



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 2018

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PRELIMINARY REMARKS

1. A year and a half after the entry into force of the new Statute of the Commission for the Control of INTERPOL's Files (the Commission, or CCF), the work of the Commission has been marked, once again, by a consistently increasing workload and by daily challenges, some of which are new.
2. Several factors, linked either to INTERPOL's core business, to requests submitted by applicants, to the changing legal frameworks at national or regional level, to initiatives taken by regional or international entities, or to public scrutiny, have all had a significant impact on the Commission's activity, which has increased significantly.
3. One of the main challenges facing the Commission in 2018 was the need to ensure that all the parties involved in a file had a clear understanding of both the Commission's competence and powers and limitations, and to ensure that all the parties worked with the Commission effectively, and did not do anything that would prevent it from performing its functions properly.
4. In this context, the Commission has taken some practical measures to provide good-quality conclusions in a timely manner, even if most of the deadlines are short and the information required is not always available in time. To achieve this, the Commission always makes sure that it is organized in such a way as to allow appropriate measures to be identified and implemented, even at short notice. In fact, to be able to perform the three areas of its work properly and efficiently, the Commission has to be able to comply with all applicable rules, policies and guidelines, and to be able to adapt quickly and at any time to address any specific needs or issues.
5. The Statute of the Commission reaffirms the principle of independence in conjunction with the principle of impartiality, and the Commission's Operating Rules reinforce these provisions and procedures by providing for the withdrawal of a member of the Commission from considering any case where there is a real or perceived conflict of interest. These Rules also give due weight to the principles of confidentiality and secrecy of the Commission's work and files. In this context, the Commission has also taken measures to ensure that its members and Secretariat respect not only the crucial principles of impartiality and independence, but also confidentiality and professional secrecy.
6. The present annual activity report of the Commission describes its work and the context in which it operates. The report explains how the Commission carried out its three functions of supervision, advice and processing requests. It also gives an overview of the measures taken by the Commission and of how the latter plans to address the increasing challenges that it must overcome in order to achieve its set goals.

1. GENERAL ISSUES REGARDING THE COMMISSION

1.1 The Commission's legal framework

7. The Commission's primary legal framework includes the Statute of the Commission, the ICPO-INTERPOL Constitution, the Operating Rules of the Commission, and INTERPOL's Rules on the Processing of Data (RPD), along with INTERPOL General Assembly resolutions and the texts relating to the implementation of those documents.

1.2 Functions and composition of the Commission

8. The Commission's three functions are established in Article 36 of INTERPOL's Constitution and in Article 3 of the Commission's Statute, which entered into force on 11 March 2017, replacing the Rules on the Control of Information and Access to INTERPOL's Files on that date.

9. These three functions are performed by two Chambers:

- the Supervisory and Advisory Chamber, which conducts compliance checks on INTERPOL's projects, operations or rules involving the processing of personal data in the INTERPOL Information System, and provides advice to the Organization on all these matters;
- 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 INTERPOL Information System.

10. In 2018, as in 2017, the Commission was composed of seven members as follows:

- the Supervisory and Advisory Chamber:
 - o Mr Pirlog (Moldova), Chairperson
 - o Mr Frayssinet (France), Rapporteur for this Chamber, with expertise in data protection
 - o Mr Mira (Algeria), with expertise in electronic data processing;
- the Requests Chamber:
 - o Mr Pirlog (Moldova), Chairperson
 - o Ms Palo (Finland), Vice-Chairperson and Rapporteur for this Chamber, a lawyer with judicial/prosecutorial experience
 - o Mr Despouy (Argentina), a lawyer with human rights expertise
 - o Mr Gorodov (Russia), a lawyer with international criminal law expertise
 - o Mr Trindade (Angola), a lawyer with recognized international experience in police matters, particularly in international police cooperation.

1.3 Sessions of the Commission

11. The members of the Commission met four times in 2018 (January/February, April, July and October) at the Organization's headquarters in Lyon, France. Each meeting lasted a week, with the first day devoted to meetings with the INTERPOL General Secretariat departments involved in projects, and to other matters. These projects and matters were included in the agenda of the session, and subsequently discussed by the members of the Commission.

1.4 Working methods

12. The Commission was assisted in its work by the CCF Secretariat. The CCF Secretariat is composed of highly qualified legal experts and administrative staff with experience in the various fields of expertise required for the Commission's work. It is able to work in all four of INTERPOL's working languages, and represents the principal legal systems of the world. Furthermore, the CCF Secretariat is protected and bound by the same obligations of independence, impartiality, confidentiality and security as the members of the Commission.
13. The CCF Secretariat facilitated the decision-making process for the members of the Commission and prepared documents for their consideration. That practical help, along with a delegation of powers by the Commission to its Rapporteurs and Chairperson, allowed the Commission to more easily meet the deadlines set for examining files, and also allowed the members of the Commission to take the necessary time to consider and discuss the most significant issues facing them during their sessions.
14. The Chairperson of the Commission regularly consulted the CCF Secretariat on the Commission's work, especially before each Commission session. The CCF Secretariat also consulted and reported to the Chairperson and its Rapporteurs on a weekly basis regarding their delegation of powers between sessions, and provided weekly and monthly reports for all the members (subject to restrictions) as well as detailed minutes of each session.
15. The Commission worked on updating its Operating Rules to ensure that it is able to act as required by its Statute both as one body and through each of its Chambers. It also developed legal and administrative means such as a repository of the Commission's practice and its previous decisions, along with new IT tools to facilitate the work of the members of the Commission and its Secretariat.

16. The secure and dedicated platform, which gives the Commission permanent access to working documents and other relevant material, is updated on a regular basis. The platform allows the Commission to manage access restrictions in case a member withdraws from a particular issue or the examination of a file, and allows members to fulfil their obligations of independence and impartiality.
17. Although members may only vote on issues relating to their respective Chamber, the activities of each Chamber are interconnected, so both Chambers work together to achieve the Commission's goals, sit together in session, and can contribute to the discussions of the other Chamber (subject to individual restrictions or requirements in terms of independence and impartiality).
18. The Commission worked to improve its communication efforts by following up on files, by providing detailed and reasoned conclusions to applicants, NCBs and the General Secretariat, and by developing working tools such as SOPs and guidelines for parties in contact with the Commission.

2. ACTIVITY OF THE SUPERVISORY AND ADVISORY CHAMBER

19. The main purpose of the Supervisory and Advisory Chamber is to help the Organization with any project involving the processing of personal data to ensure compliance with the applicable rules and procedures. It does this when required by the Rules on the Processing of Data (RPD), whenever the General Secretariat asks the Commission for its opinion, or on the Commission's own initiative in the form of spot checks. For example, spot checks can be done if the Requests Chamber identifies an issue when it examines a request.
20. The Supervisory and Advisory Chamber is composed of legal and IT experts, which means that the Chamber is able to identify possible difficulties and to offer solutions concerning the structure and content of the INTERPOL Information System, to ensure that it is developed and managed in compliance with INTERPOL's rules.
21. The Commission's role is not to determine whether data are to be recorded in INTERPOL's files, but is limited to determining whether the data recorded in INTERPOL's files comply with the Organization's rules. Therefore, in cases where no data are available in the INTERPOL Information System, it is not the Commission's role to determine whether data related to a specific request should be recorded in INTERPOL's files.
22. The constant review of INTERPOL's rules and increase in data processing activities continue to add to the workload of the Chamber in terms of the amount of projects and activities that it has to examine. The projects and issues are becoming increasingly complex, and involve the processing of much more personal data, which raises multifaceted legal issues. As INTERPOL's RPD require the General Secretariat to consult the Commission on any activities involving the processing of personal data, the continual development and growth in the number of INTERPOL projects will continue to have a significant impact on the workload of the Supervisory and Advisory Chamber of the Commission.

2.1 Advisory capacity of the Commission

23. As stated in Article 26(2) of its Statute, the Commission, acting in its advisory capacity, gives opinions on all matters referred to in the RPD and on any other matter involving the processing of personal data, either on its own initiative or at the request of the General Secretariat.
24. For all the projects mentioned below, which were examined in 2018, the Commission met with the relevant General Secretariat departments, studied numerous wide-ranging documents and members of the Commission regularly asked the General Secretariat to provide additional information and reply to questions.

(a) Opinions expressed by the Commission on the General Secretariat's analysis files

25. In accordance with Article 68(4) of the RPD, the General Secretariat sought the Commission's opinion on the creation of the following analysis files.

26. **Project Energia Analysis File**: Project Energia is a joint project between INTERPOL, the World Anti-Doping Agency (WADA) and the University of Lausanne (UNIL). The project aims to provide countries with intelligence analysis on the production and trafficking of performance-enhancing drugs. A specific analysis file was created so that the project could process a greater volume of data and better exploit existing information. In its conclusions, the Commission recommended that the conditions under which anonymized data are transferred from INTERPOL to UNIL be specified.
27. **Drugs Analysis File**: The Drugs Analysis File is a project that has been developed to prevent and combat drug trafficking. The Commission stressed the importance of ensuring that the large number of participating countries respected the purpose of this analysis file to prevent any inappropriate dissemination of the data. The Commission concluded that it would pursue its discussions with the General Secretariat to ensure the security of the communications concerning this analysis file.
28. **Illicit Markets Analysis File**: The purpose of this analysis file is to support the competent authorities of INTERPOL's member countries in preventing and combating trafficking in illicit pharmaceuticals and medical products, illicit and counterfeit goods, and illicit wildlife, wildlife products and natural resources. This purpose will be achieved by gathering information from different sources and identifying links in order to provide better insights into criminal activities across borders, criminal organizations involved, their group structures, key persons, modi operandi and trafficking routes.
29. **Cybercrime Analysis File (Project Gateway)**: The Commission has continued its study of Project Gateway. This project aims to articulate and thereby strengthen the operational, legal, technical and procedural framework within which INTERPOL, in support of its Membership, can safely and securely receive cyber-threat intelligence and cybercrime information from external partners (especially those who are not part of the law enforcement community). As part of Project Gateway, the General Secretariat created a criminal analysis file in which cyber information is collected, collated and processed. In the framework of this project, the Commission paid particular attention to the conditions under which INTERPOL could share its data with private entities.

(b) Opinions expressed by the Commission on cooperation agreements concluded between INTERPOL and international or private entities

30. In accordance with Articles 27(3) and 28(3) of the RPD, the General Secretariat sought the opinion of the Commission on agreements relating to the processing of personal data by private or international entities. In this respect, in 2018, the General Secretariat requested the opinion of the Commission for Project INVEX, AFRIPOL, and G5 Sahel, as described below.
31. **Project INVEX**: Project INVEX began several years ago. It concerns cooperation between INTERPOL and car manufacturers in order to regularly update and ensure the quality of the data in the Stolen Motor Vehicle (SMV) database, and to detect stolen motor vehicles and spare parts. The aim is to provide law enforcement and vehicle registration authorities worldwide with an effective tool to combat the illegal import/export of stolen motor vehicles and spare parts. To this end, vehicle search data from participating countries are exchanged with car manufacturers. The Commission made several recommendations regarding the conditions and requirements applicable to cooperation with private entities and to downloading operations implemented by the General Secretariat. Consequently, the Commission expressed a favourable opinion on the new phase of the project.
32. **AFRIPOL**: In 2011, INTERPOL and the Commission of the African Union concluded a Memorandum of Understanding (MOU) to help in “combating criminal activities in the African Region”, and to “Set up the appropriate channels for communication and exchange of information”. INTERPOL continued the discussions with the Commission of the African Union and the African Union Mechanism for Police Cooperation (AFRIPOL) in order to identify additional ways in which the Organization could support AFRIPOL’s operationalization and objectives. In this context, the CCF was consulted about a draft agreement between the African Union and INTERPOL in relation to cooperation with AFRIPOL and the possibility of exchanging data. The CCF raised issues concerning the implementation of the project rather than the text of the draft agreement itself. The CCF will therefore continue to liaise with the General Secretariat on the various steps required for the implementation phase of the project.
33. **G5 Sahel**: the Group of Five Sahel (G5 Sahel) is an institutional framework for regional coordination and cooperation between Burkina Faso, Chad, Mali, Mauritania and Niger. The

Commission was consulted about a draft agreement between INTERPOL and the G5 Sahel that involves the processing of personal data dedicated to the prevention and suppression of acts of terrorism and other forms of cross-border crime. The Commission expressed a favourable opinion on this project and invited the General Secretariat to keep it informed on a regular basis about any temporary pilot project(s), which might be conducted between INTERPOL and the G5 Sahel.

(c) Opinions expressed by the Commission on the creation or modification of a database

34. **Stolen and Lost Travel Documents (SLTD) database:** The SLTD was initially created to enable NCBs and other authorized law enforcement entities, such as immigration and border-control authorities, to ascertain the validity of a travel document in order to prevent lost/stolen travel documents from being used illegally. The Commission was consulted on the creation of a new category of documents, called “invalid”, which would include expired, damaged or destroyed travel documents. The Commission was concerned that this category could be misused or may not include an explanation as to why a document had been invalidated. The General Secretariat consequently updated the SLTD Standard Operating Procedures in order to clarify the conditions applicable to the quality of the data processed in the SLTD database that are required to comply with INTERPOL’s rules.
35. **INTERPOL Analytical Platform Project:** The Commission was consulted about a new project that is aimed at facilitating the processing and analysis of large volumes of data, identifying relevant intelligence leads, and enhancing the ability to collaborate with member countries. The Commission provided its first recommendation and will continue to consider the next steps involved in this project.

2.2 Supervisory capacity of the Commission

36. As stated in Article 26(1) of its Statute, 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. It is also required to take decisions binding on the Organization on the measures required to remedy any non-compliance with INTERPOL’s rules as well as recommendations on how to improve the processing of personal data by the Organization.
37. **Spot checks conducted on analysis files:** As INTERPOL is developing analysis files, the Commission paid particular attention to the results of the monthly spot checks conducted by the General Secretariat for each crime analysis file in order to ensure the efficiency of the quality compliance checks that had been performed on the data processed in those files. The Commission was satisfied with the results presented to it, and invited the General Secretariat to provide it with the results of further checks every six months.
38. **Web archiving:** The Commission discussed the issues that had arisen from the archiving on other websites of information deleted from the INTERPOL website. The Commission discussed the need to take appropriate measures to ensure that INTERPOL strove to take the most practical approach to address the issue and to reduce the possibility for archiving websites to copy INTERPOL’s webpages. In this regard, the Commission invited the General Secretariat to implement the following actions without further delay:
 - Update as soon as possible the Terms of Use for the INTERPOL website to include a provision aimed at preventing the unauthorized use of data on the INTERPOL website, since the current wording of its Terms of Use leaves room for interpretation, and is not restrictive enough to avoid the possible copying or extraction of published notices by a third-party website;
 - Assess the need to improve the General Secretariat’s technical measures aimed at preventing crawlers from indexing, caching, and archiving sections of the INTERPOL website;
 - Undertake a feasibility study on the possibility of conducting regular, proactive screening for deleted notices, information leaks to the media and sensitive data hosted online or on darknets (with the involvement of the Confidentiality Desk).

39. In this regard, the General Secretariat developed a “Privacy Policy” and a “Cookie Policy” which have been published on the INTERPOL website. The Terms of Use of the INTERPOL website have also been updated, taking into account the Commission’s recommendations.
40. **Data breaches:** The Commission pays particular attention to the capacity of the INTERPOL Information System to comply with the requirements of data confidentiality and security. In this context, it recommended that the General Secretariat develop an efficient Data Breach Response Policy that would set out the procedure to be followed in case of a security incident, in order to ensure that a consistent and effective approach had been put in place for managing data breaches and for informing the sources of data about any security incidents. This matter is still under consideration.

3. ACTIVITY OF THE REQUESTS CHAMBER

41. In 2018, the Commission received:
- 1,594 new requests for access to, or correction and/or deletion of, data processed in the INTERPOL Information System;
 - 177 applications for revisions of its decisions, addressed either by the individuals or the NCBs concerned.
42. Additional statistics on these requests, their profiles, and the result of the checks carried out by the Commission, are given in the Appendix to this report.
43. In addition to the growing number of requests and applications for revision, the Commission may now receive multiple requests concerning the same applicant. In particular, it receives an increasing number of multiple requests for access in the same year, after the applicant has received a final decision from the Commission. The Commission is careful to ensure that such requests do not constitute an abuse of the mechanisms before it and do not prevent it from properly discharging its functions, as significant time and resources are necessary to respond to these multiple requests for access.
44. The constant increase in the workload of the Requests Chamber is due to various factors already referred to above. It is also worth mentioning that the introduction of new regulations by both INTERPOL and its member countries in the last few years, at the regional and international levels, concerning the protection of personal data and privacy, has been significant. As a result, more lawyers are now specializing in this field, and that in turn means that more outside observers are challenging the processing of personal data by INTERPOL or the activity of the Commission. Such scrutiny raises concerns that need to be addressed.
45. **Access by the Commission to INTERPOL’s databases:** As underlined in the Commission’s annual activity report for 2017 (see points 46 and 47), the Commission and the General Secretariat took measures to ensure that the Commission would have free and unlimited access to all data processed in the INTERPOL Information System. It also put in place appropriate procedures to properly identify whether information concerning an applicant was being processed in INTERPOL’s files. With the development of analytical files in 2018, the Commission engaged in further discussions with the General Secretariat in order to facilitate access to the analytical files.
46. **Specific features of applications for revision:** Cases submitted for revision are ones that have already been examined at least once by the Commission, and where a final decision has been taken. Applications for revision are submitted either by applicants after the Commission has decided that the data complied with INTERPOL’s rules, or by the source of the data when the data have been deleted on the basis of a decision taken by the Commission.
47. When it receives applications for revision, the Commission first establishes whether the criteria set out in Article 42 of its Statute have been met. To do this, the Commission often requires additional, supporting information from the applicant. Although, as highlighted in its 2017 annual report, the Commission is especially careful to ensure that the procedures in place do not jeopardize the binding character of its decisions, it may also consider revision under certain circumstances: for instance, when it appears necessary to correct a possible violation of a rule or procedure, or a mistake in the conclusions due to some missing information or a miscarriage of justice.

48. Moreover, in order to observe the principle of a fair hearing, the Commission invites the party who applied for the revision to authorize the disclosure to the other party of the new data provided in support of the application. If the criteria set out in Article 42 of the CCF Statute are met, the Commission then assesses the compliance of the data pursuant to its rules, on the basis of the facts contained in the application that comply with the requirements of Article 42.
49. The Commission has clarified that Article 42 of its Statute applies to “all parties of a case”. When processing a case, the Commission can consult the General Secretariat in its capacity as the data processing manager for the INTERPOL Information System and therefore responsible for ensuring that the conditions are duly observed. However, if the General Secretariat is not the source of the data being challenged, it is not a party to the case, even though it can be consulted by the Commission as just explained. Therefore, although the General Secretariat can draw the Commission’s attention to the discovery of new facts that could have led to another decision, it cannot request the revision of the case. However, such a situation cannot relieve the General Secretariat of its responsibility to ensure that the data processed in the INTERPOL Information System comply with the applicable rules.
50. **New requests for police cooperation after the deletion of data:** The Commission considered new requests for police cooperation from NCBs, which were forwarded to it by the General Secretariat when the cases concerned individuals who had previously applied to the Commission. In such cases, the Commission recalled that the General Secretariat should have already examined the requests from the NCBs concerned and determined whether the new request for police cooperation could comply with INTERPOL’s rules. If the request did comply, the Commission first ensured that a new request for police cooperation was not an application for a revision of its decision, and then, as with applications for revision, it invited the source of the data to share the relevant information with the data subject, so that he/she could be a party to the case.
51. **Main legal issues addressed:** The Requests Chamber continues to face and address legal issues and challenges similar to those outlined in its 2017 Annual Report.
52. Parties invoke Article 2 of INTERPOL’s Constitution to challenge the respect for due process of law at the national level. They also invoke Article 3 of the Constitution and Article 34 of the RPD to challenge the political character of the proceedings, often in the context of fraud cases and also regularly linked with Article 2 of the Constitution.
53. The impact of extradition denials is frequently considered in this context; these are different from extradition refusals based on procedural grounds, which may or may not be relevant to the consideration of a request.
54. The observance of the principle of purpose limitation set out in Article 10 of the RPD is considered in various circumstances:
- 54.1 In cases involving INTERPOL’s refugee policy, the Commission systematically consults the host country and carefully applies INTERPOL’s policy in light of the applicable rules and, in particular, with the principle of purpose limitation in mind.
- 54.2 The principle of purpose limitation can also be considered in cases that raise issues such as non-extraditable offences that lack an international dimension, or offences that are per se non-extraditable.
55. The Commission continues to frequently apply Articles 11 and 12 of the RPD regarding lawfulness and data quality. Issues concerning the quality of data are not always raised by applicants, but are nevertheless systematically checked by the Commission while processing the request. In this regard, the Commission will ensure that data forming the legal basis of a request for international police cooperation, such as data regarding arrest warrants or court decisions, remain accurate and up to date. For this purpose, the Commission may invite the NCB source to provide documents, such as copies of arrest warrants or court decisions, that form the basis of red notices or diffusions.

56. Furthermore, Article 83 of the RPD is challenged regularly by applicants regarding the conditions required to publish a red notice, particularly concerning claims involving a lack of seriousness or a lack of criminal character of an offence. Similarly, applicants also continue to invoke Article 99 of the RPD concerning the circulation of diffusions in order to challenge their lack of interest for the purposes of international police cooperation, data quality and lawfulness.
57. The consideration of claims on a case-by-case basis generally requires extensive consultation between the Commission and the parties to obtain clarification, additional information or documents, and timely answers to its queries. At the same time, the Commission regularly recalls that its role is not to replace or act on behalf of a sovereign national court, and that it is not empowered to act with regard to national cases or procedures, because only the competent national authorities may do so.

4. ACHIEVEMENTS AND NEXT STEPS

58. **Recognition of the effective remedy that can be provided by the Commission:** In 2018, an international arbitral tribunal recognized that the Commission's decisions were final and binding. That recognition demonstrated the positive changes that have come about from the Commission's reforms, which were undertaken with a view to strengthen its role as an independent body and to make it capable of granting effective remedies. The Commission continues to carry out its functions in relation to providing effective remedies to parties.
59. **Independence and ethics:** As previously indicated, the Commission pays particular attention to its independence and impartiality, and has developed internal tools and procedural guidelines to ensure observance of this essential requirement by its members and Secretariat. In this context, the Commission has worked on an amendment to its Operating Rules to clarify incompatible activities and cases requiring the withdrawal of members so that all necessary measures are taken to ensure that members do not have a real or perceived conflict of interest.
60. In addition, in order to further highlight its independence, the Commission has decided to add a new subtitle to its existing title in its communications and on its website, so as to clearly state its role, namely: "INTERPOL's Independent Authority for the Control and Protection of Personal Data."
61. Moreover, the Commission is committed to continuing to bolster the guarantees of its independence and impartiality, through such measures as formalizing new ethical standards, adopting improved security measures during its sessions, and protecting the confidentiality and secrecy of its work, including its deliberations and communications.
62. **Management of workload and increased transparency:** As the Commission's workload increases, cases must continue to be processed properly and in a timely manner, with coherence, scrutiny and expertise. As a result, practical measures have been taken to ensure efficiency in between the Commission's sessions, and these have improved the quality and timeliness of decisions.
63. In addition to its reasoned decisions, the Commission regularly communicates on its internal procedures and has adapted its decision-making process to streamline and facilitate the conduct of its work. In particular, it has put in place a system to delegate some powers to the Chairperson and Rapporteurs of the Commission, whereby decisions can be taken in between sessions on previously identified subjects and files. This is particularly useful for both Chambers of the Commission. By delegating these cases to the Rapporteurs and Chairperson for any required action in between sessions, the Commission is able to devote additional time and resources to increasingly complex issues when in session.
64. The Commission also communicates regularly with parties to a case to provide information on the status of the case and the follow-up action taken, and also provides detailed explanations and clarifications on the Commission's applicable procedures-

65. The Commission continues to develop a repository of practice and of its own case law on selected issues raised in the context of individual requests. It is also producing a handbook, and will work on making some aspects of this handbook public. New tools for applicants and NCBs have also been prepared, including guidelines and new forms to facilitate the submission of requests to the Commission, and these will be progressively made available to the parties.
66. **INTERPOL's efforts aimed at improving data processing:** In addition to its role regarding requests, the Commission fully embraced its advisory role to support the Organization efficiently. To that end, the Commission ensures that it has sufficient knowledge and understanding of the processing of personal data through INTERPOL channels. It therefore participated in INTERPOL meetings and attended working group sessions on matters relating to the processing of personal data. The Commission has also enhanced its cooperation with the INTERPOL Data Protection Officer (IDPO) and will maintain regular contact with INTERPOL, in particular with the General Secretariat, to share experiences and discuss issues of common interest.

5. MAIN CHALLENGES

67. In addition to managing an increase in the workload of both Chambers of the Commission, particular attention needs to be paid to two areas: firstly, to the supervisory role and the advice given to INTERPOL on any projects and action involving the processing of personal data through INTERPOL channels; secondly, to ensure that the Commission can offer an effective remedy to individuals. To that end, the Commission paid specific attention to the issues mentioned below.
68. **Increased restrictions placed on the communication of information:** Increasingly, a party to a request will use its rights to restrict the communication of information to the other party, and as a result of these restrictions, parties may not be able to access some data on the basis of which the Commission took a decision.
69. As a first step, the Commission usually invites the restricting party to consider whether the required restriction is indeed appropriate and reasonable, as it has an impact on the adversarial character of the proceedings before it. If the restrictions are maintained, the Commission is regularly bound to recall to the party wishing to restrict the communication of information to the other party of these obligations to properly motivate and justify its decisions. As stated in Article 35(3) of the Commission's Statute, restrictions must be motivated by one or more of the following reasons: (a) to protect public or national security or to prevent crime; (b) to protect the confidentiality of an investigation or prosecution; (c) to protect the rights and freedoms of the applicant or third parties; and/or (d) to enable the Commission or the Organization to properly discharge their duties. Furthermore, pursuant to Article 35(4) of the Statute, any restriction on the communication of information is an exception that must be properly justified, and the party requesting the restriction must indicate whether some information, such as summaries, may be provided instead. Restrictions on the communication of information connected to a request shall be properly motivated and justified because this could interfere with the rights of the parties.
70. In analysing the justification for requested restrictions, the Commission endeavours to protect the interests of the parties, while also preserving the essence of an adversarial procedure in order to provide an effective remedy. Therefore, restrictions should be strictly necessary and proportionate to their stated purpose.
71. In the absence of reasons or justification, the Statute provides for the Commission to take that into account when considering a request. In practice, the Commission assesses whether the restrictions are such that there is no reasonable balance between the rights of the applicant and the confidentiality requirements inherent in INTERPOL's work, the purpose of which is also to ensure the protection of individuals. In such a case, the Commission may conclude that the retention of data in INTERPOL files does not comply with the applicable rules.

72. **Requests for extension of the deadlines to address the questions raised by the Commission:**
For the Commission to process a request properly, it is imperative that the parties to a case provide timely answers to the Commission's questions, especially in light of the Commission's short statutory timeframes. The Commission generally responds favourably to requests for an extension of the initial period given to provide information. However, when a party requests extensions of the deadline to provide information without suitable motives, this could hinder the proper processing of the file in a timely manner. In such situations, the Commission may refuse the extension request. While it is important to provide efficient and expeditious answers to all of the Commission's queries, when appropriate, the Commission may provide the parties with further clarification on the exact information needed in order to help them address the questions raised in a timely manner.
73. Further details about the Commission can be found on the website at:

<https://www.interpol.int/Who-we-are/Commission-for-the-Control-of-INTERPOL-s-Files-CCF>

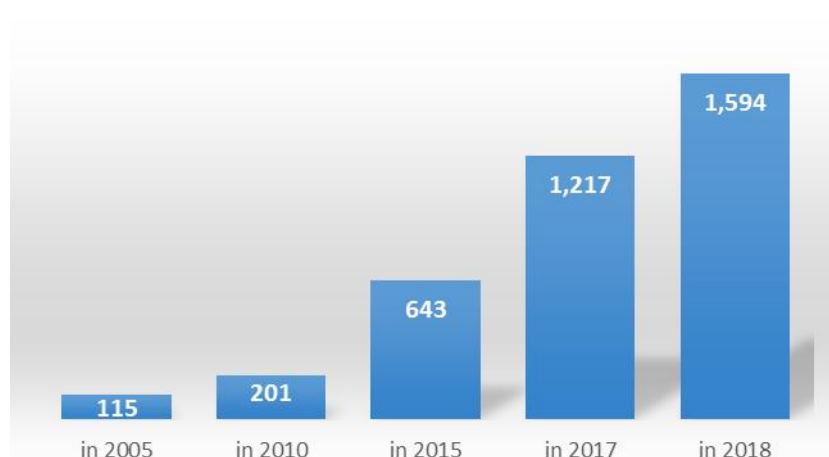
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APPENDIX

STATISTICS OF REQUESTS FOR 2018

I. Trend in the number of new requests since 2005

1. The chart below presents the trend in the number of new requests received each year by the Commission for the Control of INTERPOL's Files since 2005.



II. New requests received in 2018

2. In 2018, the Commission received 1,594 new requests or applications for revision, concerning 1,288 new applicants.

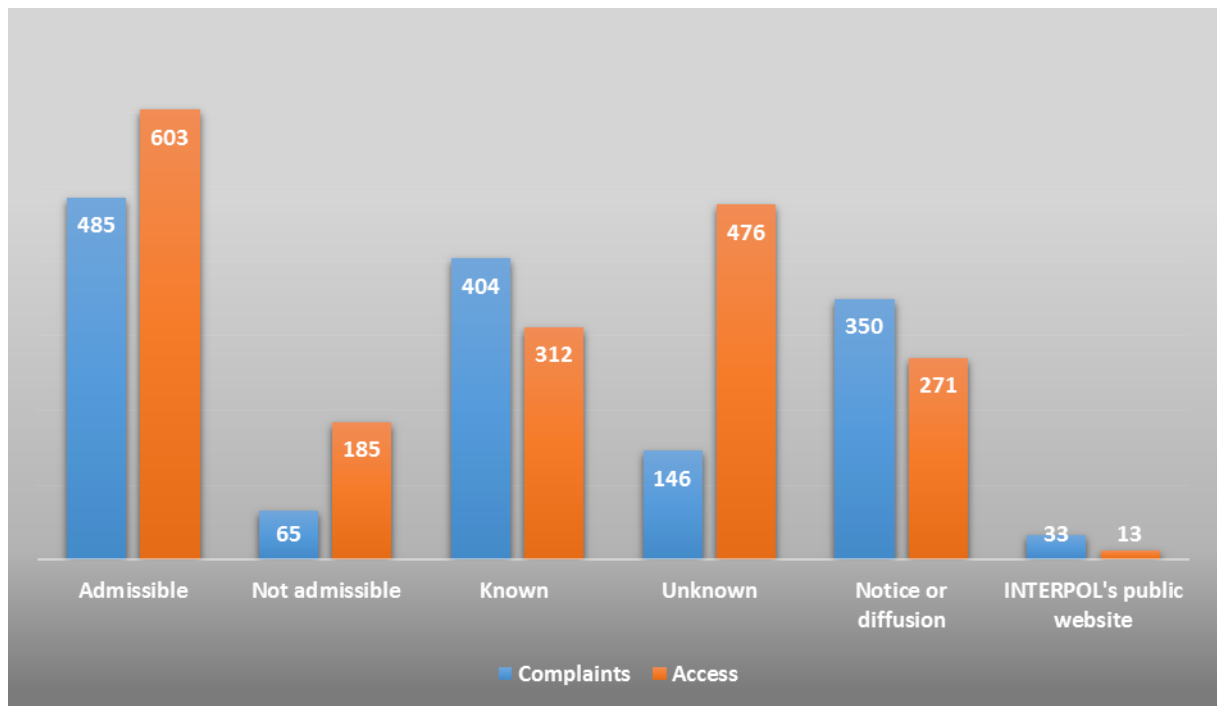
(a) Nature of the 1,594 new requests



3. **Access requests** are requests to find out whether there are data recorded in INTERPOL's files and to obtain the communication of such data.
4. **Complaints** are **requests** for correction and/or deletion of data (if any) recorded in INTERPOL's files.
5. **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.

6. **Other requests** are requests generally presented as “complaints” but addressed 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



7. **Admissible/Not admissible:** The conditions laid down in Rule 30 of the CCF’s Operating Rules are met/not met.
8. **Known/unknown:** Applicants are/are not the subjects of data recorded in the INTERPOL Information System.
9. **Notice/diffusion:** Applicants are the subjects of a diffusion or notice recorded in the INTERPOL Information System.
10. **INTERPOL’s public website:** An abstract of a notice concerning an applicant was published on INTERPOL’s website.

III. The Commission’s conclusions in 2018

11. The conclusions reached by the Commission on the compliance of data with INTERPOL’s rules concern requests received in 2018, or earlier.

(a) Number of requests completed

12. In 2018, the CCF completed the processing of 1,422 cases, either because it reached a final conclusion, or because the requests never became admissible.
13. The 1,422 finalized cases included 536 complaints, 741 access requests, 97 applications for revision, and 48 other requests.

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

14. Among the 536 complaints processed in 2018, 346 concerned admissible requests from applicants who were the subjects of data recorded in INTERPOL’s files.

15. Among the admissible requests, 70 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.
16. In 167 of the 346 admissible complaints, 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.
17. For 40 of these admissible complaints, the NCB(s) at the source of the data challenged did not provide appropriate answers to the questions raised by the CCF, and therefore the data were deleted from INTERPOL's files; in 69 other cases, either the General Secretariat or the NCB at the source of the challenged data decided to delete the data from INTERPOL's files before the Commission had taken a decision.
18. Remark: In 112 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.

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