



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*

## ACTIVITY REPORT OF THE COMMISSION FOR THE CONTROL OF INTERPOL'S FILES FOR 2019-2020

**Original:** English

**Available in:** Arabic, English, French, Spanish

**Reference:** CCF/118/12

**ENGLISH**

## CONTENTS

Page

<b>PRELIMINARY REMARKS</b> .....	<b>3</b>
<b>1. GENERAL INFORMATION CONCERNING THE COMMISSION</b> .....	<b>3</b>
<b>2. ACTIVITY OF THE SUPERVISORY AND ADVISORY CHAMBER</b> .....	<b>4</b>
<b>2.1 Advisory capacity of the Commission</b> .....	<b>4</b>
<b>2.1.1 Legal framework for the processing of personal data by the General Secretariat</b> .....	<b>4</b>
<b>2.1.2 Cooperation agreements concluded between INTERPOL and international or private entities</b> .....	<b>5</b>
<b>2.1.3 Opinions expressed by the Commission on new INTERPOL capabilities involving the processing of personal data</b> .....	<b>6</b>
<b>2.1.4 Opinions expressed by the Commission on the General Secretariat's Crime Analysis Files</b> ...	<b>6</b>
<b>2.2 Supervisory capacity of the Commission</b> .....	<b>7</b>
<b>3. ACTIVITY OF THE REQUESTS CHAMBER</b> .....	<b>8</b>
<b>4. ACTIVITIES OF THE COMMISSION WHICH ARE COMMON TO BOTH CHAMBERS</b> .....	<b>10</b>
<b>5. ACHIEVEMENTS AND UPCOMING CHALLENGES</b> .....	<b>12</b>

Appendix      (The Commission's statistics for 2019-2020)

## PRELIMINARY REMARKS

1. The present activity report covers the work of the Commission for the Control of INTERPOL's Files (CCF) in 2019 and 2020, a critical period marked by the COVID-19 pandemic that had a serious impact on people and on work. It aggravated some of the difficulties that the Commission already had to address, disrupted some of its activities and created new constraints, which quickly led to new measures to address those constraints. Even with the new measures, some constraints remained significant and negative, though looking on the bright side, certain measures did result in the modernization and improvement of some existing tools and procedures.
2. During the period covered by this report, the Commission mounted a broad and decisive organizational response to the pandemic, as a result of which it was able to ensure the continuity of its work and conduct four sessions per year.
3. This report is meant to further understanding of the Commission's work as a whole. It explains how it carried out its functions and outlines some of the major issues addressed over the last two years. Moreover, it aims to give an overview of the measures taken to efficiently address a multitude of complex matters within short deadlines and the challenges that the Commission must overcome in order to achieve its goals.

### 1. GENERAL INFORMATION CONCERNING THE COMMISSION

4. **Legal framework:** The Commission operates within a legal framework defined by its Statute, its Operating Rules, INTERPOL's rules, INTERPOL General Assembly resolutions and texts relating to the implementation of the legal framework set out in those documents, as well as applicable international legal standards.
5. **Functions, composition and structure of the Commission:** The Commission's three functions laid down in Article 36 of INTERPOL's Constitution and in Article 3 of the Commission's Statute, are performed by two Chambers: (a) the Supervisory and Advisory Chamber, which conducts compliance checks on INTERPOL projects, operations and rules which involve the processing of personal data in the INTERPOL Information System (IIS), and which provides advice to the Organization on all such matters; (b) the Requests Chamber, which is responsible for processing requests for access to data, and/or for the correction or deletion of data processed in the IIS.
6. In 2019 and 2020, the Commission was composed of the following seven members:
  - (a) For the Supervisory and Advisory Chamber:
    - Mr Pîrlog (Moldova), Chairman, and lawyer with data-protection expertise;
    - Mr Frayssinet (France), Rapporteur for this Chamber, with expertise in data protection;
    - Mr Mira (Algeria), with expertise in electronic data processing.
  - (b) For the Requests Chamber:
    - Mr Pîrlog (Moldova), Chairman, and lawyer with data-protection expertise;
    - Ms Palo (Finland), Vice-Chairwoman and Rapporteur for this Chamber, lawyer who holds or has held a senior judicial or prosecutorial position;
    - Mr Despouy (Argentina), succeeded by Ms McHenry (USA), lawyer with expertise in human rights;
    - Mr Gorodov (Russia), lawyer with international criminal law expertise;
    - Mr Trindade (Angola), a lawyer with recognized international experience in police matters, particularly in international police cooperation.

7. The Commission is assisted in its work by the CCF Secretariat, which is composed of highly qualified legal experts and administrative staff with experience in the various fields of expertise required for the Commission's work. The Secretariat is able to work in INTERPOL's four working languages, and represents the principal legal systems of the world. The number of CCF Secretariat staff remained stable throughout 2019 and 2020.
8. **Sessions of the Commission:** In 2019, the members of the Commission met four times at the Organization's headquarters in Lyon, France. In 2020, due to the COVID-19 pandemic, the members met four times either remotely or on site in Lyon. Each session lasted a week.

## **2. ACTIVITY OF THE SUPERVISORY AND ADVISORY CHAMBER**

9. It is recalled that the main purpose of the Supervisory and Advisory Chamber is to help the Organization to ensure compliance with the applicable rules and procedures of projects involving the processing of personal data, when required by the Rules on the Processing of Data (RPD). The Commission conducts this activity whenever the General Secretariat asks for its opinion, or on its own initiative in the form of spot checks.

### **2.1 Advisory capacity of the Commission**

10. In its advisory capacity under Article 26(2) of the CCF Statute, the Commission delivered opinions on all matters involving the processing of personal data. It usually considered projects connected to police purposes, but was also consulted by the INTERPOL General Secretariat on a non-police project (see point 2.1.1 below).
11. Before examining any new project submitted to it by the General Secretariat, the CCF first ensures, as a matter of principle, that it has received sufficient information regarding the project's technical aspects, purpose, field of application and legal framework. It also verifies that a preliminary review of the project has been conducted by the INTERPOL General Secretariat's Office of Legal Affairs and INTERPOL Data Protection Office (IDPO). Whenever necessary or applicable, the Commission invites the General Secretariat to provide additional supporting documents, such as the result of a Data Protection Impact Assessment (DPIA) or any existing Standard Operating Procedures and Policies (SOPP). All this is essential to enable the Commission to conduct its work efficiently and to reach informed conclusions. It also holds various meetings with the directorates in charge of developing projects, Office of Legal Affairs, IDPO, and Information Systems and Technology Directorate.
12. In 2019 and 2020, the Commission welcomed the significant measures developed by the General Secretariat to ensure the respect of data-protection principles, not only within the General Secretariat, but also by NCBs and contracting parties in the context of cooperation agreements. The measures taken to strengthen and facilitate the conducting of the DPIA of any new project were particularly appreciated as they help to identify risks and develop solutions to ensure that concerns are addressed appropriately.

#### **2.1.1 *Legal framework for the processing of personal data by the General Secretariat***

13. The General Secretariat consulted the Commission on a dedicated legal framework for the processing of personal data for the General Secretariat's daily administration, management and functioning, in accordance with its attributions under Article 29 of the Constitution. These data have a non-law enforcement nature and are processed for administrative purposes rather than police cooperation purposes. The key issues addressed by the Commission in this context concerned on the one hand, the articulation of this legal framework with the Organization's existing rules, as the co-existence of rules should not lead to any confusion, and on the other hand, the existence of a suitable way for data subjects to access, and/or challenge, data concerning them.

### **2.1.2 Cooperation agreements concluded between INTERPOL and international or private entities**

14. In accordance with Articles 27(3) and 28(3) of the RPD, the General Secretariat sought the opinion of the Commission on several draft agreements with private or international entities, including the following:
- Cooperation agreement between INTERPOL and the UN International Residual Mechanism for Criminal Tribunals (IRMCT);
  - Cooperation agreement between INTERPOL and the UN Investigative Team to Promote Accountability for Crimes Committed by Da'esh/Islamic State in Iraq and the Levant (UNITAD);
  - Cooperation agreement between INTERPOL and the Arab Interior Ministers Council (AIMC);
  - iARMS - cooperation with Europol and the WCO;
  - I-Checkit programme - expansion of the categories of individuals subject to identity checks;
  - I-Checkit programme - expansion to the financial sector;
  - Project Gateway - providing a framework which enables INTERPOL to cooperate with private partners and receive threat data directly.
15. When considering these draft cooperation agreements, in addition to verifying compliance with the RPD, the Commission carefully examined the following elements:
- 15.1 **Commitment to respect the RPD:** The signing entity must comply with the RPD, including data-protection principles, control mechanisms, security rules and administrative procedures as may be established by the General Secretariat pursuant to the RPD.
- 15.2 **Compliance with national and regional laws:** No entity can exchange or process data through INTERPOL's channels if such operations are not authorized by, and compliant with, national or applicable regional laws. While the General Secretariat ensures that the conditions for the processing of data in INTERPOL's databases are duly observed,<sup>1</sup> it is not its role to assess the applicability of all national or regional laws. Therefore, the Commission recalled on some occasions that it was essential to obtain guarantees that a national or local data-protection authority approved the participation of the private entity concerned in a specific project.
- 15.3 **Responsibility:** INTERPOL plays an essential role in any project involving the processing of personal data and the Organization cannot elude its statutory responsibilities by using limitation of liability clauses in its cooperation agreements. Therefore, it is essential that each cooperation agreement clearly establishes the role played by INTERPOL, to identify the scope of its responsibility and the risks that it has to address. The Commission stressed that this is particularly important when the Organization loses control over data as soon as they are used outside the INTERPOL network.
- 15.4 **Access rights:** There can be no room for misinterpretation regarding the type of access (direct and/or indirect) foreseen by a cooperation agreement. This is crucial as direct access to the IIS by an international entity is subject to additional conditions set forth in Article 27(5) of the RPD, including accepting regular checks (remotely or on site) on its processing of data, or that access be limited to the entity's "need to know" such data for the purposes of cooperation.<sup>2</sup> Moreover, the agreements submitted ought to expressly require that the contracting entities provide a list of officials who are authorized to access INTERPOL databases.
- 15.5 **45-day notice period given to NCBs:** Assurances that the access rights only become effective after the expiration of a 45-day notice period given to INTERPOL's National Central

---

<sup>1</sup> Article 22(5) of the RPD.

<sup>2</sup> Article 28(6,c) of the RPD.

Bureaus and other international entities, as required by Articles 27(6) and 109 of the RPD, are mandatory.

15.6 **Security and confidentiality:** The safeguarding of the confidentiality and security of the data transmitted through the IIS and the development of a consistent and effective data breach response policy are indispensable to the Commission. In this respect, it welcomed the creation of the SOPP developed by the General Secretariat which should be appended to each agreement. The SOPP ensure that the security measures of any entity handling “*INTERPOL information*” are at least equivalent to those employed by the General Secretariat and that, in the event of a security incident, the entity will fully cooperate with INTERPOL in order to comply with Article 111(5) of the RPD. As a supplementary precaution, the Commission recommended that the INTERPOL Information Security Officer’s expertise be sought on the provisions regarding security which are included in cooperation agreements.

15.7 **Adequate review mechanisms:** The presence of an adequate review mechanism for data subjects is necessary. The entity must also have committed to responding promptly and diligently to any request made by the Commission. Moreover, when a cooperation agreement concerns the processing of personal - but not nominal - data, the Commission recalls the importance of being able to identify the existence of data concerning an applicant.

16. The Commission also decided to examine the development of projects that it had previously studied and the General Secretariat’s day-to-day practice with regard to those projects. The Commission was globally satisfied with the measures that had been taken to ensure that their implementation complied with the rules.

### ***2.1.3 Opinions expressed by the Commission on new INTERPOL capabilities involving the processing of personal data***

17. In accordance with Articles 29(2,d) of the RPD, the General Secretariat sought the opinion of the Commission on the following projects which involved the processing of personal data:

- Cybercrime Knowledge Exchange workspace, which handles general, non-police information and is open to all relevant users;
- Cybercrime Collaborative Platform - Operation, to support law enforcement operations, with access restricted to operational stakeholders only.

18. When assessing these projects, the Commission paid particular attention that personal data exchanged using these tools were subject to a right of access by individuals and a right to challenge the data concerning them in the INTERPOL Information System.

### ***2.1.4 Opinions expressed by the Commission on the General Secretariat’s Crime Analysis Files***

19. As required by Article 68(4) of the RPD, the General Secretariat requested the Commission’s opinion on the creation of several Crime Analysis Files (CAFs), including:

- Project Odyssey Analysis File;
- Project Sentinel Analysis File;
- Counter-Terrorism Analysis File;
- I-CAN Project Crime Analysis File.

20. When it studied new CAFs, the Commission essentially made sure that the retention in an analysis file of data deleted from one of the Organization's other police databases would not be allowed without the prior consent of the source concerned. It also verified that procedures ensured the quality of the data retained in analysis files (including open-source data) and their compliance with other RPD requirements. In this respect, it welcomed the General Secretariat's guidelines for the management of such data. It also underlined the importance of taking a precautionary approach and of considering general ethical guidelines.
21. As part of its study of the above-mentioned CAFs, the Commission identified several issues common to all analysis files. In this respect, the Commission highlighted that the utmost caution should be exercised when recording data from open sources; in particular, since the General Secretariat endorses the status of 'source of the data' and the responsibilities that derive from this status. The Commission also recalled that, pursuant to Article 47(1) of the RPD, the General Secretariat may record data taken from open sources provided that it has ensured that the data comply with the general conditions for recording set out in the RPD, and in particular with regard to the quality of data referred to in Article 12 of the RPD.

## 2.2 Supervisory capacity of the Commission

22. In its supervisory capacity, the Commission is required to carry out the necessary checks to ensure that the processing of personal data by the Organization complies with INTERPOL's rules, as stipulated in Article 26(1) of the CCF Statute. The purpose of such checks is not to identify an isolated problem, but to identify general trends in the processing of data that may present a risk of non-compliance with the rules; to understand the reasons for such situations; and to propose effective solutions to remedy any breach.
23. In order to provide such support to the Organization, the Commission usually decides to conduct spot checks on selected issues identified in the context of processing applicants' requests. The Commission first informs the General Secretariat thereof and invites it to present additional information regarding the concerns raised, as well as a sample list of cases from the relevant files. The Commission may also draw its own sample list of cases. It then randomly selects several files from those lists to conduct its spot checks. The Commission may share its preliminary findings with the General Secretariat to enable the latter to provide the Commission with additional information, as necessary. The Commission shares its final conclusions with the General Secretariat, along with general advice or specific recommendations on how to improve the processing of data. Spot checks can also result in binding decisions in the event that any non-compliance with rules was identified.
24. **Data registered with an offence of issuing an unfunded cheque:** In view of the growing number of requests from applicants subject to data in the IIS and charged with issuing unfunded cheques, the Commission decided to conduct spot checks on cases relating to this underlying offence. The preliminary results raised several issues, which led the Commission to invite the General Secretariat to provide information related to the processing of such data. In the meantime, the Commission continued to examine the new requests it received, with due consideration of any fraudulent behaviour or intent by the applicants - setting aside the fact that they had signed the cheques. In fact, signing a cheque linked to an account that is later found to lack funds, is insufficient in itself to be labelled a criminal activity.
25. **Individualization of criminal involvement:** In the context of processing requests, the Commission systematically considers the summary of facts (when available), and the description of the wanted person's individual involvement in the criminal acts of which he or she is accused. This is particularly true when there are several co-accused or co-defendants. Therefore, the Commission decided to conduct spot checks on this matter, and identified a significant number of Red Notices and "Red" Diffusions<sup>3</sup> which could raise concerns for their lack of a description individualizing criminal involvement. It shared its findings and recommendations with the General Secretariat which replied with the actions taken concerning the data flagged by the Commission. The General Secretariat deleted several of the data after the NCBs sources of the data failed to provide adequate additional information individualizing the alleged involvement of the wanted persons;

---

<sup>3</sup> So called "Red" Diffusions are diffusions that are sent for wanted persons (based on an arrest warrant or court decision) for their arrest in view of extradition.



others were declared compliant; and pending further study of the case, the General Secretariat blocked access by INTERPOL Member Countries to some data. The Commission welcomed the General Secretariat's cooperation which provided a detailed and clear explanation concerning its own procedures and criteria to review the compliance of data with rules. The Commission insisted on the need for additional scrutiny on the individualization of the criminal involvement of the data subject, and for the existence and knowledge of a coherent standard of assessment of this question. It also stressed the importance of establishing links between files of co-accused or co-defendants to ensure an adequate and coherent assessment of connected cases, in particular when one of them is declared not compliant with rules.

### 3. ACTIVITY OF THE REQUESTS CHAMBER

26. Under this section, information is provided on the work of the Requests Chamber, its most significant challenges, its tools and available procedures. In the context of the COVID-19 pandemic, certain tools and procedures were quickly adapted to take into account constraints for applicants, the Commission, the NCBs and the General Secretariat, and to address applicants' requests in a timely manner.
27. **Case-by-case analysis of requests:** As recalled on several occasions, the processing of requests is conducted on a case-by-case basis, with due consideration of the general context of each case, applicable rules and standards of law.
28. **Situations whereby the Requests Chamber is invited to consider a case:** The main function and priority of the Requests Chamber is to examine and decide on requests for access to and/or correction of and/or deletion of data concerning applicants that are processed in the IIS, as established in Article 29 of the CCF Statute. It should be noted that there are situations where applicants first send one or two access requests, before sending a request for the deletion/correction of data. Priority is then given to requests for clarification of its decisions, in particular from the General Secretariat in view of its implementation, as foreseen in Article 41 of its Statute. The Requests Chamber subsequently studies applications for revision from a party to a request (the applicant or the NCB source) under the specific conditions set out in Article 42 of its Statute. Finally, in cases where the Requests Chamber has previously studied a case, it can receive a request from the General Secretariat to consider a new request for police cooperation from an NCB for the same data subject. In such circumstances, the Commission would invite the NCB source to authorize it to disclose this new request to the data subject, for the individual to become a party to the case and ensure the respect of the principle of procedural fairness.
29. **CCF statutory timeframes:** The Commission is bound to finalize requests within four months for access requests, and within nine months for requests for correction and/or deletion.<sup>4</sup> Respecting such deadlines is not easy, mainly due to the complexity of some cases and the increasing workload. Moreover, in practice, the processing of requests requires extensive consultation of the parties, sometimes because of the difficulties in obtaining relevant and sufficient information in a timely manner before the Commission can decide on a case. This is particularly true when it comes to obtaining responses from NCBs which are not the source of the data, but which could provide valuable and relevant information for the Commission to decide on a case. In order to improve its communications, and with the intention of clarifying its requirements, the Commission has not only updated its guidelines and practical tools for applicants (available on the Commission's webpage),<sup>5</sup> but has also prepared a practical guide for the NCBs. To further ensure the efficient processing of each request and respect for statutory deadlines, as necessary, the General Secretariat or any other entity is consulted in accordance with Articles 34(1) and (2) of the CCF Statute, and internal tools and procedures are updated. A notable change for applicants, which resulted from the COVID-19 pandemic, was the shift to an increase in correspondence by e-mail, which typically facilitates the processing of their requests. E-mail correspondence only took place with the prior approval of the applicants or of their duly mandated representative.

---

<sup>4</sup> Article 40 of its Statute.

<sup>5</sup> <https://www.interpol.int/en/Who-we-are/Commission-for-the-Control-of-INTERPOL-s-Files-CCF/How-to-submit-a-request>



The requirement for applicants to send their initial request to the Commission by post, as outlined in Rule 30(1) of the Commission's Operating Rules, remained nevertheless.

30. **CCF access to data processed in the INTERPOL Information System (IIS):** To process a request, the Commission needs to know whether data concerning applicants have been processed in the IIS. For that purpose, it has a free and unlimited access to all data.<sup>6</sup> However, it is not always easy to identify data concerning an applicant in the IIS. Consequently, adequate procedures have been established, in coordination with the General Secretariat, in order to ensure that - upon receipt of a request - the Commission immediately receives comprehensive information on any data concerning an applicant processed in the IIS, including in analytical files.
31. **Communication of information to the applicant:** Access by applicants to the data concerning them processed in the IIS is a challenging issue when the NCB source restricts the communication to the applicant of information connected to a request. Restrictions being an exception to the general principle of communication of information that bear consequences on the rights of the parties, they must be strictly interpreted. When it studies this issue, the Commission considers, inter alia, the general context of the case, the existence of possible counter-balancing measures to compensate interference with the rights of the parties, the potential violation of other rules or international obligations, and the justifications provided for the restriction. If the Commission establishes that the restrictions are not adequately justified in a case-tailored manner, that they do not respect the principles of necessity, proportionality and effective remedy, it does not disclose the data concerned. However, in the study of the request, it takes into consideration the impact of restrictions on its ability to provide an adequate reasoned decision to the restricted party, and restrictions may impact the Commission's decision regarding the compliance of the data concerned with rules. Therefore, when restrictions are not properly motivated or justified, the Commission engages into extensive communications with the restricting party, thus increasing the average timeframe required to process requests. Nevertheless, the Commission endeavours to render reasoned decisions within the statutory timeframe, as provided in its rules.
32. **Main legal issues addressed:** They remain the same as in previous years. Applicants often support a request for the correction and/or deletion of data from the IIS by claiming that:
- there is a lack of a clear description of the criminal activities and of interest for international police cooperation or a lack of seriousness of the crime (see Articles 35, 83 of the RPD for notices, and Article 99 of the RPD for diffusions);
  - proceedings do not respect fundamental human rights (Article 2 of INTERPOL's Constitution);
  - the case is of a predominant political character (Article 3 of INTERPOL's Constitution and Article 34 of the RPD);
  - the case fails to comply with national or regional laws (Article 11 of the RPD);
  - the case relates to a private dispute and lacks a criminal character;
  - the diffusion or the notice can no longer serve its purpose (Article 10 of the RPD), for example in the case of a lack of extradition efforts by the country source of a Red Notice; or in the case of the location of an individual subject to a request for location; or if the applicant claims to be a refugee.

---

<sup>6</sup> Article 19 of its Statute.

33. **Concerning refugees:** The Commission has continued to apply INTERPOL’s policy, adopted in 2017 by the General Assembly,<sup>7</sup> with the utmost care, and to pay particular attention to the risks associated with potential abuses of the asylum system by individuals fleeing legitimate prosecutions in their countries of origin, as well as potential abuses in the context of procedures before the Commission. However, when it is able to establish that an applicant wanted for arrest in view of extradition to his/her country of origin is indeed protected from *refoulement* to said country, and that the purpose for which data were registered cannot be achieved, the Commission decides that the retention of the data in the IIS would not be compliant with Articles 10(1) and 12 of the RPD, the latter of which states that “*data processing in the INTERPOL Information System must be (...) relevant, not excessive in relation to their purpose.*” In such cases, the Commission decides that data shall be deleted from the IIS.
34. Finally, many of the above-mentioned claims require that the Commission examine the quality and accuracy of the data concerned under Article 12 of the RPD. The identification of inaccuracies in data registered in the IIS alone is not usually sufficient for the Commission to conclude that they will be deleted, unless updates or corrections are not made within a reasonable timeframe by the NCB source or by the General Secretariat.
35. **Statistics:** While the Commission’s workload continued to increase over the last two years, the profile of its work was impacted by the COVID-19 pandemic and the decrease in trans-border travel and the volume of international traffic. As a result, in 2020, the Commission received fewer requests from new applicants. However, the number of applications for revision by the parties and the number of requests for clarification of its decisions significantly increased. It observed the same trend for new requests for police cooperation from NCBs sent after the Commission had finalized the examination of a request submitted by an applicant, and forwarded to it [the Commission] by the General Secretariat. In addition, the already observed emerging trend of receiving multiple requests from the same applicant (one or several access requests followed by a request for deletion, and eventually an application for revision) continues and increases. Finally, the Commission noted a multiplication of situations of abuse, or a risk of abuse, of its procedures. Such cases require specific attention to ensure that the interests and rights of the parties are respected, and also that such cases do not block the normal functioning of the Commission or significantly affect its work and the examination of other cases, its independence, its impartiality and its jurisprudence. Detailed statistics are presented in the appendix of the present activity report.

#### 4. ACTIVITIES OF THE COMMISSION WHICH ARE COMMON TO BOTH CHAMBERS

36. While each Chamber of the Commission deals with specific tasks, as defined by its Statute, various questions concern or potentially impact the work of both Chambers. Consequently, they are considered jointly by all members.
37. **Delegation of powers:** In order to streamline and facilitate the conduct of its work, the Commission continues to delegate certain powers to the Chairperson and Rapporteurs, so that decisions can be taken between sessions on previously identified topics and files. This delegation process also allows the Commission to focus on increasingly complex issues during its sessions.
38. **Amendments to INTERPOL’s Rules on the Processing of Data:** The INTERPOL General Assembly, at its 87th session (Dubai, United Arab Emirates, 18-21 November 2018), tasked the Working Group on the Processing of Information (GTI) - now renamed the Committee on the Processing of Data (CPD) - “*to engage in a general review of the RPD and to recommend any necessary adjustments to the text it deems fit in order to further pursue the Organization’s aims and objectives*”.<sup>8</sup> In accordance with Article 36(2) of the Organization’s Constitution, and Article 3(1,b) of the CCF Statute, the Commission was requested to give an opinion on amendments to the RPD adopted by the GTI. The Commission provided its conclusions on the said amendments on 29 July 2019. The GTI decided to endorse the Commission’s recommendation to modify the proposed amendment to Article 69(4) to make it clearer and more precise. The GTI also decided to support the Commission’s recommendation to modify the proposed amendment to Article 51(6) of the RPD to

---

<sup>7</sup> INTERPOL General Assembly Resolution (ref. AGN/2017/86/RES/09) on INTERPOL’s policy on refugees.

<sup>8</sup> Resolution GA-2018-87-RES-08.

explicitly outline the existing principle that data may only be retained in the IIS for separate purposes if the data source has given its prior consent. The amendments were thereafter endorsed by the INTERPOL General Assembly, at its 88th session (Santiago, Chile, 15-18 October 2019).

**39. Amendment of the CCF's Operating Rules:** Since the adoption of its Operating Rules in March 2017, the Commission has identified several rules that should be clarified, developed or amended to strengthen its independence and to ensure its proper functioning.

**39.1 New provisions were added to Rule 1:** First, it was clarified that the members of the Commission shall, during their term of office, take all necessary measures to ensure that they do not have, or are not seen by a reasonable observer as having, a conflict of interest. Second, Rule 1 now expressly establishes that CCF members shall not participate in INTERPOL's official meetings and/or INTERPOL's conferences as delegates appointed by their respective countries. However, subject to the prior approval of the Chairperson and/or a decision of the Commission taken by a majority of the members present and voting, they can participate in such meetings as members of the Commission representing the Commission.

**39.2 Rule 3A** was added to clarify the status of the members of the Commission. Members are elected by the General Assembly among qualified persons who are nationals of member countries of the Organization. Consequently, they do not have the status of officials of the Organization, and the term "remuneration" - as used in Article 13 of the CCF Statute - is defined as a lump-sum compensation, which does not qualify as a salary.

**39.3 Rule 4** was amended to specify that the resignation of a member of the Commission is a personal prerogative, to be freely given, without any direct or indirect influence, pressure, intimidation or coercion from anyone. However, the resignation must be motivated and, at the request of the Commission or its Chairperson, the resigning member may be invited to provide additional information regarding the grounds on which his or her decision was based.

**39.4 Rule 21(3)**, establishing the quorum for decision making, was amended to clarify that the conclusions of each Chamber shall be reached by a majority of the members of the Chamber concerned, present and voting.

**40. Risks associated with the circulation of diffusions by NCBs:** The Commission identified several risks associated with the circulation of diffusions by NCBs. Indeed, diffusions were received by other NCBs before the General Secretariat was able to decide whether related data were compliant with the rules and could be processed in the IIS. The Commission therefore invited the General Secretariat to take adequate measures to address said risks. The following measures have since been taken: (a) the General Secretariat informs NCBs within 36 hours when access to a diffusion circulated remains blocked for additional compliance checks; (b) in addition, when a diffusion is finally found not compliant with the rules and is deleted from the IIS, the General Secretariat informs the NCB source that INTERPOL's channels may no longer be used in that case; (c) it also informs NCBs which received the diffusion that it was deleted for non-compliance with INTERPOL's rules and that, consequently, no police cooperation via INTERPOL's channels can take place in the case. The Commission also invited the General Secretariat to remind the NCBs of their role and responsibilities connected with the data they process,<sup>9</sup> to explain mandatory measures to ensure the respect of INTERPOL's rules, and to recall associated risks (and possible sanctions) if an NCB does not comply with rules.

---

<sup>9</sup> Article 131(4) of the RPD.

41. **Issues linked to the SLTD database:** The Commission raised various issues linked to the Stolen and Lost Travel Documents (SLTD) database. It invited the General Secretariat to provide information on the types of checks it undertakes to monitor the compliance of the data recorded in the SLTD database with applicable rules. The Commission welcomed the development of several tools aimed at preventing abuses regarding the use of the SLTD database; as well as at ensuring compliance of the data registered in the database with rules; and that when a request for police cooperation is deleted from one police database, an automatic alert is generated in case the SLTD database contains a personal document listed in the deleted request. The Commission also brought the General Secretariat's attention to the fact that the name of the database no longer represents its content and may consequently be misleading, as passports can be recorded either as "stolen/lost", "revoked" or "invalid". The General Secretariat stressed that "SLTD" being a "globally recognized brand" mentioned in various international directives (such as the EU, the UNSCR, etc.), its update may generate worldwide confusion. Nevertheless, it decided to put in place concrete measures to mitigate this issue and to ensure that internal and external communications will clearly promote INTERPOL SLTD as **the** repository for "stolen, lost, revoked, invalid, and stolen blank" documents.

## 5. ACHIEVEMENTS AND UPCOMING CHALLENGES

42. **Pro-active CCF actions:** Dealing with its workload and evolving challenges in a timely manner, coherently and efficiently, requires permanent scrutiny, expertise, creativity and flexibility. In this context, the Commission was able to provide procedural responses to the constraints imposed by the COVID-19 pandemic, despite its strained resources.

43. **Communication policy:** The Commission worked during this period on the foundations of its communication policy. It significantly increased its communications with all the actors involved, impacted or interested in its work. This was part of a more global goal and strategy aimed at ensuring a better knowledge of the Commission's work, needs, constraints, field of competence and the limits of its role; as well as an adequate cooperation of all people and entities directly involved or concerned by its work. Guidelines for NCBs were prepared by the Commission and the information available to the public on the INTERPOL website was updated and supplemented with new documents, including with the guidelines for applicants and new forms for the submission of requests and applications for revision.

44. **Participation in meetings, conferences and working groups:** It is essential for the Commission to participate in various INTERPOL meetings or to attend external conferences, as the matters discussed may impact the Commission as a whole, its members and its work. Moreover, such forums offer opportunities for dialogue with various actors on legal issues connected to the processing of personal data, in particular in the field of international police cooperation, and to make the work of the Commission better known and understood. As usual, the Commission attended the Global Privacy Assembly (previously called the International Conference of Data Protection and Privacy Commissioners) that took place in Tirana in 2019 and remotely in 2020. The Commission and/or its Secretariat participated in person or by virtual means in various INTERPOL meetings, in the 2019 Heads of NCB Conference, and also in the Working Group on Governance (hereafter "WGG") tasked in 2018 by the INTERPOL General Assembly with reviewing the legal provisions<sup>10</sup> relating to INTERPOL's governance bodies<sup>11</sup> and entrusted with examining ways to enhance the Organization's governance.<sup>12</sup> Moreover, as mentioned at paragraph 38 above, the Commission participated (as an observer) in the GTI meetings (21-22 March 2019 and 10-11 June 2019).

---

<sup>10</sup> Constitution, General Regulations, Rules of Procedure of the General Assembly and Rules of Procedure of the Executive Committee.

<sup>11</sup> These entities are listed in Article 5 of INTERPOL's Constitution.

<sup>12</sup> Resolution GA-2018-87-RES-15.

45. **Ethics:** The WGG focused, among other topics, on ethical standards that should apply to the Executive Committee (EC) members in the performance of their functions, in particular concerning the identification and prevention of conflicts of interest. In this regard, it is worth underlying that in its discussions, the WGG took into consideration the measures already taken by the Commission to implement its Statute adopted in 2016. It is also important to recall that the Commission has already updated its Operating Rules in order (among other reasons) to reflect the particular attention it pays to the respect of its independence and impartiality, and to that of its members (see paragraph 39 above). However, the results of the WGG's work are of great interest to the Commission. Considering the importance of the Commission's work in relation to INTERPOL's core business and that CCF members (unlike EC members) serve in their personal capacity and represent neither their country, nor their administration, nor any entity,<sup>13</sup> it is essential to ensure that the Commission's rules and practice correspond to the highest ethical standards required and to a level at least equal to that of any other INTERPOL governing body. Accordingly, the Commission will continue working on its rules and procedures in order to determine whether amendments shall be made to its decision-making process and to identify potential areas that would need to be addressed to ensure an adequate decision-making process that contributes to guaranteeing ethics, accountability and integrity.
46. **Other challenges:** Some of the issues and challenges addressed by the Commission are regularly presented in its annual reports, and will continue to require extensive consideration. This is the case, for example, for timeframes to decide on a request; for conflicting obligations to respect restrictions to the communication of data while still ensuring fundamental fairness in the Commission's work; or for risks of abuse of procedures before the Commission. As the Commission's three functions are aimed at ensuring the compliance of data processed in the IIS with INTERPOL's rules and international standards, as well as protecting the data subjects in the context of international police cooperation, the Commission needs to regularly examine procedures and criteria in place to implement the RPD. In this respect, based on issues identified in the course of its work, it decided to conduct additional checks on the implementation of rules applicable to Blue Notices and of the notions of interest and seriousness of cases or offenses for the international police cooperation.
47. Further details about the Commission can be found on the website:  
<https://www.interpol.int/en/Who-we-are/Commission-for-the-Control-of-INTERPOL-s-Files-CCF>

-----

---

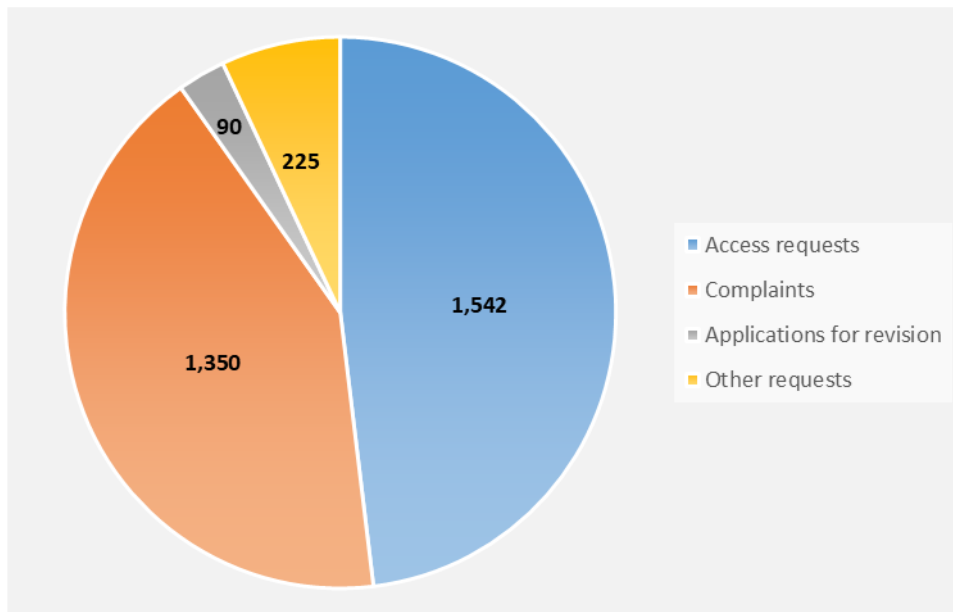
<sup>13</sup> Rule 1(1) of the CCF Operating Rules.

**APPENDIX**  
**THE COMMISSION'S STATISTICS FOR 2019-2020**

**I. New requests received in 2019-2020**

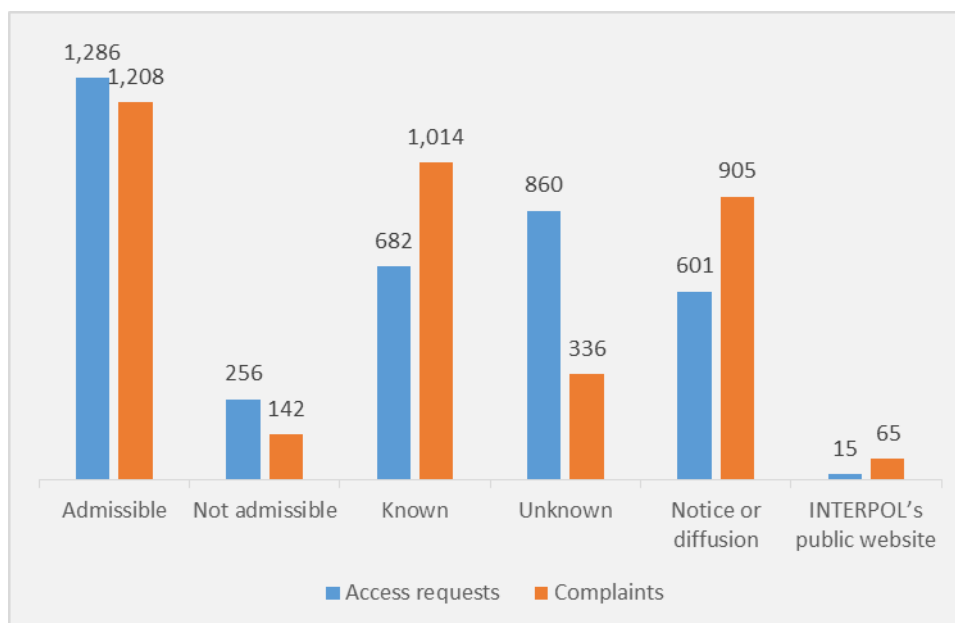
1. In 2019-2020, the Commission received **2,740** new requests or applications for revision, concerning **3,207** new applicants. These statistics neither take into consideration the new requests for police cooperation from INTERPOL National Central Bureaus concerning applicants forwarded by the INTERPOL General Secretariat to the Commission, nor include the requests for clarifications of the conclusions of the Commission.

**(a) Nature of the requests relating to the 3,207 new applicants**



2. **Access requests** are requests to find out whether there are data recorded in INTERPOL's files and to obtain the communication of such data.
3. **Complaints** are requests for correction and/or deletion of data (if any) recorded in INTERPOL's files.
4. **Applications for revision** of the Commission's decisions are addressed either by the applicants or by the sources of the data that were deleted following a decision taken by the Commission.
5. **Other requests** are requests generally presented as "complaints" but addressed by the applicants to the Commission for other purposes that may go beyond its mandate (e.g. requests for cancellation of proceedings involving an applicant at national level).

## (b) Profiles of new complaints and access requests



6. **Admissible/Not admissible:** The conditions laid down in Rule 30 of the CCF's Operating Rules are met/not met.
7. **Known/Unknown:** Applicants are/are not the subjects of data recorded in the INTERPOL Information System.
8. **Notice/Diffusion:** Applicants are the subjects of a diffusion or notice recorded in the INTERPOL Information System, in the meaning of Articles 2(f) and (g) of the RPD.
9. **INTERPOL's public website:** An abstract of a notice concerning an applicant was published on INTERPOL's website.

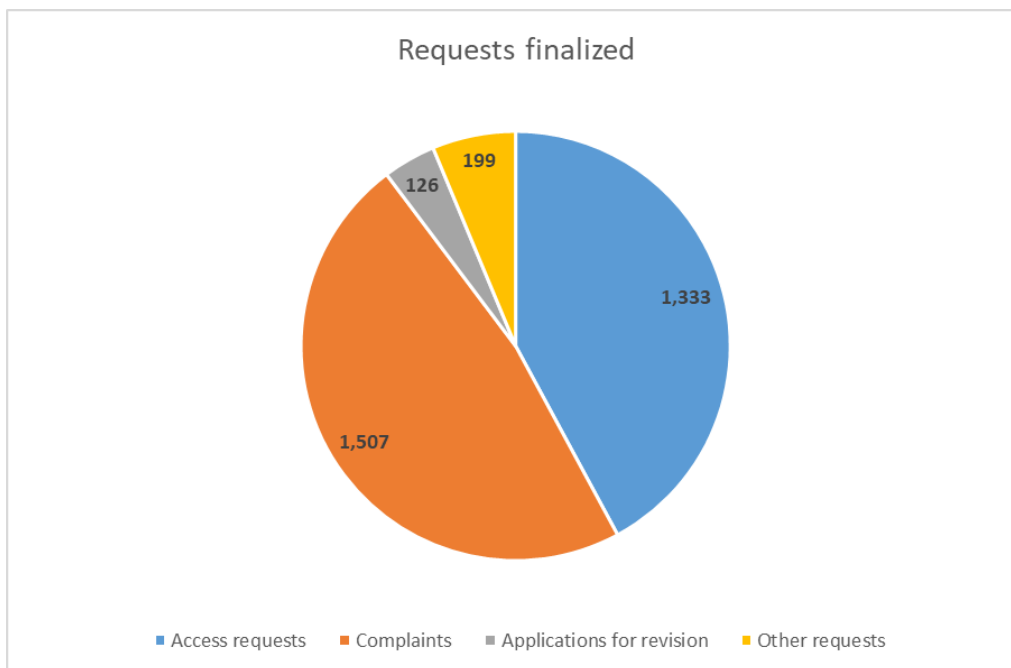
## II. The Commission's conclusions in 2019-2020

10. The conclusions reached by the Commission on the compliance of data with INTERPOL's rules concern requests received in 2019-2020, or earlier.

### (a) Number of requests completed

11. In 2019-2020, the CCF finalized the processing of **3,165** cases, either after it reached a final conclusion (in **2,493** cases), or because the requests never became admissible (in **415** cases) or after the data concerned were deleted by the General Secretariat or the sources of data before any decision was taken by the CCF (in **257** cases).
12. The **3,165** finalized cases included **1,333** complaints, **1,507** access requests, **126** applications for revision, and **199** "other" requests.





**(b) Details of the Commission’s conclusions on complaints**

13. Among the **1,333** complaints processed in 2019-2020, **908** concerned admissible requests from applicants who were the subjects of data recorded in INTERPOL’s files.
14. Among these complaints, **193** concerned cases for which the CCF established that the data challenged met the required legal conditions for their retention in INTERPOL’s files, and were therefore considered compliant. Compliance of data challenged with applicable rules was subject to additional information (in **16** cases) or to updates (in **44** cases) in INTERPOL’s files in order to ensure the quality (including the accuracy) of data, as required by Article 12 of the RPD.
15. In **524** cases, the Commission established that the challenged data did not meet legal requirements and should therefore be deleted from INTERPOL’s files as they did not comply with INTERPOL’s rules.
16. For **415** complaints, the Commission concluded that the data were not compliant with INTERPOL’s Rules after consideration of the legal issues raised by the Applicants and of the answers provided by the sources of the data challenged. In **109** cases, data were deleted because their sources did not answer at all to the questions raised by the Commission.
17. In **191** other cases, either the General Secretariat or the NCB at the source of the challenged data decided to delete data from INTERPOL’s files before the Commission had taken a decision.
18. Remark:  
 In **355** of the admissible complaints, access to data recorded in INTERPOL’s files concerning the applicants was blocked as a precautionary measure, pending the finalization of the cases, from the moment serious doubts arose over their compliance with INTERPOL’s rules.

-----