



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 2022

Original: English

Available in: Arabic, English, French, Spanish

Reference: CCF/126/RAP/6

ENGLISH

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EXECUTIVE SUMMARY

1. The Commission for the Control of INTERPOL's Files (CCF) is an independent and impartial body that ensures that the processing of personal data by INTERPOL conforms to the applicable rules and respects the fundamental rights of individuals.
2. The CCF holds a unique position as both an INTERPOL body, as established in Article 5 of INTERPOL's Constitution, and as an independent body with three main functions (supervision, advice and the processing of requests) as laid down in Article 3 of its Statute.
3. Due to the nature of its functions, the CCF provides an effective remedy to individuals subject to data registered in INTERPOL's files. It also provides INTERPOL with expertise to ensure that international police cooperation among its member countries complies with the spirit of the Universal Declaration of Human Rights and complies with the applicable INTERPOL rules.
4. To reflect the CCF's activities in 2022, this annual report provides an overview of the CCF's work, challenges, and achievements. It also presents its objectives and strategy for the years ahead, showcasing its commitment to defending individuals' rights and supporting international police cooperation while respecting human rights and the applicable rules. It also includes statistics and examples of its work.

I. THE CCF'S STRUCTURE AND FUNCTIONS

5. The CCF is structured into two Chambers, each with its own designated functions and responsibilities. They are distinct yet complementary, focused on the compliance of data processed through INTERPOL channels. Both Chambers work collaboratively to enhance the CCF's efficiency and effectiveness.
6. The CCF has three functions which are performed by two Chambers:
 - (a) The Supervisory and Advisory Chamber has two functions:
 - it conducts compliance checks on INTERPOL projects, operations, and rules which involve the processing of personal data in the INTERPOL Information System (IIS); and
 - it also provides advice to the Organization on all such matters.
 - (b) The Requests Chamber is responsible for processing requests for access to data, and/or for the correction or deletion of data processed in the INTERPOL Information System (IIS) while ensuring clear and implementable decisions which have a binding character on INTERPOL.
7. As from 11 March 2022, the CCF has been composed of the following seven members:
 - (a) For the Supervisory and Advisory Chamber:
 - Ms Teresa McHenry (United States), Chairperson, and lawyer with international criminal law expertise;
 - Mr Yves Poulet (Belgium), Rapporteur, and expert in data protection;
 - Mr Mohamed Elfadhel Miled (Tunisia), Expert in electronic data processing;
 - (b) For the Requests Chamber:
 - Ms Teresa McHenry (United States), Chairperson, and lawyer with international criminal law expertise;
 - Mr Mohamed Kamara (Lebanon), Vice-Chairperson, and lawyer with recognized international experience in police matters, in particular international police cooperation;
 - Mr Hamza Es-Said (Morocco), Rapporteur, and lawyer who holds or has held a senior judicial or prosecutorial position;

- Ms Susie Alegre (United Kingdom), Lawyer with data protection expertise;
 - Mr Michel Forst (France), Lawyer with human rights expertise.
8. All the CCF members were elected by the General Assembly in 2021 for a five-year term, renewable once. They work for the CCF on a part-time basis. The CCF Secretariat is the permanent structure of the CCF, acting under its authority. It comprises highly qualified legal experts and administrative staff with experience in the various fields of expertise required for the CCF's work. The Secretariat assists the CCF members in carrying out their functions effectively, by providing indispensable administrative, legal, and technical support, ensuring legal representation in diverse areas, and proficiency in multiple languages.
 9. Collectively and individually, the CCF members and the CCF Secretariat have been proactively working to improve the CCF's functioning, tools, and bottlenecks, and identifying priorities and areas for development.

II. THE CCF'S ACTIVITIES AND ACHIEVEMENTS

10. 2022 was an active year for the CCF, marked by numerous sessions, meetings, strategic initiatives, and proactive measures taken to enhance its efficiency and effectiveness, all the while upholding its core values and delivering quality work.

A. Sessions and meetings of the CCF

11. In 2022, the members of the CCF met four times at the INTERPOL General Secretariat in Lyon, France. Each session lasted a week. They also met twice by virtual means, using secured tools and channels of communication. While the CCF members reserved the deliberation on and adoption of decisions on individual requests for their in-person sessions, these meetings held by virtual mean were essential for addressing other multiple and crucial topics on the CCF's agenda, given the amount of work to be addressed during the year. The result was also very productive.
12. In between the sessions, any member of the CCF may also be asked to provide expertise on specific matters. In particular, the Chairperson works with the CCF Secretariat on a weekly basis, and the Rapporteur of the Requests Chamber takes regular decisions on the basis of the delegation of power granted to him by the Chamber.
13. In 2022, the Rapporteur and/or the Chairperson took 364 decisions in between the CCF sessions based on the delegation of power granted to them by the Requests Chamber. Most of these decisions concerned the interim blocking of access by National Central Bureaus to data challenged, pending further study of the case.

B. Challenges and achievements

1. Significant challenges encountered

14. The year posed various challenges, from workload management to navigating and dealing with complex legal and IT landscapes.
15. The work of each Chamber is detailed below, and some figures are provided in the Appendix. The statistics present the main aspects of the CCF's work concerning the examination of new INTERPOL projects that involve the processing of personal data and the main aspects that characterize the processing of requests in 2022. However, the CCF's work, and in particular the amount of work and the diverse and complex nature of the issues addressed, can hardly be reflected by referring only to statistics on new projects and requests managed over the course of the year 2022. It is also crucial to understand and be aware of the various sources of an ever-increasing workload.

- 15.1 Decision-making is not always a simple process. Before deciding on legal issues and projects, much exchange of correspondence with applicants, National Central Bureaus and/or the INTERPOL General Secretariat was often necessary. Also, to assess projects, meetings were often required with the INTERPOL General Secretariat to gather enough information for decision-making and to draw appropriate conclusions.
 - 15.2 The processing of requests has continued to grow, and the complexity of the cases means examining new legal issues, or reconsidering legal issues previously addressed due to of legal and technical developments. The year 2022 was marked by an increase in the number of interim decisions (see paragraph 12 above), and action taken in follow-up to the CCF's conclusions. In fact, the follow-up on the CCF's conclusions can require extensive discussions with the stakeholders. This is a normal process for follow-up on the CCF's recommendations on INTERPOL's projects involving the processing of personal data. The CCF is usually consulted by the General Secretariat at an early stage of the project, after which the CCF's recommendations may lead to new questions that need additional information to be exchanged. This can also be the case for individual requests. For example, when a party to a request challenges the fact that it only received a redacted version of a CCF decision due to restrictions to the communication of information by the other party; when a National Central Bureau does not update the information challenged by an applicant as decided by the CCF; when the INTERPOL General Secretariat asks for clarification before implementing a CCF decision.
 - 15.3 Another aspect that impacts the CCF's work is the global data-processing flow. As it grows, so does the amount of personal data that is processed and exchanged by INTERPOL and its member countries. The development of INTERPOL's support to its member countries through its tools, projects, and cooperation agreements aimed at supporting the processing of personal data, have a direct and immediate impact on the work of the CCF. Technological changes in data processing also contribute to the growing complexity of the projects and requests that the CCF deals with. New legal challenges are posed by the extraordinary evolution of modern IT tools and the opportunities offered to exchange, process, and analyse data, as well as to generate new information which is also subject to the processing of personal data. New and delicate questions need to be addressed with specific legal and technical expertise. They may also require the reconsideration and development of some rules.
 - 15.4 The CCF has participated in several INTERPOL meetings and working groups involved in the processing of personal data or which have an impact on its work, such as those of the INTERPOL Executive Committee, the General Assembly, the Heads of National Central Bureau (NCBs) Conference, and various working groups. The CCF gave presentations on its work and policies in many of these meetings. It also participated in various induction programmes organized by the INTERPOL General Secretariat for people of different horizons involved or interested in international police cooperation, including representatives of law enforcement and prosecution authorities.
 - 15.5 Finally, in a world of increased data flow, swift communication and social networks, INTERPOL and the CCF continue to be under growing scrutiny by stakeholders and by external observers, such as various media outlets, non-governmental organizations and other civil society actors, and the public. The CCF has continued to receive inquiries from the media, the general public, and other external observers.
16. These factors have also created major challenges in terms of workload management including examining requests within the statutory deadlines. Despite a proactive approach, and the practical and procedural measures put in place, the CCF faced challenges in coping with its work in a timely manner. This was also due to the growing need for multiple interactions between stakeholders.

2. Achievements

17. Although the year was marked by a significant member turnover, the CCF emphasized core values including, independence, security, ethics, work quality, and communication. It also strove to maintain continuity, quality, and efficiency in its work, while addressing the increase in workload.
18. This achievement was facilitated by an early induction programme for the new members which was tailored to the most pressing needs, through the dedicated involvement and expertise of CCF members and the CCF Secretariat, and through regular communication with INTERPOL's bodies. The increase in and constant dialogue among CCF members and with the CCF Secretariat was facilitated by being able to hold meetings by virtual means and to high standards of security.
19. Navigating through the challenges linked to the workload necessitated effective prioritization. Throughout 2022, the CCF endeavoured to maintain its three core functions, while focusing on the processing of individual requests, as they are of paramount importance in ensuring adherence to the CCF's statutory obligations and timeframes, and also focused on protecting INTERPOL against liability. However, this focused approach meant that not every strategic objective could be fully addressed, which led to limitations in some activities, in particular those in the supervisory and advisory domains.
20. To uphold its commitment to fulfil its functions in a timely and efficient manner, the CCF reassessed its functioning and identified areas for improvement. For example, it has set up a new system to facilitate the management of the increasing number of incoming emails. It has carried out a thorough review of its standard documents, updated them to reflect the changes in the profiles of files and improved the way in which it identifies the documents needed for effective file management. It also adopted its new guidelines on handling CCF tools, files and documents, and its guidelines for communication with the media. It has also made significant progress in updating its procedure for handling pre-emptive requests.
21. Steps were also taken to enhance legibility and transparency. The CCF worked to update its website. It also communicated more frequently with the applicants and National Central Bureaus, giving them more updates on the status of requests, and with the INTERPOL General Secretariat during the processing of requests, and also during the review of INTERPOL's new projects that involve the processing of personal information.
22. Regarding the processing of requests, the CCF also worked meticulously to balance the limits of its mandate and to ensure that stakeholders respect them. For example, on the one hand, some National Central Bureaus regularly challenge the fact that the CCF asks them to provide additional elements of effective participation, properly describing the acts of which an applicant is accused. On the other hand, the CCF regularly reminds the applicants that it is not empowered to conduct an investigation, to weigh evidence, or to make a determination on the merits of a case. It also worked to ensure that no party can take advantage of the provisions of the CCF Statute to perform acts that may impact its proper functioning and ability to process a request properly. For example, the CCF paid attention to repeated, manifestly ill-founded requests or inappropriate applications for revision.
23. These proactive measures yielded significant results, as evidenced by the appended statistics.

III. OVERVIEW OF THE CCF'S OBJECTIVES

24. As the CCF looks ahead, its key objectives and the foundational values guiding its work in the upcoming period will remain unchanged.
25. High-quality work, adherence to core values, and responsiveness to the rapidly changing environment, especially in IT developments and practices, will still require paying close attention to the changing environment, and innovating, while maintaining coherence, awareness, and flexibility in its operations.

26. As part of its process to streamline procedures, the CCF plans to integrate additional modern tools. Further technical developments would indeed be needed in areas such as the semi-automation of tasks, data analysis, and statistical processes. The creation of new interfaces designed for secure and effective communication with all relevant parties and entities involved in the CCF's work will be needed.
27. The CCF identified areas where it would likely benefit from additional resources to optimally perform its three functions and support INTERPOL's core business, and to do more in various areas, such as increasing transparency about the CCF's work, providing anonymized decisions and information on its jurisprudence, training, developing expertise in emerging technical and legal issues, and improving statistical information that would assist in measuring performance.
28. Continually self-reflective, the CCF is committed to establishing and pursuing realistic and achievable goals and priorities. It will continue to regularly assess and ensure that its strategic objectives and priorities align with its workload, stakeholders' needs, and newly identified sources of risk, all the while diligently striving to prevent any abuse of process.

IV. ACTIVITY REPORT OF EACH CHAMBER

29. Each Chamber took a leading role in their respective activities with due attention and commitment to their responsibilities. The Supervisory and Advisory Chamber worked to ensure that INTERPOL projects complied with applicable data-protection rules, while the Requests Chamber worked to effectively manage and decide on requests, with both Chambers upholding integrity, independence and impartiality.

A. Report on the activity of the Supervisory and Advisory Chamber

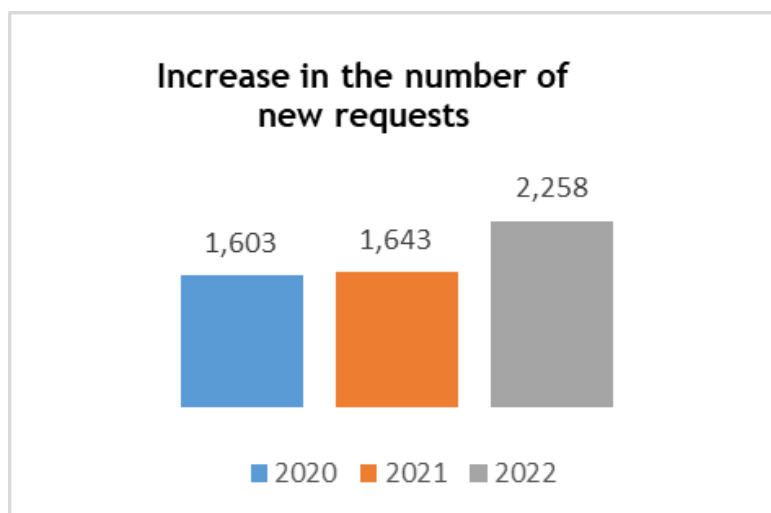
30. The Supervisory and Advisory Chamber conducts compliance checks on the processing of personal data, either when required by INTERPOL's Rules on the Processing of Data (RPD) or on its own initiative in the form of spot checks. These checks ensure that rules, tools, and procedures guarantee respect for INTERPOL's rules, primarily those concerning data-protection principles.
31. In its advisory capacity, as per Article 26(2) of its Statute, the CCF provides opinions on matters involving the processing of personal data either on its own initiative or at the request of the INTERPOL General Secretariat in accordance with Article 27(2) of the RPD, after having received all the information necessary to reach informed conclusions.
32. When establishing its priorities, the Supervisory and Advisory Chamber considered INTERPOL's priorities so as to offer adequate support, to ensure that new projects involving the processing of personal data were designed and developed from the outset in compliance with the applicable rules and the rights of data subjects. The Supervisory and Advisory Chamber worked closely with the INTERPOL General Secretariat, and met regularly with INTERPOL's Chief Information Security Officer, INTERPOL Data Protection Officer, the departments in charge of the projects under consideration, and the Executive Directorate of Legal Affairs.
33. In this context, the CCF studied several INTERPOL projects and cooperation agreements involving the processing of personal data, including Projects Fields, I-Familia, Insight, Facial recognition, Biometrics for frontline policing and Smart Case Messaging. A presentation on these projects is available on INTERPOL's website (<https://www.interpol.int/en/How-we-work/>). It paid particular attention to data quality, accuracy, relevance, legal framework adequacy, existing controlling mechanisms, data security, retention periods, and proportionality. Wherever applicable, the CCF also ensured that these projects would respect the rights of data subjects. The CCF was usually consulted at an early stage in order to be in a position to provide useful advice at the different phases of project development. The management of these projects encountered challenges, primarily due to the increase in the number of participants involved in processing, consulting, and using personal data, which complicated the coordination and execution of tasks.

34. The Supervisory and Advisory Chamber also participated in INTERPOL meetings with member countries aimed at assessing and ensuring that INTERPOL's rules governing the processing of information are consistently understood and implemented, and remain effective, easily implementable, and up to date with the latest developments in international information processing and the Organization's activities.
35. In its supervisory capacity, the CCF conducted checks on INTERPOL's safeguards regarding potential cyberattacks against the INTERPOL Information System, security measures developed and maintained by INTERPOL, as well as on controlling mechanisms in place or under development to ensure compliance with rules on the processing of personal information.
36. Acting in its supervisory and advisory capacity, the Chamber's conclusions took the form of opinions, recommendations and decisions, each tailored to the specific context and requirements of the situation.

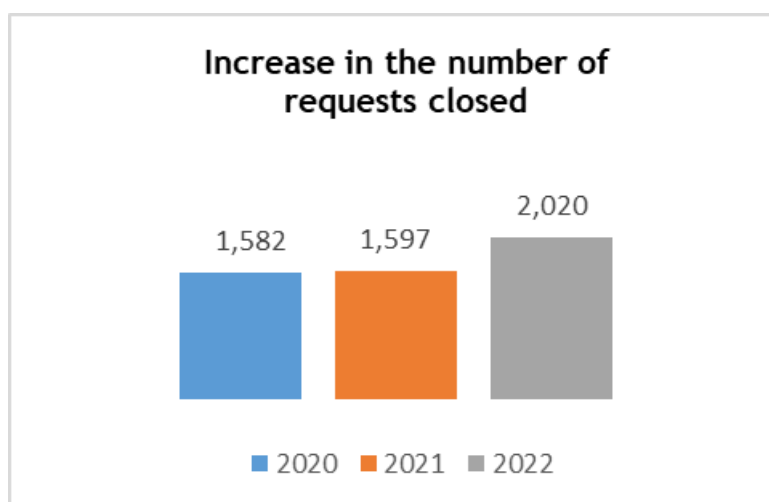
B. Report on the activity of the Requests Chamber

37. The Requests Chamber carefully examines requests for access to the IIS, as well as requests for correction and/or deletion of data concerning applicants that are processed in the IIS, as established in Article 29 of the CCF Statute. The Chamber further studies applications for the revision of decisions from a party to a request (the applicant or the NCB source of the data) as stipulated in Article 42 of its Statute while ensuring clear, well-reasoned and timely decisions.
38. On the basis of Rule 2 of the Operating Rules of the CCF, a member of the CCF may not participate in any way in the consideration of a case if he/she may be seen to have a real or perceived, direct or indirect conflict of interest with respect to the case concerned. Based on Rule 2(1,d), a member always recuses himself/herself from the consideration of a case when he/she is a national of the country source of the data challenged. Based on these rules, members who have to withdraw access neither to the files concerned nor to the CCF conclusions.
39. Detailed information on the number and profiles of requests, along with an overview of work and associated workload connected to the processing of requests, can be found in the appendix to this report.
40. As seen in the Appendix which provides more detail, the information below sets out the number of new requests received, and the number of cases closed by the Commission over the last three years:

40.1 The Commission received 1,603 new requests in 2020, 1,643 in 2021, and 2,258 in 2022.



40.2 The Commission closed 1,582 requests in 2020, 1,597 in 2021, and 2,020 in 2022.



41. Each request is examined on a case-by-case basis, with due consideration of the data challenged, the submissions from the parties involved, the general context, applicable rules, standards of law, and statutory timeframes as specified in Article 40 of the CCF Statute. Processing requests necessitates consultations with relevant parties, the INTERPOL General Secretariat and sometimes third NCBs or entities that may contribute valuable information in accordance with Articles 34(1) and (2) of the CCF Statute. The CCF is particularly vigilant about respecting the limits of its mandate on the one hand, and the need to adequately address the applicants' claims and submissions on the other.
42. The CCF also remained particularly committed to rendering binding decisions that are clear, in order to facilitate their effective implementation within the prescribed statutory deadlines. Although the CCF does not currently maintain statistics on this, from its experience, the CCF deems that the main basis for the CCF's decisions have remained the same, with the most frequent being Articles 2 and 3 of INTERPOL's Constitution. The other notable basis for its decisions is the alleged lack of compliance with specific requirements for notices and diffusions (Articles 83 and 99 of the RPD) or lack of accuracy and concrete elements characterizing the possible effective participation of the applicant in an individual capacity (Articles 12 and 35 of the RPD).
43. One of the most significant challenges faced by the CCF is ensuring equality of arms between the parties to a case, while concurrently managing the escalating increase in restrictions on the communication of information. The CCF carefully examines restrictions based on their justification and impact on the party concerned. Although the CCF does not disclose restricted information when it communicates its decision to the party affected by the restriction, it makes a conscious effort to clearly indicate when information has been restricted, and provides the grounds for such restrictions where possible, for the sake of transparency, and as part of the remedy that it is statutorily tasked with providing. Although the CCF does not maintain hard statistics on this either, it estimates that more than 50 per cent of cases were impacted by restrictions for the most part imposed by NCBs, but also occasionally by applicants.

V. CONCLUSION

44. The year 2022 witnessed the CCF navigating through a transitional phase, managing an increased workload, and addressing emergent IT and legal challenges.
45. The CCF's commitment and proactive stance are crucial in efficiently fulfilling its functions and contributing to a harmonized approach towards facilitating international police cooperation while upholding the principles enshrined in the Universal Declaration of Human Rights.
46. Moving forward in its efforts to enhance its functions and work, the CCF relies on its wealth of expertise, the dedication of its members and stakeholders, and the support that it receives to successfully achieve its objectives.

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>

APPENDIX TO THE CCF ANNUAL ACTIVITY REPORT FOR 2022

STATISTICS REFLECTING THE CCF'S WORK

A. CCF in general

1. The members of the CCF members and CCF Secretariat met six times (four times in Lyon for five-day CCF sessions, and twice by virtual means), for a total of 22 days.
2. Each meeting required extensive preparation by the members in advance, and as explained in the annual report, members of the CCF may also be asked to provide expertise on specific questions in between sessions.

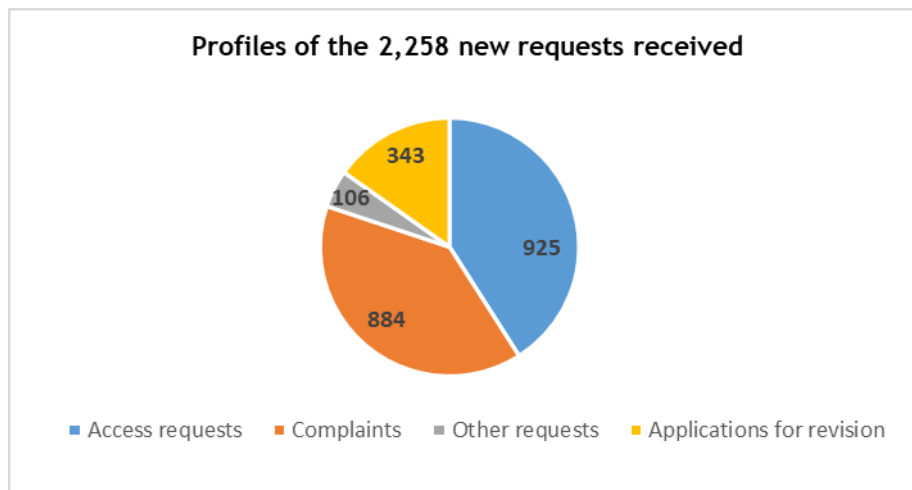
B. Supervisory and Advisory Chamber

3. The Chamber was consulted by the INTERPOL General Secretariat on six projects, sometimes presented several times, as a result of which the CCF shared nine decisions with the INTERPOL General Secretariat on these projects. It also conducted five different spot checks and delivered several opinions and recommendations to the INTERPOL General Secretariat in that context.
4. The CCF participated in an average of four meetings with the INTERPOL General Secretariat per session to discuss projects involving the processing of personal data.

C. Requests Chamber

1. New requests received in 2022

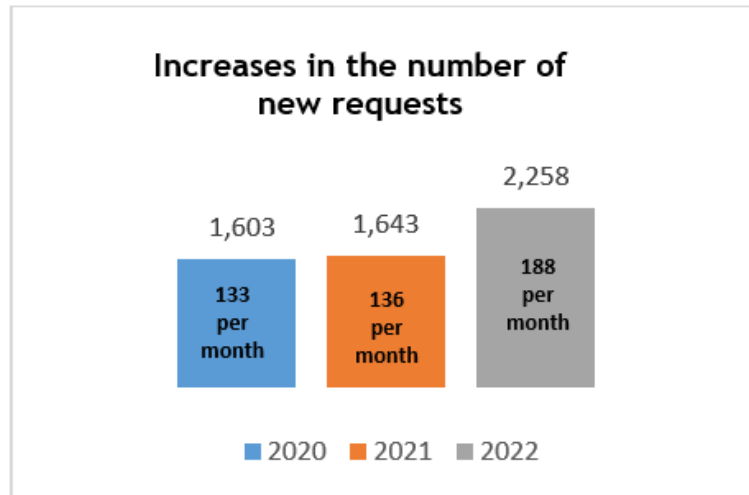
5. In 2022, the CCF received 2,258 requests or applications for the revision of decisions concerning 1,505 new applicants, which highlights the increase in the number of successive requests made by applicants.
6. The figures below present the profiles of the requests received.



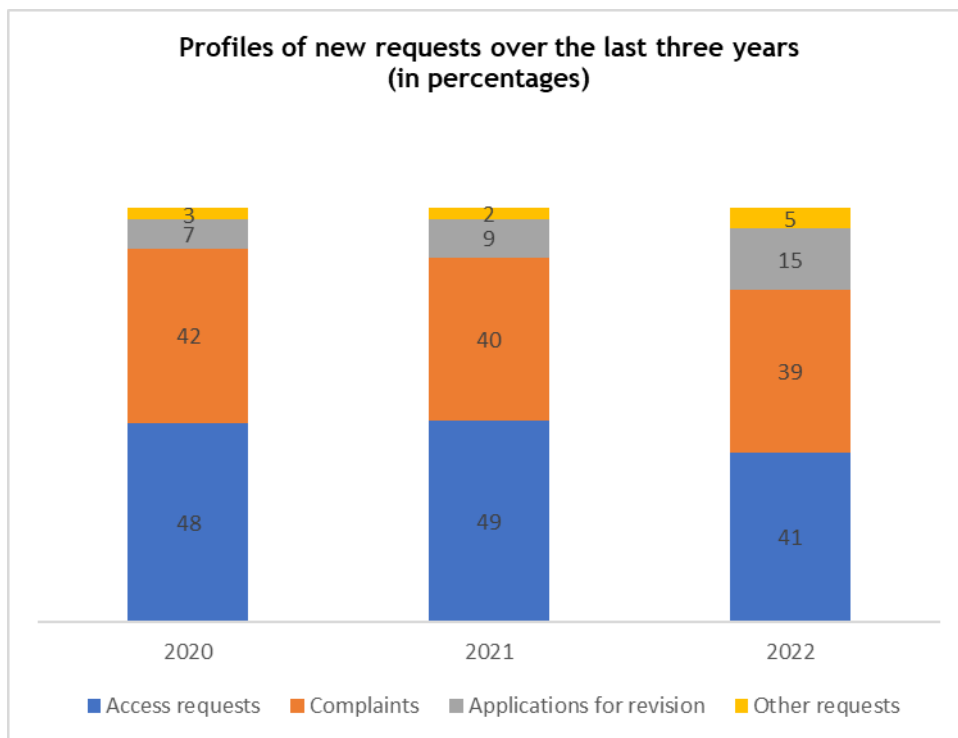
- **Access requests** are requests for information on whether there are data recorded in INTERPOL's files and to obtain communication of such data.
- **Complaints** are requests for the correction and/or deletion of data (if any) recorded in INTERPOL's files.
- **Applications for revision** of the CCF's decisions are requests made either by the applicants or by the sources of the data, arguing that new information warrants a change to a prior decision taken by the CCF.

- **Other requests** include any request that is neither an access request, a complaint, or an application for revision. They may include pre-emptive requests which supply information that would foreclose an NCB from being able to have data processed, or requests presented as “complaints” but addressed for purposes that may go beyond the CCF’s mandate (e.g., requests for the cancellation of proceedings involving an applicant at national level). Processing these requests also requires resources.

7. The Commission received 1,603 new requests in 2020 (133 per month), 1,643 in 2021 (136 per month) and 2,258 in 2022 (188 per month).

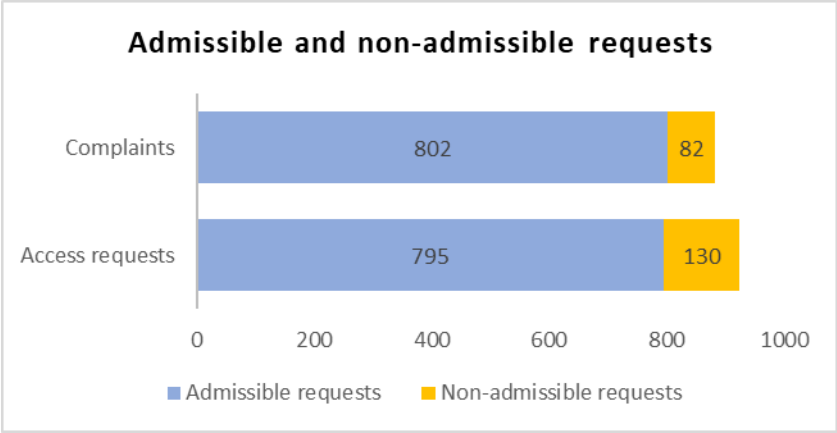


8. While the ratio of complaints to access requests has remained broadly unchanged over the last three years, the percentage of applications for revision has risen significantly since 2020.



9. Among the 1,809 new access requests and complaints received in 2022 (see paragraph 6 above), the number of new admissible requests was 1,597 (88 per cent):

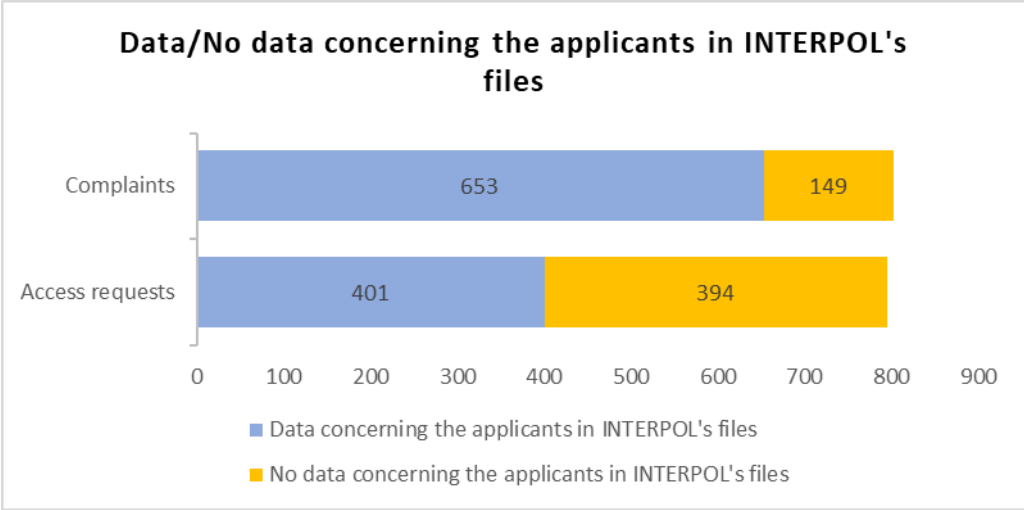
- Access requests: 795 (86 per cent of the 925 access requests received)
- Complaints: 802 (91 per cent of the 884 complaints received).



10. Access requests and complaints received by the CCF do not always meet the conditions for admissibility laid down in Rule 30 of the Operating Rules of the CCF, mostly because the applicants do not provide a copy of an identity document, a signed power of attorney when they are represented by a third person, or arguments to support a request for correction and/or deletion of information, despite requests and reminders to do so by the CCF.

11. Among the 1,597 admissible access requests and complaints, 1,054 (66 per cent) concerned applicants subject to data in INTERPOL’s files:

- Access requests: 401 (50 per cent of the 795 admissible access requests)
- Complaints: 653 (81 per cent of the 802 admissible complaints)

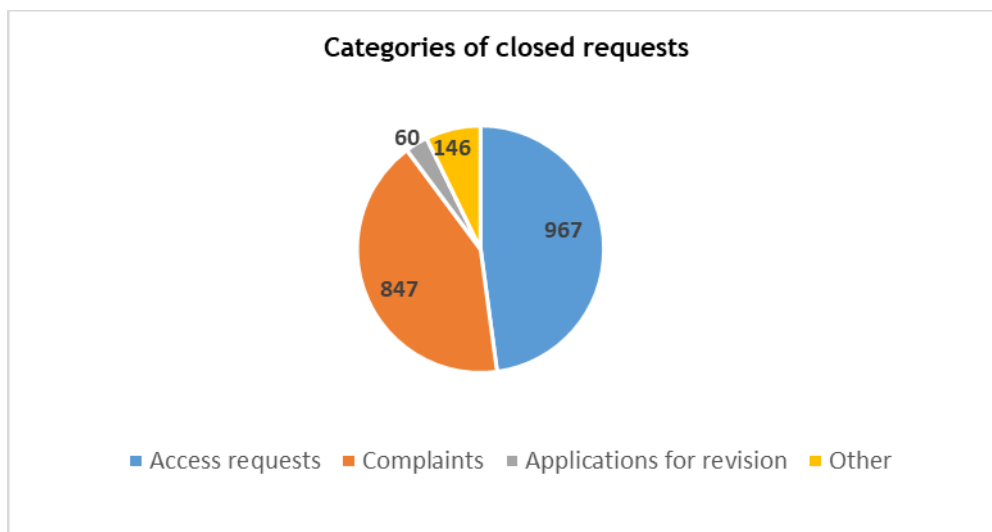


12. Even when there are no data concerning an applicant in INTERPOL’s files, the CCF is still required to take several measures. It consults the NCBs that may have been involved in processing the data concerning the applicants. Often, it also has to ask the applicants to provide additional information (for example when they claim to have been detained on the basis of INTERPOL data). The CCF also regularly coordinates with the INTERPOL General Secretariat to urge the NCBs of the countries involved in the detention of applicants, allegedly on the basis of INTERPOL information, to check and update their national files.

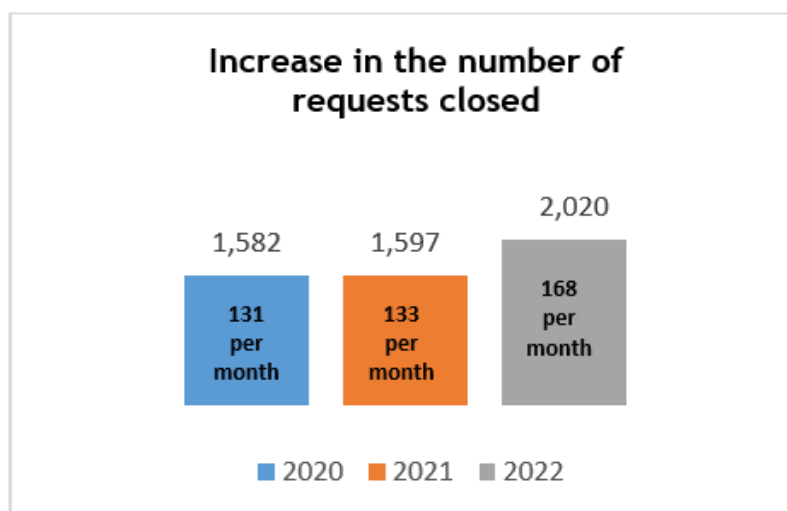
13. Among the 1,054 applicants subject to data, 653 are subject to notices, 285 are subject to diffusions, and the remaining applicants may simply be subject to information either registered in the Stolen Motor Vehicle database, in the SLTD database which contains information on travel and identity documents that have been reported as stolen, stolen blank, revoked, invalid or lost, or available in the Workflow. Also, 53 abstracts of the 653 notices were published on INTERPOL's website.
14. The two main offences of which the applicants are accused, are related to fraud (financial crime, misappropriation, embezzlement, etc.) and terrorism.

2. Requests closed in 2022

15. The CCF closed 2,020 requests in 2022, including 967 access requests, 847 complaints, 60 applications for revision and 146 other requests.

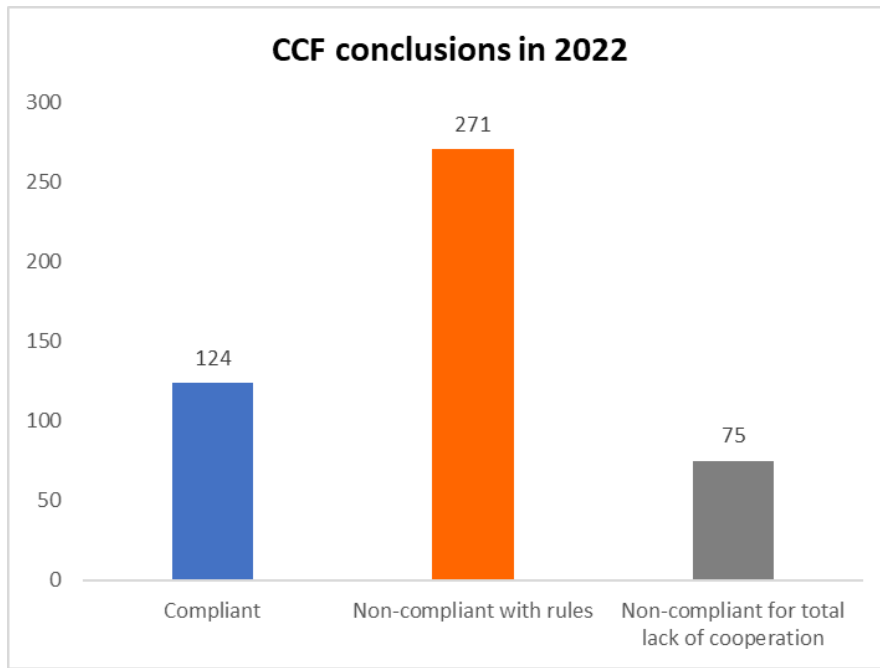


16. The Commission closed 1,582 requests in 2020 (131 per month), 1,597 in 2021 (133 per month), and 2,020 in 2022 (168 per month).



17. Among the 847 complaints closed, 377 were closed without a CCF decision on compliance. A total of 219 cases were closed because there were no data in INTERPOL's files concerning the applicants, 70 cases were closed because the requests were never declared admissible, and 88 were deleted by the INTERPOL General Secretariat or by the NCB source of the data before any decision was taken by the CCF.

18. Among the 470 admissible complaints from individuals subject to requests closed following a CCF decision on compliance, the CCF concluded in 124 cases that data were compliant with INTERPOL’s rules and, in 271 cases, that they were not compliant after a thorough examination of the applicants’ claims and the information provided by the NCB(s). A total of 75 additional cases were closed because of a total lack of cooperation from the NCB(s) source of the data that did not confirm the validity of the proceedings for notices or diffusions, which led the CCF to decide that the data shall be deleted without further examination of the applicant’s arguments.



19. The below graph shows the percentage of cases found compliant and non-compliant over the last three years.

