



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 [the Applicant]

(Ref. CCF/[xxx])

[xxx] session

[date]



## DECISION CONCERNING [THE APPLICANT]

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

Members,

Having deliberated during its [xxx]<sup>th</sup> session, on [date], delivered the following Decision.

### I. PROCEDURE

1. On [date], [the Applicant], lodged a request for the deletion of the information concerning his vehicle registered in INTERPOL's files, and its subsequent deletion. 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 (NCB) of [Country 1] and [Country 2], and the INTERPOL General Secretariat (IPSG) in accordance with Article 34 of the Statute of the Commission, on the arguments set forth in the request.
3. 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]<sup>th</sup> session.

### II. DATA RECORDED IN INTERPOL'S FILES

4. The Applicant is a national of [Country 2]. He presented a request regarding a vehicle, make [xxx], model [xxx], with Vehicle Identification Number (VIN) [xxx] (the Vehicle), engine number [xxx].
5. The Vehicle has been recorded in the INTERPOL Stolen Motor Vehicles (SMV) database by the NCB of the [Country 1] since [date].

### III. THE APPLICANT'S SUBMISSIONS

6. The Applicant requested the deletion of the data concerning the Vehicle, contending, in essence that it was legally purchased.

### IV. APPLICABLE LEGAL FRAMEWORK

7. The Commission considers the following applicable legal framework.
  - 7.1. Field of competence of the Commission:
    - Article 36 of INTERPOL's Constitution.
    - Article 3(1)(a) and Article 33(3) of the Statute of the Commission.
  - 7.2. Accuracy of the data and purpose of international police cooperation:
    - Article 11(1) and Article 35 of the INTERPOL's Rules on the Processing of Data (RPD).

### V. ANALYSIS OF THE CASE

8. The Commission studied the Applicant's contention described in Section III above.

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### **a) Submissions of the Applicant**

9. The Applicant claimed that the data registered are groundless because he purchased the Vehicle on [date], legally and in good faith at an auction in [Country 3], and it was sent to [Country 2], his country of residence.
10. On [date], the Vehicle crossed through customs border of [Country 2]. The State Customs Service of [Country 2] provided the Applicant a certificate of registration which stated that [Country 2] Customs did not object to the registration of the Vehicle. In proof of this, he provided a certified copy of the electronic declaration no. [xxx] submitted to [Country 2] customs authorities of departure/export/destination on [date].
11. He then proceeded with all the legal requirements to register the Vehicle in [Country 2]. On [date], during an attempt to register the Vehicle, the authorities suspended the registration process due to the fact the Vehicle was reported by [Country 1] in INTERPOL's files on [date] as stolen.
12. In support of his argument, the Applicant provided the Vehicle invoice dated [date] issued by [xxx], a [certificate] issued on [date] by [Country 3], and the report issued on [date] by [Country 2] stating that the registration of the Vehicle was suspended because it was registered as stolen in [Country 1].

### **b) Submissions of the NCB of [Country 1] (NCB source of the data)**

13. The NCB of [Country 1] confirmed that the searches against the Vehicle remain valid and of interest for the purposes of international police cooperation. The NCB reported that the Police of [Country 1], initiated a criminal case regarding the misappropriation of this Vehicle after it was reported stolen on [date]. In proof of it, the NCB submitted the Investigation Initiation Agreement issued by the [Country 1] [authorities].

### **c) Information from the NCB of [Country 2]**

14. The NCB of [Country 2] confirmed that on [date], during an attempt to register the vehicle, the Service Center in [Country 2] discovered that it was reported as stolen. The owner was identified as the Applicant, who conducted a customs clearance of the Vehicle in [Country 2] on [date], according to the customs declaration no. [xxx]. A criminal case was initiated under Article [xxx] of the [Country 2] Criminal Code for "*acquisition or sale of property known to be proceeds from crime.*" The NCB clarified that that the Vehicle's engine number was [xxx].
15. On [date], the NCB of [Country 1] was informed that the Vehicle was discovered in [Country 2]. On [date], the NCB of [Country 1] sent an answer to its [Country 2] counterpart regarding the Vehicle search, which was forwarded to the [...] Police in [[Country 2]] region for further processing. According to [Country 2] checks, the VIN and the engine numbers have not been altered.
16. In addition, the NCB of [Country 2] pointed out that open sources indicated that the Vehicle was imported from [Country 3] where it was sold in damaged condition on open auction that took place on [date]. As these circumstances gave reason for additional checks, the NCB of [Country 2] consulted the NCB of [Country 1] and NCB of [Country 3] about the fact that the Vehicle was recorded as stolen a year after the auction.

### **d) Findings of the Commission**

17. The Commission refers to Article 12 of the RPD, which requires that data processed in INTERPOL's files are "*accurate, relevant, not excessive in relation to its purpose and up to date.*" The Commission furthermore refers to Article 35(1) of the RPD which provides that, prior to any recording of data in a police database, the NCB shall ensure that the data are of interest for the purposes of international police cooperation.

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18. Here, the Applicant contended that he lawfully acquired the Vehicle in auction in [Country 3] almost a year before it was reported stolen in [Country 1] (see para. 9) and it arrived in [Country 2] on [date], which was confirmed by the NCB of [Country 2] (see para. 14). The NCB of [Country 1] confirmed that the Vehicle was reported stolen on [date], and a criminal case was consequently opened for misappropriation in [Country 1] (see para. 13). Lastly, the NCB of [Country 2] indicated that on [date], it discovered that the Vehicle was reported as stolen during the registration procedure.
19. The Commission recalls that the SMV database contains data on vehicles which have been reported stolen or misappropriated. In this case, the NCB of [Country 1] confirmed that the Vehicle is still considered as stolen and that the searches remain valid. Therefore, it provided concrete elements regarding the possible “*interest of the data for the purposes of international police cooperation*” in the meaning of Article 35 of the RPD.
20. Considering the above, while the Applicant has presented a narrative of events regarding the Vehicle allegedly legally purchased before the data was registered, and despite the confirmation by the NCB of [Country 2] that the Vehicle entered its territory before it was reported stolen and the absence of elements highlighting the possible involvement of the Applicant in any wrongdoings, the Commission finds no reason to challenge the fact that the Vehicle is considered as stolen in [Country 1].
21. As a result, the Commission holds that the information provided by the Applicant is insufficient to demonstrate that the data challenged would not be accurate, relevant and of interest for the purposes of international police cooperation.

### 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  
of INTERPOL’s Files

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

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