



INTERPOL

*Implementing rules concerning
the settlement of disputes
procedure*

[III/IRSD/GA/2024]

REFERENCES

The present Implementing Rules were adopted by the General Assembly at its 92nd session (Glasgow, United Kingdom, 2024) by Resolution GA-2024-92-RES-08, in accordance with Article 135(3) of INTERPOL's Rules on the Processing of Data.

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PREAMBLE

The present Implementing Rules are adopted in accordance with Article 135(3) of INTERPOL's Rules on the Processing of Data (RPD).

Article 1: Definitions

- (1) For the purpose of Article 135 of the RPD, the following definitions shall apply:
 - (a) A dispute between NCBs and/or international entities occurs in relation to data processed in the INTERPOL Information System where all of the following conditions are fulfilled: (1) one of the entities submits to the General Secretariat an admissible protest against another entity's data processing, invoking Article 135 of the RPD and seeking modification or deletion of the data concerned, (2) the entity source of the data objects to the modification or deletion of its data, and (3) the General Secretariat confirms that a difference of views on compliance exists between the two entities;
 - (b) A dispute between an NCB or international entity and the General Secretariat occurs in relation to data processed in the INTERPOL Information System where all of the following conditions are fulfilled: (1) the protesting entity submits to the General Secretariat an admissible protest; (2) the General Secretariat had determined that the data processing does not comply with INTERPOL's rules; (3) the entity source of the data submits to the General Secretariat its disagreement with the General Secretariat's conclusion, noting a difference of opinion or interpretation, asks for its data processing to be allowed and invokes dispute resolution under Article 135, RPD; and (4) the General Secretariat confirms that it maintains its prior determination that the data are not compliant with INTERPOL's rules.

Article 2: Access to dispute settlement

- (1) The settlement of disputes procedure under Article 135 of the RPD may be invoked by NCBs or international entities.
- (2) Disputes involving data processing by national entities shall be initiated by protests submitted via the NCBs.

- (3) Disputes involving international entities shall be subject to the same procedures governing disputes involving NCBs, in accordance with the provisions of the agreement concluded between INTERPOL and the international entity.
- (4) Disputes involving data processing by private entities shall be governed by the agreement concluded between INTERPOL and the private entity.

Article 3: Admissibility of protests

- (1) A protest shall only lead to a settlement of disputes procedure under Article 135 of the RPD if the General Secretariat declares the protest admissible pursuant to the following criteria:
 - (a) The protest shall be submitted to the General Secretariat in one of the Organization's working languages. The submission shall contain at most 2,000 words. In addition, supporting documents not subject to the word limitation may be provided in appendices that are written in, or are accompanied by translations into, one of INTERPOL's working languages. Appendices shall not contain further arguments concerning the compliance of the data in dispute;
 - (b) The protest shall explicitly state that it seeks dispute settlement under Article 135 of the RPD;
 - (c) Protests should be submitted in good faith and not be unnecessarily repetitive. If the protest concerns an issue present in more than one case, then all cases shall be combined in a single submission. A protest shall not be admissible if it is based on the same types of arguments as a previous protest submitted by the same protesting entity and which was resolved under the present Implementing Rules;
 - (d) For disputes between NCBs and/or international entities, only protests regarding recorded data in INTERPOL's police databases are admissible. The protesting entity must explain in a clear and factual manner why it believes that the data are not compliant with specifically identified provisions of INTERPOL's rules. It must also state why it has an interest in modifying or deleting the data;

- (e) If the protesting entity protests against data that it anticipates may be submitted but which are not recorded in INTERPOL's police databases at the time of the protest, then the protest is not admissible. However, the General Secretariat shall take the protest into account pursuant to Article 34(3,d) of the RPD in case the data are processed subsequently. If at that stage the General Secretariat determines that the data are compliant, it shall inform the protesting entity, if allowed under the RPD. The protesting entity may submit a new protest subject to the present Implementing Rules;
 - (f) For disputes between an NCB or international entity and the General Secretariat, only protests regarding data found to be non-compliant by the General Secretariat are admissible. The protesting entity must explain in a clear and factual manner why it believes that the General Secretariat's determination of non-compliance is erroneous.
- (2) The General Secretariat shall decide on the admissibility of a protest and inform the protesting entity accordingly at the earliest opportunity and no later than 30 days after reception. If the criteria set out in this Article are not met, the General Secretariat shall inform the protesting entity that its protest is not admissible and indicate the reasons for the decision. Such decision is without prejudice to a new admissible submission of the protest. If the criteria set out in this Article are met, the General Secretariat shall follow the relevant procedure set out below.

Article 4: Consultations in disputes between NCBs and/or international entities

- (1) The General Secretariat shall, at the earliest opportunity and no later than 30 days after declaring the protest admissible, verify with the entity source of the data whether it objects to the modification or deletion of its data. If so, and if the General Secretariat confirms that a difference of views on compliance exists, the General Secretariat shall add a caveat to the disputed data in INTERPOL's databases indicating the existence of a dispute. The General Secretariat shall simultaneously inform all parties involved of the existence of the dispute under Article 135 of the RPD, of the caveat added to the data, of any additional measures that the General Secretariat may have decided to take at this stage regarding the data (see Article 4(3) of the present Implementing Rules), and that it has initiated concerted consultations.
- (2) During the consultations, the General Secretariat takes on a role as a facilitator between the parties to the dispute, i.e. an objective intermediary which supports the parties with a view to finding solutions that are compliant with INTERPOL's rules. The General Secretariat is not and does not become a party to the dispute but remains available to the parties to explain its prior compliance decision.
- (3) The General Secretariat may, at any point in time and at its own initiative, take measures within its powers concerning the data in dispute in application of its obligations under the RPD, indicating the legal provisions on which its measures are based. This may include measures such as provisional blocking of the data where the General Secretariat deems that serious doubts arise on compliance with specific INTERPOL rules. At any point during the settlement of disputes procedure, the General Secretariat may decide to add a caveat, reverse its prior decision on compliance, and modify or delete the data concerned.
- (4) The consultations consist of a written phase, followed by an oral phase.
- (5) During the written phase of the consultations, the General Secretariat may, as needed, invite the parties to the dispute to exchange written submissions explaining their positions via the General Secretariat, allowing each party to better understand the position of the other party/ies, while also allowing the General Secretariat to better explore the possibilities of finding a solution or reassess its previous compliance decision. The General Secretariat shall define deadlines for each submission and may also decide to limit the length and number of submissions, in accordance with the complexity of the dispute.
- (6) If one of the parties to the dispute declines to disclose to another party to the dispute relevant data or information to which the General Secretariat has access, then the General Secretariat shall take into account that the latter party was denied the opportunity to use the information in its arguments, and shall attempt to take into account any disadvantage that this party may therefore suffer, without compromising the confidentiality of the information.
- (7) When the General Secretariat considers that the written submissions exchanged clarify the matters in dispute, it shall inform the parties that the written phase of the consultations is closed. In any event, the General Secretariat shall close the written phase of the consultations at the earliest opportunity and no later than 90 days after its start, and simultaneously open the oral phase of the consultations.

- (8) After the close of the written phase of the consultations, a party may submit an additional written submission only based on new information or circumstances and explain why the new submission is warranted. In such a case, the General Secretariat shall share it with the other party/ies to seek its/their position in accordance with the same procedure as described in the preceding provisions, and inform all parties that it has initiated a new written phase of the consultations.
- (9) In the oral phase of the consultations, the General Secretariat may as needed meet – in person or by virtual means – with representatives of each party separately to explore potential solutions. If accepted by the parties, the General Secretariat may also facilitate a joint meeting with representatives of all parties. The General Secretariat may submit potential solutions, orally or in writing, to the parties, separately or jointly, for their consideration. Such potential solutions may include but are not limited to the following: (1) withdrawal of the disputed data; (2) withdrawal and resubmission of the data after removing disputed aspects; (3) mutual cancellation of certain data disputed by the other entity; (4) maintaining the data but adding a caveat or sending an IPCQ message notifying of the dispute; (5) processing the data using a different form of communication (e.g. diffusions instead of notices); (6) maintaining some disputed data while withdrawing other disputed data; and (7) maintaining the disputed data. The General Secretariat shall close the oral phase of the consultations at the earliest opportunity and no later than 60 days after it was opened.
- (10) If, at any point in time, a solution is found for some of the disputed data, the General Secretariat shall promptly close the dispute with regard to those data and inform the parties accordingly.
- (11) The General Secretariat shall close the consultations as soon as (a) the source of the data deletes the disputed data, modifies them as requested by the protesting entity/ies, or persistently refuses to engage in the consultations, leading the General Secretariat to delete the data for this reason; (b) the protesting entity/ies withdraw(s) its/their protest or cease(s) to follow up on their protest, missing at least two deadlines set by the General Secretariat; or (c) any solution compatible with INTERPOL's rules and accepted by all parties to the dispute is found for all the data in dispute. The General Secretariat shall inform the parties to the dispute that the consultations have been closed and why, and shall promptly remove from any disputed data that it considers as compliant the caveat that was applied at the outset of the dispute. This terminates the dispute with final effect.
- (12) If the General Secretariat did not close the consultations pursuant to the preceding provision, then the General Secretariat shall, at the earliest opportunity and no later than 60 days after the close of the oral phase of the consultations, conduct a renewed review of the case based on all relevant information, issue a reasoned decision on compliance, inform the parties to the dispute and close the dispute. This terminates the dispute with final effect. As part of its new decision, and if the General Secretariat concludes that the disputed data are compliant and should be maintained, the General Secretariat shall remove from the data the caveat that was applied at the outset of the dispute. The General Secretariat may, at its own initiative, decide to apply additional measures related to the data, such as adding a caveat informing member countries of the objection raised by the protesting entity/ies and inviting them to consult directly with the protesting entity/ies for additional information.

Article 5: Consultations in disputes between NCBs or international entities and the General Secretariat

- (1) At the General Secretariat, the consultation phase shall be led by the department that made the initial compliance decision ("the General Secretariat department"), in collaboration, as needed, with other departments of the General Secretariat.
- (2) The General Secretariat department shall, at the earliest opportunity and no later than 30 days after declaring the protest admissible, examine the compliance of the disputed data in light of the protest received and in accordance with the present Implementing Rules, and take one of the following two actions:
- (a) If the General Secretariat department concludes that the data are compliant, the department shall inform the protesting entity accordingly and invite it to resubmit the data, if necessary adjusted as proposed by the department. This terminates the dispute;
- (b) If the General Secretariat department maintains its prior determination that the data are not compliant with INTERPOL's rules, the department shall inform the protesting entity of the existence of a dispute, of the applicability of the present Implementing Rules, and that it has initiated concerted consultations.
- (3) The consultations consist of a written phase, followed by an oral phase.

- (4) During the written phase of the consultations, the General Secretariat department may, as needed, request one or more additional written submissions from the protesting entity, to allow the department to better understand the position of the protesting entity and better explore the possibilities of finding a solution. The General Secretariat department shall define deadlines for each submission and may also decide to limit the length and number of submissions, in accordance with the complexity of the dispute.
- (5) When the General Secretariat department considers that the submissions provide it with sufficient information to reassess the case(s) in dispute, it shall inform the protesting entity that the written phase of the consultations is closed. In any event, the General Secretariat department shall close the written phase of the consultations at the earliest opportunity and no later than 90 days after its start, and simultaneously open the oral phase of the consultations.
- (6) After the close of the written phase of the consultations, the protesting entity may submit an additional written submission only based on new information or circumstances and explain why the new submission is warranted. In such a case, the General Secretariat department shall inform the protesting entity that it has initiated a new written phase of the consultations.
- (7) In the oral phase of the consultations, the General Secretariat department may as needed meet, in person or by virtual means, with representatives of the protesting entity to explore potential solutions. The General Secretariat department may submit potential solutions, orally or in writing, to the protesting entity, for its consideration. Such potential solutions may include but are not limited to the following: (1) resubmission of the data after removing non-compliant aspects; (2) processing the data using a different form of communication (e.g. diffusions instead of notices); and (3) finding a way other than through data processing to provide support to the protesting entity. The General Secretariat department shall close the oral phase of the consultations at the earliest opportunity, and no later than 60 days after it was opened.
- (8) If, at any point in time a solution is found for some of the disputed data, the General Secretariat department shall promptly close the dispute with regard to those data and inform the protesting entity accordingly.
- (9) The General Secretariat department shall close the consultations as soon as (a) the protesting entity withdraws its protest or ceases to follow up on its protest, missing at least two deadlines set by the General Secretariat's department; or (b) a solution, compatible with INTERPOL's rules and accepted by the protesting entity and the General Secretariat department, is found for all the data in dispute. The General Secretariat department shall promptly inform the protesting entity that the consultations have been closed and why. This terminates the dispute with final effect.
- (10) If the General Secretariat department did not close the consultations pursuant to the preceding provision, then the department shall, at the earliest opportunity and no later than 60 days after the close of the oral phase of the consultations, inform the protesting entity of its compliance determination, that the consultations have been closed and remind it of its rights under Article 6 of the present Implementing Rules.

Article 6: Review at higher levels within the General Secretariat

- (1) If the consultations were closed pursuant to Article 5(10) of the present Implementing Rules, then the protesting entity may, within 30 days of having been so informed, submit to the General Secretariat department a reasoned request seeking the review of the case at the level of the Executive Directorate(s) concerned ("the EDs").
- (2) If the protesting entity does not notify the General Secretariat department within 30 days that it seeks the review of the case by the EDs, then the dispute shall be terminated with final effect.
- (3) If the protesting entity notifies the General Secretariat department within 30 days that it seeks the review of the case by the EDs, the department shall submit to the EDs within 30 days the request and its own assessment ("case file").
- (4) Within 60 days of having received the case file from the General Secretariat department, the EDs shall issue a reasoned decision on compliance and shall inform the protesting entity accordingly.

- (5) If, after examining the case, the EDs endorse the conclusion on non-compliance by the General Secretariat department, the protesting entity may, within 30 days of having been so informed, submit a reasoned request to the EDs seeking a final decision by the Secretary General.
- (6) If the protesting entity does not notify the EDs within 30 days that it seeks a final decision by the Secretary General, then the dispute shall be terminated with final effect.
- (7) If the protesting entity informs the EDs within 30 days that it seeks a final decision by the Secretary General, the EDs shall submit to the Secretary General within 30 days the case file and their own assessment.
- (8) Within 60 days of having received the case file and the EDs' assessment, the Secretary General shall issue a final and reasoned decision on compliance and shall inform the protesting entity accordingly. This terminates the dispute with final effect.
- (9) At any level of review, the EDs or Secretary General may decide to meet in person or by virtual means with the protesting entity.

Article 7: Finality of decisions

- (1) For both types of dispute, the ultimate compliance decision taken in accordance with the above procedure cannot be further challenged, subject only to two exceptions.
- (2) First, a party to the dispute may notify the General Secretariat of new information or circumstances and explain why it warrants reopening the dispute. The notification must be made within six months of the discovery of the new information or circumstances. In disputes between NCBs and/or international entities, the General Secretariat shall follow *mutatis mutandis* the procedure foreseen in Article 4(8) of the present Implementing Rules. For both types of dispute, the General Secretariat shall take a final and binding decision on whether the new information or circumstances could have led to a different outcome or solution if it had been known at the time of the dispute. If so, the above procedure governing consultations would apply.

- (3) Second, a party to the dispute may request a new compliance decision in accordance with Article 8(9) of the present Implementing Rules, namely if the final decision in relation to the policy question may impact the disputed compliance decision previously issued by the General Secretariat.

Article 8: Seeking a policy decision by the Executive Committee

- (1) A party to either type of dispute in which a final decision has been issued may identify a policy question regarding the application or interpretation of the Constitution, RPD and/or relevant General Assembly resolutions that is relevant to the compliance decision in the disputed cases and has an impact on the outcome of the dispute and may submit it to the Executive Committee.
- (2) In its submission to the Executive Committee, the party shall formulate the policy question in general terms and shall not refer to any specific case(s).
- (3) The Executive Committee shall review the submission by the party concerned and the position of the General Secretariat on the policy question.
- (4) The President, the Executive Committee, or one of its members designated by the Executive Committee shall have the discretionary power to decide not to consider the matter, including for the following reasons: (a) the question put forward is not supported by sufficient explanations; (b) the submission refers to specific cases; or (c) the policy question finds a clear answer in existing INTERPOL rules or General Assembly resolutions.
- (5) If the Executive Committee agrees to consider the matter, it will do so in accordance with its Rules of Procedure.
- (6) As permitted under its Rules of Procedure, the Executive Committee may (a) decide whether to consider the matter based only on written submissions or alternatively invite the parties to also make oral presentations; (b) appoint a rapporteur or create a consultative body from among its members; and (c) consult external experts who will report back to the Executive Committee. The Executive Committee shall not be bound by the opinion of the experts.

- (7) The Executive Committee may take a decision on the policy question, which is within the powers of the Executive Committee, and shall refer to the General Assembly any policy question that is not within the Executive Committee's powers or where the Executive Committee otherwise deems it necessary to engage the General Assembly on the policy question.
- (8) The party may not seek a direct intervention by the General Assembly in relation to the policy question. If the Executive Committee does not submit the policy question to the General Assembly, then the Executive Committee's decision on the policy question shall be final. The Executive Committee's or the General Assembly's decision shall not refer to the dispute or any specific case(s).
- (9) If the outcome of the final decision by the Executive Committee or the General Assembly in relation to the policy question may impact the disputed compliance decision previously issued by the General Secretariat, then a party to the dispute may ask the General Secretariat to issue a new compliance decision in application of the policy. The General Secretariat does not need to wait for such a request to re-examine the compliance of recorded data in light of a new policy.

Article 9: Urgent requests and extension of deadlines

- (1) At any point in time during the dispute, a party may indicate and explain the urgency of the dispute, which the General Secretariat shall take into consideration.
- (2) The General Secretariat may, when required, at its own initiative or at the request of a party to the dispute, decide that the exceptional circumstances of a particular dispute warrant an extension of any deadlines set in these Implementing Rules. Any such extension shall be reasonable, for a specified period of time, and promptly communicated and explained to the parties.

Article 10: Facilitating dispute settlement

- (1) The General Secretariat shall prepare and make accessible to the Membership in all working languages of the Organization clear guidance on the settlement of disputes procedure, including templates and how to complete them, the admissibility criteria, and the applicable time limits.

- (2) Subject to the confidentiality requirements, restrictions and other conditions set forth in the RPD and the present Implementing Rules, the General Secretariat shall endeavour to make its final compliance decisions accessible to the Membership in all working languages of the Organization.

Article 11: Interaction between dispute settlement and CCF procedures

- (1) In situations where the Requests Chamber of the Commission for the Control of INTERPOL's Files ("CCF") has issued a final decision concerning data before a settlement of disputes procedure is invoked concerning the same data:
 - (a) If the CCF concluded that the data were compliant, this shall not prevent an NCB or an international entity from submitting a protest concerning those data. The CCF's findings should be taken into consideration during the dispute settlement procedure;
 - (b) If the CCF concluded that the data were not compliant, the General Secretariat shall inform the protesting entity that the protest is not admissible in application of the criteria set out in Article 3 of the present Implementing Rules.
- (2) In situations where the CCF receives an admissible request concerning data after a dispute concerning the same data was terminated:
 - (a) If the General Secretariat concluded in the context of the dispute that the data were compliant, this shall not prevent an individual subject of those data from submitting a request to the CCF. Neither the CCF nor the parties to the dispute shall disclose to the individual concerned any information they obtained during or in relation to the settlement of disputes procedure without the consent of the source. The General Secretariat's findings in the context of the dispute shall be transmitted to the CCF so that it may take them into consideration in its review of the individual request;
 - (b) If the General Secretariat concluded in the context of the dispute that the data were not compliant, the CCF may inform the individual accordingly, as permitted under the CCF Statute.

- (3) In situations where CCF procedures and dispute settlement procedures regarding the same data overlap in time, the General Secretariat shall suspend the settlement of disputes procedure pending the CCF's decision and shall inform the parties to the dispute accordingly. The General Secretariat shall also suspend the procedure for any other data in dispute, if it finds that the outcome of the CCF's review is likely to affect the outcome of the dispute for those data, and inform the parties to the dispute accordingly. The General Secretariat shall inform the CCF of the ongoing dispute and share with the CCF information related to the dispute that is relevant for the CCF's study of the request. Neither the CCF nor the parties to the dispute shall disclose to the individual(s) concerned any information they obtained during or in relation to the settlement of disputes procedure without the consent of the source. The dispute settlement procedure shall continue for any other data in dispute. Depending on the outcome of the CCF review, the procedure in Article 11(1) of the present Implementing Rules shall apply. The timelines under the present Implementing Rules shall be adjusted accordingly.
