

**SPEECH BY THE CCF CHAIR (Ms. Vajić)
TO INTERPOL GENERAL ASSEMBLY
(Bali, Wednesday 9 November 2016)**

Madam President,
Mr Secretary General,
Distinguished members of the Executive Committee,
Distinguished Delegates,
Ladies and Gentlemen,

1. As Chairperson of the Commission for the Control of INTERPOL's Files, it is my honour to present to the General Assembly the Annual Activity Report of the CCF for 2015.
2. First, let me start by mentioning the important evolution of the Commission since its creation - exactly 30 years ago. I will then present a summary of the work of the Commission for 2015 and, finally, a short overview of the new challenges and opportunities the Commission faces today.

I. Evolution of the Commission (1986-2015)

3. The Commission, first envisioned as a Supervisory Board for the Control of INTERPOL's Archives in the Headquarters Agreement with France signed in 1982, met for the very first time in 1986. Gradually, the Commission's functions and areas of responsibility have developed, with the adoption by the Organization of several sets of rules on the processing and control of information.
4. In parallel, the Commission has gained greater recognition and authority, as exemplified, for instance, by the accreditation of the Commission by the International Conference of Data Protection Commissioners in 2003. The status of the Commission has been progressively strengthened through the adoption of its Operating Rules in 2008, and its recognition as one of the Organization's governing bodies in INTERPOL's amended Constitution.
5. More recently, in 2012, INTERPOL adopted the Rules on the Processing of Data, which established common processing standards for INTERPOL and its member countries, compatible with evolving national and regional standards relating to the processing of personal data. The General Assembly then decided, in 2014, to set up a Working Group on INTERPOL's controlling mechanisms (GTI) to review all the supervisory systems within the Organization in order to ensure data quality and compliance with INTERPOL's rules.
6. Last year, in view of the work accomplished by the GTI, and as a new step towards the development of an effective remedy, the General Assembly adopted a resolution requiring the General Secretariat to continue implementing the recommendations of the Commission with regard to individual requests. Thus, the recommendations of the Commission have become *de facto* binding on the General Secretariat.

II. CCF Activity Report for 2015

7. In this context, once again, the Commission has endeavoured to fulfil its three-fold function: first, the processing of individual requests; secondly, advising the Organization on matters involving the processing of personal data; and lastly, performing spot-checks and supervisory controls to help INTERPOL identify and remedy the sources of risks.
8. Starting with individual requests: the significant increase in the number of applications in 2015, and the continued and growing interest by the general public, led to closer scrutiny by legal practitioners, experts, scholars, non-governmental organizations and journalists throughout the year. In this regard,

the Commission's continuing efforts to provide an "effective remedy" as interpreted under international law, have prompted diverse adjustments in the handling of requests.

9. Over the years, the profiles of the requesting parties have changed. They are much more often than before represented by law firms. Thus, recent requests have tended to be more complex, often involving the submission of extensive legal arguments and large volumes of documentation, and requiring multiple back-and-forth communication, both with NCBs and with the requesting parties.
10. When it receives an individual request, the Commission reviews certain key elements in order to assess compliance with INTERPOL's rules. Its substantive checks focus primarily on the validity of law suits, the accuracy of the data processed, the possible effective participation of the requesting party in the acts concerned, and overall compliance with INTERPOL's Constitution.
11. Regarding the procedure: between receiving an initial request and issuing a final answer, the Commission now addresses numerous interim letters, e-mails and messages to the parties concerned and reasoned conclusions, in a manner consistent with the practices of other international judicial or quasi-judicial bodies. The number of parties, both NCBs and individuals, seeking re-examination of decisions also appears to be increasing. In this respect, the procedure the Commission is applying is based on Article 19 of its Operating Rules.
12. With regard to requests for access, a streamlined approach is applied: the Commission performs a rapid assessment and provides an answer to the requesting party within a short timeframe, subject to applicable restrictions by NCBs.
13. All these developments, as well as others detailed in our Activity Report, have been put into effect with a view to providing a more efficient decision-making process, and with the aim of establishing faster and more transparent exchanges with INTERPOL's General Secretariat, the NCBs and requesting parties, within the limits of the restrictions imposed by the case or the parties to the case.
14. To give more specific insight into our activity, let me quote some figures that illustrate the workload of the Commission and the results of the new working methods implemented this year. In 2015, the Commission received 643 new requests (compared with 575 new requests in 2014 and only 201 new requests in 2010), of which 44 per cent were complaints challenging the data registered in the Organization's files. This increase continues in 2016 and, as of today, 850 requests have already been received.
15. In 2015, the Commission was in session for 12 days at the Organization's Headquarters in Lyon. Between sessions, the Rapporteur and I worked with the staff of the Commission's Secretariat to resolve outstanding issues, to facilitate the management of cases and to shorten, whenever possible, the time taken to process cases. A total of 198 requests were studied during the CCF's sessions in 2015, some of which had been received in previous years, and 170 out of these were finalized this year.
16. Regarding its advisory function, the Commission has been invited to provide advice on many technical projects and cooperation agreements involving the processing of personal data. The Commission has generally given overall favourable opinions on the projects presented, provided that the General Secretariat developed implementing rules and monitoring procedures to ensure compliance with INTERPOL's rules. The Commission has, however, underlined on several occasions that it could only give an informed opinion if it is provided with sufficient information about the project, particularly on data-processing operations, and in a timely manner.
17. Lastly, the Commission has also continued to supervise proactively the Organization's databases, based on the issues identified while processing requests, as required by the rules. Its monitoring work has focused particularly on the quality of data recorded in Notices and Diffusions, as well as on issues associated with the retention of such data over time.

18. Although the Commission carried out a number of spot checks in 2015, the time and resources dedicated to this supervisory activity were reduced in order to deal with the increasing number of individual requests, and the new challenges it had to address.

III. New challenges and opportunities for the CCF

19. This year too, the Commission faces new challenges, but there are new opportunities as well.
20. The work accomplished by the GTI paved the way for the possible adoption by the General Assembly of a new Statute for the Commission, which is intended to replace the current Rules on the Control of Information. This would result in further changes and in a substantial change in the Commission's role in 2017.
21. As the results of the Working Group and the new Statute will be presented in detail to the General Assembly in a specific Report, I will not elaborate on the important issues at stake. I would like, however, to underline a few aspects that are of paramount importance to the work of the Commission.
22. The protection of INTERPOL is closely linked to the protection of the rights of the requesting parties. If an applicant is not provided with an effective remedy, INTERPOL might be exposed to challenges to its immunity from potential lawsuits brought before national jurisdictions. The Commission therefore often reminds NCBs of the role they play, as Member States of the Organization, in protecting INTERPOL whenever they are consulted either to address issues raised by a requesting party or when asked for authorization to disclose data to the requesting party.
23. As the legal framework of the Commission evolves and as scrutiny over the Organization's handling of personal data increases, the constant cooperation of NCBs with the Commission becomes ever more important, as do the quality and the accuracy of the information the NCBs provide. As the individual requests are specific in nature and often well-argued and documented, the Commission requires information from NCBs that is equally specific, so as to be able to conduct appropriate checks.
24. We are well aware of some of the difficulties NCBs may face in this respect, for instance, in obtaining the requested information from their competent national authorities. Most NCBs are, however, able to provide precise answers and to communicate the relevant required documents. This greatly helps the Commission to decide conclusively on the compliance of specific data with INTERPOL's rules.
25. Another important issue is that of access to data by the requesting parties. In light of the principle of national sovereignty and of indirect access to INTERPOL's files, the Commission will, as has already been done up to now, continue to explain to the NCBs the importance of authorizing the disclosure of data to requesting parties to the greatest extent possible. In this connection, it provides the NCBs with further explanations on the impact that a refusal to disclose might have on INTERPOL, underlining the need for some flexibility on the matter. The reason for this is that, as part of an effective remedy, requesting parties should be able to enjoy equal procedural rights in view of the principle of adversarial proceedings, even if international police cooperation may definitely be perceived as a sector that justifies some exceptions to the application of this principle. Therefore, unless the NCB opposes disclosure based on specific circumstances related to police activities (for instance to protect the confidentiality of an on-going investigation), it is essential that the requesting parties have access to data concerning them, at least to a minimum level of information that will allow them to address their case with the competent national or regional authorities.
26. The Commission certainly understands the importance of the presumption of the confidentiality of the data processed by INTERPOL. However, a delicate balance needs to be found between the requirements of national sovereignty and the specific needs of international police cooperation on the one hand, and the fundamental rights of an individual to due process of law on the other.

27. The reform proposed here aims to provide the standards required for the protection of fundamental rights by offering requesting parties a specific and genuine avenue of redress without, at the same time, hindering international police cooperation. The Commission is looking forward to actively contributing toward this objective.
28. On behalf of the Commission, I thank you for your attention, and most importantly for your continued cooperation and support of the work of the CCF.
