



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)

INTERPOL's Independent Authority for the Control and Protection of Personal Data

DECISION OF THE COMMISSION

REQUESTS CHAMBER

Request concerning [the Applicant]

(Ref. CCF/[xxx])

[xxx] session

[date]



DECISION CONCERNING [THE APPLICANT]

The Commission for the Control of INTERPOL's Files (the Commission), sitting as the Requests Chamber, composed of:

Members,

Having deliberated during its [xxx]th session, on [date], delivered the following Decision.

I. PROCEDURE

1. On [date], [the Applicant], lodged a request for the deletion of the information concerning him registered in INTERPOL's files. Following the submission of all the required documents in accordance with Rule 30 of the Operating Rules of the Commission, the request was found admissible, and the Commission informed the Applicant thereof.
2. During the study of the Applicant's case, the Commission consulted the INTERPOL National Central Bureau (NCB) of [Country 1], and the INTERPOL General Secretariat (IPSG) in accordance with Article 34(1) of the Statute of the Commission, on the arguments set forth in the request.
3. Both the Applicant and the NCB source of the challenged data were informed of the fact that the Commission would study the case during its [xxx]th session.

II. DATA RECORDED IN INTERPOL'S FILES

4. The Applicant is a national of [Country 1]. His Passport No. [xxx] issued by the [Country 1] authorities has been recorded in the SLTD (Stolen and Lost Travel Documents) database as "Revoked" since [date] by the NCB of [Country 1].

III. THE APPLICANT'S SUBMISSIONS

5. The Applicant requested the deletion of the data concerning him, contending, in essence that:
 - a) INTERPOL's channels are misused by [Country 1], and
 - b) that the case is of a predominantly political character.

IV. APPLICABLE LEGAL FRAMEWORK

6. The Commission considers the following applicable legal framework.
 - 6.1. Field of competence of the Commission:
 - Article 36 of INTERPOL's Constitution.
 - Article 3(1)(a) and Article 33(3) of the Statute of the Commission.
 - 6.2. Misuse of INTERPOL's channels:
 - Articles 11(2) and 12 of INTERPOL's Rules on the Processing of Data (RPD).

NOT INTENDED FOR PUBLIC DISSEMINATION



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V. ANALYSIS OF THE CASE

7. The Commission assessed the Applicant's most relevant contentions described in Section III above.

Misuse of INTERPOL's channels and political character of the case

a) Submissions of the Applicant

8. The Applicant explained that he is a [Country 1] citizen who has been living in [Country 2] since [date]. On [date], [Country 2] authorities retained his passport and informed him that it was reported as stolen or lost by [Country 1].
9. According to the Applicant, the record of his passport is solely political and insubstantial, aimed at preventing him from enjoying his rights and freedoms. He claimed that the [Country 1] government has been persecuting political opponents, dissidents, civil society activists, journalists, and many more innocents by abusing of the INTERPOL SLTD database. In support of his allegation, he provided a newspaper article published on [xxx] regarding [Country 1]'s abusive practice of SLTD databases, a report issued by [xxx] which reviews several cases about SLTD from the NCB source.
10. In addition, the Applicant also claimed that he has no criminal records, and he submitted a copy of his criminal record history in [Country 1] issued on [date] attesting to this.

b) Submissions of the NCB of [Country 1] (NCB source of the data)

11. The NCB explained that the Applicant is accused of "Violation of Tax Procedure Law," "Threat," "Violation of Privacy," and "Counterfeiting Private Documents." The court decided to ban him from going abroad and cancelled his passport pursuant to Article [xxx] of the Criminal Procedure Code, and Article [xxx] of Passport Law.
12. The NCB provided a copy of the arrest warrant in the original language, and a translated version of the "record of trial" of [xxx] Criminal Court of First Instance dated [date].

c) Findings of the Commission

13. Here, the Applicant claims that his passport was registered in the SLTD database by [Country 1] for political motives and that INTERPOL's channels are being misused by [Country 1] (see para. 9),
14. The Commission notes that the Applicant did not support his claims with any specific information or concrete element regarding the alleged political character of actions against him, nor an explanation as to how INTERPOL's channels would have been misused in his particular case. It also notes that the reports and newspaper clip submitted refer to a rather general context of the SLTD data linked with [Country 1].
15. On the other hand, the Commission notes that the NCB has reported that the revocation of the passport was carried out in accordance with the applicable law, following a court decision to ban him from going abroad and to cancel his passport pursuant to Article [xxx] of the Criminal Procedure Code, and Article [xxx] of Passport Law, and based on the fact the Applicant is an accused in a criminal case (see para. 11 and 12). The Commission finds that the NCB provided sufficient information supporting the lawfulness of the registration of the Applicant's passport in the SLTD database.
16. As a result, the Commission dismisses the applicant's arguments concerning the misuse of INTERPOL's channels by [Country 1] as they are not factually grounded.

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DECISION CONCERNING [THE APPLICANT]

FOR THESE REASONS, THE COMMISSION

Decides that the data challenged are compliant with INTERPOL's rules applicable to the processing of personal data.

Commission for the Control
of INTERPOL's Files

Secretariat to the Commission
for the Control of INTERPOL's Files

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