

Speech delivered by the Chairman of the CCF to INTERPOL's General Assembly

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Annual Report 2006 of the Commission for the Control of INTERPOL's Files

*Speech by Mr Peter Hustinx
Chairman of the Commission for the Control of INTERPOL's Files*

Mr President,
Mr Secretary General,
Ladies and Gentlemen,

It is a great pleasure for me, once again, to speak to you as Chairman of the Commission for the Control of Interpol's Files on some of the main points of our Annual Activity Report for 2006.

Let me remind you that the Commission relates to one of the most strategic resources of Interpol, namely the processing of personal information and the exchange of that information between all Interpol members.

The Commission, also known as the CCF, has a triple role:

- an advisory role as to projects and policies with an impact on the protection of personal information, which leads to recommendations to the Organisation;
- a control function as to content and operation of data files and exchange of information, also leading to recommendations to the Organisation;
- a special role in processing of requests for individual access to Interpol's files, including requests for correction or deletion, complaints etc. This may lead to decisions, findings or recommendations depending on the facts of a case.

The final aims of the activity of the CCF are twofold:

- to protect the vital interests of the Organisation, involved in ensuring the quality and integrity of its information, based on fundamental principles of human rights, as reflected in Interpol's Constitution;
- to protect Interpol's judicial immunity, which implies a need for due process and effective remedies inside the Organisation, to avoid that its immunity is put at risk in national courts around the world.

As to the **processing of individual requests**, we have seen a clear confirmation of the tendencies presented to you last year:

- a growing complexity of the cases concerned by individual requests;
- involvement of more legal expertise in support of individual requests, as data protection is developing in more and more countries globally;
- a growing inclination, both at national and international level, to look more critically at international organisations.

This calls for an **evolution of the activities** of the CCF, starting by further developing its internal procedures.

The CCF deepened its reflection with the General Secretariat about the developments required to protect the interests of both Interpol and individuals concerned in the light of these new tendencies.

This reflection continues on the best practices applicable and on time limits required to provide answers to individuals requesting access to Interpol's files and an effective remedy to those challenging Interpol's files.

As the respect of time limits is an essential factor for the safeguarding of all interests at stake, a **good cooperation** of NCBs and of the General Secretariat with the CCF is a key factor.

Cooperation in this context means:

- provision of the information required,
- with the explanations and details required, and
- within acceptable time limits.

Here again, we see a confirmation of the tendency described last year:

- further improvement of the cooperation from NCBs, at least in terms of time limits,
- but answers are not always detailed enough, or provided within the required time limits.

Therefore, let me remind you again that there is a risk that the CCF may recommend to the General Secretariat to take precautionary or other measures, such as:

- the withdrawal of the information concerned from Interpol's website or from the e-ASF, or even
- the deletion of information, due to a lack of evidence to support its continued retention.

It is in the interest of the international police cooperation that the NCBs and the GS answer carefully and properly to the questions raised by the CCF.

The CCF must also provide **advice on projects** involving the processing of personal information. There are more and more of those projects and this requires more and more consultations of the CCF.

Generally, these projects are handled properly from a data protection point of view, but the CCF made recommendations on:

- the need to have a privacy impact assessment when developing a project;
- the importance to develop tools to ensure compliance with the Organisation's rules when these projects are implemented;
- the need to inform the CCF timely, so that it can advise the Organisation in due course and with optimal effect.

In practice, unfortunately, there is not always sufficient time for the CCF to exercise its **control function**, for instance via systematic spot checks.

This is not good news for Interpol:

- through this supervisory activity, the CCF tries to identify weak points in current practices, to draw the attention of the GS to these points and to offer solutions;
- these controls also allow the CCF to better understand the tools and constraints of the Organisation and consequently to provide appropriate advice.

The CCF will therefore continue to give emphasis to this control function within its tasks.

Let me also use this occasion to share with you our concerns about what seems to be an almost systematic practice aiming at:

- retaining information after cancellation, by the source of the information, of the original request against the persons concerned;
- assessing the accuracy and the relevance of information in favour of NCBs.

The CCF has so far always recommended:

- a case by case evaluation of each file concerned, which means no general or automatic practice;
- an assessment of the need for precautionary measures as soon as there is a doubt as to the compliance of the processing of personal data with Interpol's rules;
- a motivation of the retention of information: the reasons for extending the review dates of files should always be carefully stated in order to avoid the systematic retention of information without detailed examination of the files concerned.

It is important that the CCF is able to raise these points for improvement so that its supervision is effective and can really protect the interests of the international police cooperation.

The CCF is eager to continue work with the General Secretariat on the development of its role, and is looking forward to the results of that cooperation.

However, it is important to ensure that any development does not take place at the expense of current functions, particularly with regard to carrying out spot checks and providing advice to the Organisation.

Mr President, I strongly believe that this is a matter of great strategic importance and everyone's contribution is indispensable.

Effective data protection has emerged as a condition for effective police cooperation in a world with ever growing challenges.

Thank you for your attention.

Marrakesh, 7 November 2007