

**SPEECH DELIVERED BY
Ms Teresa MCHENRY, CHAIRPERSON OF THE CCF
AND Mr Mohamed KAMARA, VICE CHAIRPERSON,
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Mr. President,
Mr. Secretary-General,
Distinguished Delegates,

My name is Teresa McHenry and I am honored to address you today as the Chairperson of the Commission for the Control of INTERPOL's Files. We are particularly happy to be here on the 100th anniversary of INTERPOL and in the beautiful city of Vienna. We thank Austria for being such wonderful hosts.

I am accompanied by the Commission's Vice-Chairperson, Lt. Colonel Dr. Mohamed Kamara, and with Ms. Florence Audubert, longtime head of the Secretariat which supports the Commission.

I believe we all agree that the work of the Commission protects INTERPOL's credibility within the international community, its reputation before the public, and its immunity before judicial tribunals and courts. That immunity is crucial for INTERPOL. I know that the Secretary General has said on several occasions that if we did not have an independent Commission, we would not still have red notices.

Dr. Kamara will now provide information about the Commission's functions and I will then provide some specifics about the Commission's 2022 work and the way ahead. Mohamed...

[Floor given to Dr. Kamara]

Pursuant to the Commission's Statute, adopted by the General Assembly in 2016 and in force since March 2017, the Commission oversees the processing of personal data in INTERPOL's files, and allows individuals to access and challenge data held by INTERPOL.

In practical terms, the Commission has three main functions. Firstly, we work alongside the INTERPOL General Secretariat to ensure that INTERPOL's work respects the principles of data protection reflected in INTERPOL's own rules. Secondly, we perform checks to help INTERPOL identify and remedy structural or systematic violations of INTERPOL's rules. Thirdly, and lastly, we process individual requests.

The Commission has, by design, the difficult responsibility of deciding on conflicting interests between the applicants (individuals who have lodged a request before it), and the NCB sources of these challenged data.

The Commission is steadfast in its commitment to carrying out its mandate as the impartial and independent oversight mechanism for INTERPOL. In that sense, the Commission balances conflicting interests of parties, ultimately toward the interest of the Organization as a whole.

To focus on individual requests, and as you may know, the Commission serves as the body which individuals can approach to request access to data or to correct or delete data, concerning them in INTERPOL's files. As part of this work, the Commission decides cases brought by applicants whose personal data are retained in INTERPOL's files, such as by virtue of a notice or diffusion against them, and who believe that INTERPOL's rules were not followed in their particular case. The Commission is bound by its Statute to adopt final decisions on individual requests within strictly defined time limits.

Your authorities' cooperation, which is required under INTERPOL's rules, is central to the ability of the Commission to review the legal compliance of data in INTERPOL's files.

Without the cooperation of your NCBs, the Commission would often be unable to determine that the data under review are compliant with INTERPOL's rules. And of course, where the data are not compliant, it must be deleted from INTERPOL's files.

It is only with the cooperation and support from your NCBs that the Commission can most effectively fulfill its role.

In other words, we rely on information provided by your NCBs to effectively carry out our mandate. The Commission is obligated to provide reasoned decisions. This means that when the Commission has not been authorized to disclose data to an applicant, it must necessarily explain the grounds for the restriction. We hope that you can see in our reasoned decisions why we asked the questions transmitted to your NCBs, and how your information was used in deciding the case.

Of course, it is not always the case that NCBs and the Commission will agree, but we want the relationship to be of mutual respect and understanding each other's roles and competencies.

We believe that by appreciating the very particular and limited mandate of the Commission, NCBs are better positioned to address the Commission's requests for information and understand its decisions.

I emphasize that although the Commission decides cases, we do not operate in the same manner of a judicial tribunal at national level. The Commission's decisions do not study the veracity of any accusation or conviction made against an individual at national level. We do not resolve disputes of facts, we do not make evidentiary rulings, and we do not make general pronouncements regarding a country or its judicial system.

Matters related to the assessment of evidence or a person's guilt or innocence, or the appropriateness of extradition, are more appropriately left to the consideration of national authorities, which are better positioned and sovereignly competent to assess the particularities of the claims.

The entirety of the Commission's work focuses on one question: whether the data under review are compliant with INTERPOL's rules.

Now I will give the floor back over to our Chairperson to provide you with additional details about the Commission's work in 2022. Teresa...

[Floor given to Ms McHenry]

In 2022, the Commission's Supervisory and Advisory Chamber provided numerous consultations to the INTERPOL General Secretariat on the compliance of

ongoing projects and procedures that entail the processing of personal data in INTERPOL's files.

As for the Commission's Requests Chamber, in 2022, it received over 2,258 new requests. This represents a 37% increase in new requests from 2021. Although we have seen significant increases in the numbers of requests over the recent years, a 37% increase is astounding. As you might imagine, the Commission is challenged in keeping up with the increase in new requests.

With respect to cases that the Commission was able to resolve and close, in 2022, it closed 2,020 cases. Now, this number of closed cases was also an increase from 2021. I do not know how closely you are paying attention or how good your math is, but if you are thinking that the number of cases closed was not as high as the number of new requests, you would be right. In other words, our backlog increased.

Moreover, as pointed out last year during our presentation, the requests are more complex than they used to be, with the data often involving sophisticated allegations of fraud and public corruption and with the overwhelming majority of applicants seeking deletion of data being represented by attorneys.

We note that this increase in workload has meant that the Commission has not always been able to immediately respond to questions from applicants or from NCBs concerning the status of their matters.

We can assure you that the Commission is working to address these workload challenges, including in how quickly we respond to requests and questions. The Commission has continued to develop its internal procedures -- it has improved the templates for communications with NCBs and applicants and has instituted some new automation processes. The Commission has also sought additional resources and information technology tools to enable it to fulfil its statutory mandate.

Let me turn for a bit to some of the ongoing initiatives of the Commission.

As part of our commitment to increased transparency, the Commission has put more information about some of our policies and new anonymized decisions

on our website. This year's annual report also contains additional information and statistics. We hope to continue our efforts in the coming years.

Next year, we plan as our highest priority to work on processes to handle our large number of cases. We will also continue to work on various policy issues. As one example, the Commission is working to consolidate, and clarify where appropriate, in one code of conduct document the various rules and procedures governing the conduct of members. The Commission is also looking at clarifying guidance regarding the appropriate conduct for parties and representatives in the cases before the Commission, including measures that may be taken where there has been abuse of the Commission's processes. The Commission will also continue to examine the appropriate application of the resolution adopted by INTERPOL's General Assembly in 2017 relating to INTERPOL's development of a three-pronged approach in cases of refugees and asylum seekers.

We also, resources permitting, want to continue to support and expand training. We want to continue to work on transparency, and to have better communication, both with NCBs and with civil society.

I will end here. We welcome further discussions on the work of the Commission. I am about to turn the floor over to you for questions. Of course, as I believe you know, under INTERPOL's rules, we cannot discuss any specific case or decision, but we welcome more general discussions. And in addition to our presence at the General Assembly, we are present during the Heads of NCBs Conference, and are also happy to have discussions during the year about general, non-case-specific issues concerning the Commission.

On behalf of the Commission, I thank you for your attention and for your continued cooperation for our work in support of our goals.
