



Commission de Contrôle des Fichiers de l'O.I.P.C. - INTERPOL
Commission for the Control of INTERPOL's Files
Comisión de Control de los Ficheros de la OIPC-INTERPOL
لجنة الرقابة على محفوظات المنظمة الدولية للشرطة الجنائية (الإنتربول)

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

DECISION OF THE COMMISSION

REQUESTS CHAMBER

Request concerning Aaa BBB

(Ref. CCF/xxx)

xxx session

[date]



DECISION CONCERNING AAA BBB

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

xxx

Members,

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

I. PROCEDURE

1. On [date] 2022, Mr Aaa BBB (the Applicant) lodged a request for the deletion of the information concerning him registered in INTERPOL's files. Following the submission of all the required documents in accordance with Rule 30 of the Operating Rules of the Commission, the request was found admissible, and the Commission informed the Applicant thereof on [date].
2. During the study of the Applicant's case, the Commission consulted the INTERPOL National Central Bureaus (NCBs) of CCC (country source) and DDD (country source), and the INTERPOL General Secretariat (IPSG) in accordance with Article 34(1) of the Statute of the Commission, on the arguments set forth in the request.
3. The Commission informed the Applicant on [date] that he is wanted through INTERPOL's channels by the NCB of the DDD, and that a Green Notice was published to warn INTERPOL member countries about a possible threat, as he was sentenced in DDD to [...] imprisonment on a charge of [...], in connection to the [crime] committed on [date], in DDD.
4. Both the Applicant and the NCB source of the challenged data were informed of the fact that the Commission would study the case during its xxx session.
5. Further to Article 35(3) of the Statute of the Commission, restrictions were applied to certain information in the Decision.

II. DATA RECORDED IN INTERPOL'S FILES

6. The Applicant, a national of EEE, is the subject of a Green Notice issued on [date] at the request of the NCB of the DDD for the offence of [...].
7. The facts of the case state the following: "[...]."

III. THE APPLICANT'S SUBMISSIONS

8. The Applicant requested the deletion of the data concerning him, contending, in essence that he has served his sentence for these acts.

IV. APPLICABLE LEGAL FRAMEWORK

9. The Commission considers the following applicable legal framework.
 - 9.1. Field of competence of the Commission:
 - Article 36 of INTERPOL's Constitution,
 - Articles 3(1)(a) and 33(3) of the Statute of the Commission.

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9.2. Provisions specific to Green Notices:

- Article 89 of INTERPOL's Rules on the Processing of Data (RPD).

9.3. Purposes of international police cooperation:

- Articles 10(1) and 12 of the RPD.

V. ANALYSIS OF THE CASE

10. The Commission assessed the Applicant's most relevant contention described in Section III above under point A below.

A. Continued purpose of the Green Notice

a) Submissions of the Applicant

11. According to the Applicant, the Green Notice should be deleted as he has served his sentence and the alleged acts date back 16 years.

b) Submissions of the NCB of the DDD (NCB source of the data)

12. The NCB reported the Green Notice was published against the Applicant based on a crime [...] that occurred at [...]. He is a member of [...] and was convicted of two crimes. It confirmed that a verdict from a court has been issued and executed.

13. It added that the Applicant is a dangerous suspect, and this Notice's purpose is to alert other INTERPOL member countries on the criminal activities he committed, as he is considered a threat to public safety.

c) Findings of the Commission

14. The Commission recalls that according to Articles 10(1) and 12(1) of the RPD, the processing of data in INTERPOL's files may only be carried out for a given, explicit purpose, and must be relevant and not excessive in relation to their purpose. In the present case, the Applicant is the subject of a Green Notice to warn other countries of possible criminal actions.

15. According to Article 89 of the RPD, Green Notices may be published to warn about a person's criminal activities and may be published if the person is a continued possible threat to public safety. This conclusion must have been drawn from an assessment by a national law enforcement authority or an international entity and based on the person's previous criminal conviction(s) or other reasonable grounds. Furthermore, sufficient data concerning the threat should be provided for the warning to be relevant.

16. Here, the NCB of DDD gave explanations about the Applicant's membership in [...] gang, and his previous conviction was related to [...] (paragraph 12). It added that he was considered to be threat to public safety and that other INTERPOL member countries should be warned as he is a dangerous suspect (paragraph 14). The NCB's statement provides sufficient elements and data to justify that the Applicant represents a threat to public safety and that the warning is relevant.

17. Accordingly, the Commission finds that the information provided by the NCB is sufficient to establish that the Green Notice complies with Articles 10(1), 12(1) and 89 of the RPD.

B. Remaining contentions

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18. The Commission recalls that in studying a request, it reviews all of the Applicant's arguments except when irrelevant.
19. In this case, when he applied to the Commission, the Applicant was also the subject of a Diffusion for his arrest in view of extradition, circulated by the NCB of CCC.
20. The Applicant claimed that the charges against him were dropped in CCC, as they reached the statute of limitations, and the case against him was closed. To support his claim, he provided a copy of the decision [...].
21. The data were deleted by IPSP from INTERPOL's files on [date], at the request of the NCB of CCC, and after confirmation by their national authorities of the legitimacy of the Applicant's claim.
22. Therefore, the Applicant's claims and arguments in relation to the data from the NCB of CCC no longer apply to the request.

FOR THESE REASONS, THE COMMISSION

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

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

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