERPOL's files	63	90
TOTAL	70	100

Profile of the 24 requests for review	Quantity	%
Requests for review relating to individuals who are recorded in INTERPOL's files	22	92
Requests for review related to individuals who are recorded in INTERPOL's files	2	8
TOTAL	24	100

3. Main sources of data concerning applicants

- The statistics presented below show the number of new files concerning applicants who are the subjects of information provided by the countries indicated.
- It should be noted that these numbers indicate the activity of the Commission but do not necessarily reflect the conclusions of the Commission on the compliance or otherwise of the data processed in INTERPOL's files from these countries.
 - Russia 71
 - Turkey 47
 - United States 32
 - Iran 28
 - Ukraine 24
 - United Arab Emirates 19
 - Venezuela 15
 - China 14
 - India 13
 - Kyrgyzstan 8

C. THE COMMISSION'S CONCLUSIONS IN 2016

- The conclusions reached by the Commission on compliance of data with the applicable rules apply to requests received during 2016 or earlier.
- The Commission completed the processing of 996 requests in 2016. Of these, 659 were received during 2016.
- In 46 per cent of cases, the Commission concluded that retaining the data concerning the applicants in INTERPOL's files would comply with the applicable rules.
- In the 54 per cent of cases where the Commission concluded that retaining the data in question would not be compliant, the Commission recommended that the General Secretariat delete the data from INTERPOL's files. The General Secretariat then implemented the Commission's recommendations.
- In 2016, the average timeframe for processing a request was six months.
