



INTERPOL

## **FREQUENTLY ASKED QUESTIONS**

# **ON INTERPOL'S INFORMATION SYSTEM SAFEGUARDS FOR THE PROCESSING OF PERSONAL DATA**

### **1. WHAT ARE THE RULES OR LAWS UNDER WHICH INTERPOL OPERATES IN ITS PROCESSING OF PERSONAL DATA FOR THE PURPOSES OF INTERNATIONAL POLICE COOPERATION?**

INTERPOL operates as an international organization under a formal legal structure stemming from, in the first instance, its own Constitution. The Constitution, together with INTERPOL's Rules on the Processing of Data (RPD) and other guidelines such as the resolutions of the INTERPOL General Assembly, further elaborate the rules by which the Organization operates. This includes its practices with regard to the processing of personal data. Some key provisions in this regard include:

- INTERPOL's Constitution (Articles 2, 3, 5); and
- INTERPOL's Rules on the Processing of Data (Title 1, Chapter II).

INTERPOL's Constitution, Rules on the Processing of Data, and other rules and regulations are publicly available and can be found online: [www.interpol.int/who-we-are/legal-framework/legal-documents](http://www.interpol.int/who-we-are/legal-framework/legal-documents).

### **2. ON WHAT BASES CAN INTERPOL PROCESS PERSONAL DATA?**

INTERPOL's Constitution and Rules for the Processing of Data establish clear terms and conditions for accessing and handling information through its network, and also apply to INTERPOL's Notices system. INTERPOL's Constitution sets out the basis for voluntary cooperation between its members and the neutrality and independence of the Organization, which has its central aim to promote police cooperation within the limits of its members' laws and the spirit of the Universal Declaration of Human Rights. The Rules on the Processing of Data enhance the protection of personal data in INTERPOL's systems so as to facilitate members' access to reliable and useable information. The wide range of services offered by INTERPOL are built on this governing legal framework.

### **3. HOW LONG IS INTERPOL ALLOWED TO RETAIN MY PERSONAL DATA?**

Data may only be retained in the Organization's police databases for the time required to achieve the purpose for which they were entered. Initial retention periods depend on the type of database and nature of the data, but typically are not longer than five years. This period may be shorter if national law of the country that entered the data so requires or the purpose for the data retained has been achieved.

### **4. UNDER WHAT CIRCUMSTANCES CAN I FIND OUT WHAT PERSONAL DATA OF MINE, IF ANY, INTERPOL MAINTAINS?**

Upon a request for access to information possibly held in the INTERPOL Information System, the CCF Secretariat first checks whether any data concerning the applicant are being processed in INTERPOL's Information System. In accordance with the CCF Statute, prior to disclosing information connected with a request, the Commission shall consult the source of the data.

The Commission shall generally decide on a request for access to data within four months from the date on which the request was declared admissible, and shall provide the applicant with a written decision.

### **5. CAN I REQUEST THAT INTERPOL DELETE OR CORRECT PERSONAL DATA OF MINE THAT IT MAINTAINS?**

Yes. Requests for access to, as well as correction or deletion of, personal data may be submitted free of charge to the Commission for the Control of INTERPOL's Files (CCF), which is an independent body. The Requests Chamber of the CCF examines and decides on such requests and its decisions are final and binding on the Organization. For more information on how to submit a request, see: <https://www.interpol.int/en/Who-we-are/Commission-for-the-Control-of-INTERPOL-s-Files-CCF/How-to-submit-a-request>.

### **6. HOW CAN I CHALLENGE ACTIONS THAT INTERPOL TAKES WITH RESPECT TO MY PERSONAL DATA?**

As noted above, the Requests Chamber of the Commission receives, examines, and decides on requests for access to data as well as requests for correction and/or deletion of data processed in the INTERPOL Information System. For more information on how to submit a request, see: <https://www.interpol.int/en/Who-we-are/Commission-for-the-Control-of-INTERPOL-s-Files-CCF/How-to-submit-a-request>.

### **7. WHERE CAN I GET MORE INFORMATION ABOUT INTERPOL SYSTEMS AND ACTIVITIES WITH REGARD TO THE PROCESSING OF PERSONAL DATA?**

INTERPOL's website contains extensive information on the Organization's structure, membership, authorities, activities, and operations. More specifically, information on the rules governing the Organization, including its Constitution, Rules on the Processing of Data, and other rules and regulations, are publicly available and can be found online: [www.interpol.int/who-we-are/legal-framework/legal-documents](http://www.interpol.int/who-we-are/legal-framework/legal-documents).

## **8. DOES INTERPOL HAVE A DATA PROTECTION OFFICER?**

Yes. The INTERPOL Data Protection Office (IDPO) ensures that the INTERPOL data processing regime is promoted and facilitated through the appropriate legal, technical, operational, and organizational channels. The Office, headed by the Data Protection Officer, acts independently and reports directly to the Secretary General.

The INTERPOL Data Protection Officer supports data protection impact assessments, advises on processing through new technologies, conducts training, strengthens the data protection culture at INTERPOL, and ensures the continued development of data-protection and privacy-by-design solutions, and enhances monitoring and auditing.

The main functions of the IDPO are defined in the RPD and include:

- auditing implementation of the Rules on the Processing of Data (RPD) in the INTERPOL Information System and strengthening internal controls;
- providing advice on processing operations which may implicate the rights of individuals;
- ensuring coordination with all data protection officers designated at National Central Bureaus (NCBs), including the provision of training;
- ensuring liaison with the Commission of Control of INTERPOL's Files (CCF) on data protection matters;
- strengthening the Organization's data protection culture; and
- engaging with international partners and cooperating with data protection officers of other institutions to exchange best practices.

## **9. HOW DOES INTERPOL REVIEW AND UPDATE ITS RULES REGARDING THE PROTECTION OF PERSONAL DATA?**

To provide safeguards in a fast-paced globalized and digitized world and in line with evolving international data protection standards, INTERPOL regularly assesses and updates its rules on data protection – on average – about every three years. INTERPOL's Standing Committee on Data Processing is a permanent body created in 2019 to ensure the continuous assessment of and propose updates to applicable data protection rules with due consideration of international data protection standards. The Standing Committee replaced the Working Group on the Processing of Information (GTI), which had been in place since 2002. Any changes to the Rules on the Processing of Data are brought to the INTERPOL General Assembly for adoption by the Organization's membership.

## **10. IS THERE ANY INDEPENDENT OVERSIGHT OF INTERPOL ACTIONS WITH RESPECT TO ITS HANDLING OF PERSONAL DATA?**

Yes. In its supervisory capacity, the CCF, which is an independent body, carries out the necessary checks to ensure that the processing of personal data by the Organization complies with INTERPOL's rules. In its advisory capacity, it provides the Organization with advice on any of its projects, operations, or sets of rules, either on its own initiative or at the request of the General Secretariat.

## **11. WHAT ARE INTERPOL NOTICES?**

INTERPOL Notices are international requests for cooperation or alerts allowing police in member countries to share critical crime-related information.

Notices are published by the General Secretariat at the request of a National Central Bureau (NCB), which is the national body each INTERPOL member country designates internally to liaise with the General Secretariat and NCBs in other countries. All Notices are made available to all our member countries. Notices can also be issued at the request of international criminal tribunals and the International Criminal Court to seek persons wanted for committing crimes within their jurisdiction, notably genocide, war crimes, and crimes against humanity.

## **12. WHAT IS AN INTERPOL RED NOTICE?**

A Red Notice is a request for cooperation published by the General Secretariat at the request of an NCB on the basis of a valid national arrest warrant in order to seek the location of a wanted person and his or her detention or arrest for the purpose of extradition, surrender, or similar lawful action. Red Notices may also be issued upon the request of international tribunals.

The Red Notice system is extremely valuable to INTERPOL's member countries, resulting in significant numbers of arrests of dangerous fugitives and terrorists each year. A Red Notice is not an international arrest warrant, but rather a request for cooperation based on an arrest warrant issued in a member country. It is up to each member country to decide whether to act on a Red Notice. INTERPOL cannot demand that action be taken on a Notice, and whether to do so is completely within the discretion of each country.

## **13. WHAT IS AN INTERPOL DIFFUSION?**

Member countries may request cooperation from each other not only through Notices but also through another form of communication known as a Diffusion. Diffusions are circulated directly by an NCB to some or all other NCBs and are simultaneously recorded in INTERPOL's databases. Like Notices, Diffusions must comply with INTERPOL's Constitution and the RPD. Similar to Red Notices, all Wanted Persons Diffusions are reviewed by a dedicated, multidisciplinary task force.

## **14. DOES INTERPOL HAVE THE POWER TO ARREST PEOPLE?**

No. INTERPOL does not have the authority to issue arrest warrants, nor to issue Red Notices upon its own initiative. It only may do so upon request of a member country or international tribunal. INTERPOL cannot insist or compel any member country to arrest an individual who is the subject of a Red Notice. INTERPOL cannot require any member country to take any action in response to a Red Notice requested by another member country. Each INTERPOL member country decides for itself what legal value to give a Red Notice within its borders. When taking a decision to act on a Notice or any other request, a country assumes full responsibility for that decision.

## **15. WHAT ARE SOME OF THE KEY RULES THAT GOVERN THE USE AND PUBLICATION OF INTERPOL RED NOTICES?**

INTERPOL's Constitution and RPD have important applications to the Red Notice system. Article 2 of INTERPOL's Constitution calls for the widest possible mutual police assistance within the limits of member countries' national laws and "in the spirit of the 'Universal Declaration of Human Rights,'" and Article 3 of INTERPOL's Constitution provides that it is "strictly forbidden for the organization to undertake any intervention or activities of a political, military, religious or racial character."

The RPD, which set out the applicable criteria for publication of Red Notices, provide that a Notice request must include a summary of facts of the case that provides a “succinct and clear description of the criminal activities of the wanted person.”

Requests must provide sufficient identifiers as well as facts linking a wanted person to the relevant charges, and should clearly describe the role played in the crime by each wanted person should the events at issue involve several individuals.

A request may only be published when sufficient judicial data has been provided, including the relevant charges, the law covering the offense, the maximum penalty possible or sentence remaining to be served, and reference to a valid arrest warrant or judicial decision having the same effect. Whenever possible, a copy of the arrest warrant or judicial decision should be provided.

## **16. DOES INTERPOL REVIEW REQUESTS FOR THE ISSUANCE OF RED NOTICES PRIOR TO THEIR PUBLICATION?**

Yes. INTERPOL created a dedicated multidisciplinary task force to conduct a robust quality and legal compliance review for all incoming Red Notices and wanted-persons diffusions prior to their publication by the General Secretariat. INTERPOL also revisits Notice decisions based on new information. The compliance review is based on the information available at the time of publication. Whenever new and relevant information arises, the Task Force re-examines the case to ensure its continued compliance. New Red Notices and wanted persons Diffusions are not visible in INTERPOL's databases to other member countries until after they are found to be compliant.

## **17. WHO CAN SEE RED NOTICES ONCE THEY HAVE BEEN PUBLISHED?**

All Notices, including Red Notices, are shared with all 194 member countries. However, a member country can decide to send its request for cooperation to a limited number of countries of its choice in the form of a Diffusion.

## **18. ARE ANY RED NOTICES MADE PUBLICLY AVAILABLE?**

Most Notices are for police use only and are not made available to the public. However, in some cases, for example to alert the public, or to request help from the public, an extract of the Notice can be published on [the INTERPOL website](#). United Nations special Notices are public.

## **19. DOES THE INTERPOL PRESIDENT PLAY ANY ROLE IN THE ORGANIZATION'S PUBLICATION OF INDIVIDUAL RED NOTICES?**

Neither the President nor Executive Committee members are involved in the process of reviewing and issuing notices and diffusions. There has at times been confusion over the role of the President. The President is elected among all delegates of INTERPOL Member countries attending the General Assembly. This is an unpaid and part-time position with the post-holder remaining a full time official of their own country throughout their mandate.

The role of the President is to chair the General Assembly and sessions of the Executive Committee each year.

Any member country can propose a candidate to be a member of the Executive Committee, including for the honorary role of President.

## 20. CAN THE CCF REVIEW INTERPOL DECISIONS REGARDING THE PUBLICATION OF RED NOTICES?

Yes. The CCF, which is independent of and separate from INTERPOL's General Secretariat, has the mandate to review all personal data processed via the INTERPOL Information System, including data processed through Notices and Diffusions. The CCF is authorized to receive requests for access, correction, or deletion from individuals who are the subject of a Notice or Diffusion, or who think they might be, and to review any such Notice or Diffusion for compliance with INTERPOL's Constitution and rules. Its decisions are binding on the Organization. Thus a CCF finding of non-compliance will lead to the deletion of the Notice by the General Secretariat.

## 21. DOES INTERPOL ISSUE ANY TYPES OF NOTICES OTHER THAN RED NOTICES?

Yes. INTERPOL's colour-coded Notices enable countries to share alerts and requests for information worldwide.

### Types of Notice:

 <p>To seek the location and arrest of wanted persons wanted for prosecution or to serve a sentence.</p>	 <p>To help locate missing persons, often minors, or to help identify persons who are unable to identify themselves.</p>
 <p>To collect additional information about a person's identity, location or activities in relation to a crime.</p>	 <p>To seek information on unidentified bodies.</p>
 <p>To provide warning about a person's criminal activities, where the person is considered to be a possible threat to public safety.</p>	 <p>To warn of an event, a person, an object or a process representing a serious and imminent threat to public safety.</p>
 <p>To seek or provide information on modus operandi, objects, devices and concealment methods used by criminals.</p>	 <p>Issued for groups and individuals who are the targets of UN Security Council Sanctions Committees.</p>

## **22. DO NOTICES NEED TO MEET LEGAL CRITERIA BEFORE BEING PUBLISHED?**

Yes. A Notice is only published if it complies with INTERPOL's Constitution and fulfils all conditions for processing the information as defined by the RPD. This ensures the legality and quality of information, and the protection of personal data.

For example, a Notice will not be published if it violates Article 3 of INTERPOL's Constitution, which forbids the Organization from undertaking any intervention or activities of a political, military, religious or racial character.