part, personal benefit that the individual has received from the crime, how such benefit has been calculated by the government, the chain of events, and relevant testimonies.

INTERPOL Adopts Changes to CCF Statute and Rules on the Processing of Data

By Dr. Ted R. Bromund, Charlie Magri Esq., and Sandra Grossman Esq.

At its annual meeting on November 24-27, 2025, in Marrakech, Morocco, the INTERPOL General Assembly (GA) adopted changes to INTERPOL's Rules on the Processing of Data (RPD) and the Statute of the Commission for the Control of INTERPOL's Files (CCF Statute).

The changes to the RPD – which set out the rules that ensure INTERPOL obeys its constitutional mandate to avoid politics and respect the UDHR – are minor: the GA voted to delete Article 94 ("Stolen Work of Art Notices").

An INTERPOL spokesperson told Dr. Bromund that "following the creation of the Works of Art database, where all the content is accessible to the general public, the Stolen Work of Art Notice has not been used for many years. This result was that Article 94 no longer served any purpose."

The changes to the CCF Statute, which defines the responsibilities and operation of the Commission, INTERPOL's quasi-judicial appellate body, are more impactful and controversial. The GA made changes to Articles 3 ("Competence and Powers of the Commission"), 19 ("Access to the INTERPOL Information System"), 23 ("INTERPOL General Secretariat"), 25 ("Operating Rules"), 28 ("Powers of the Requests Chamber"), and 33 ("Examination of Requests").

Article 3 now defines the CCF's power to decide on requests for information access, correction, and deletion as relating to information processed "for the purposes of international police cooperation as defined in Article 10(2) and (6) of INTERPOL's Rules on the Processing of Data." These RPD articles, in turn, define the kinds of data and the types of processing permissible in the INTERPOL system. The amendment, therefore, clarifies that the CCF's mandate is tied to the international police cooperation framework under the RPD, and not to purely administrative data processing within INTERPOL, which is handled through other internal channels.

The change to Article 19 is more consequential. The relevant clause is long, but in essence it prohibits the CCF from accessing INTERPOL's direct message system – which is essentially a secure email system that connects INTERPOL's member states – unless it becomes aware of a potential violation of INTERPOL's rules or unless it is authorized by a recipient of a message. This matters in practice, given the scale of use. In 2021, INTERPOL reported that member countries exchange more than 28 million free-text messages every year via its secure global communication system, I-24/7.[1] It is reasonable to assume that the volume is higher today.

This change follows from one made by the GA in 2024 that added RPD Article 22(6), which imposed a similar prohibition on the INTERPOL General Secretariat's right to access the direct message system. The result is that, unless the General Secretariat is copied on a message or the CCF is somehow tipped off to abuse, communication through INTERPOL's direct message system – though still governed by INTERPOL's constitution – is now effectively free from oversight to ensure that the system is not used in violation of INTERPOL's rules. This is a weakness that abusive states will not be slow to exploit.

The change to Article 23 is shorter and less controversial. It states that "The INTERPOL General Secretariat shall ensure that access to information received from the Commission is limited to authorized members of its staff." This amendment regularizes

[1] See INTERPOL, "Netherlands Police backs INTERPOL's drive to enhance policing information exchange," 2021. Available at: https://www.interpol.int/News-and-Events/News/2021/Netherlands-Police-backs-INTERPOL-s-drive-to-enhance-policing-information-exchange

confidentiality on the General Secretariat side whenever information is shared. That matters, considering the procedural changes discussed below in relation to the revised Article 33, which now expressly requires the Requests Chamber to forward all new admissible requests to the General Secretariat. It has long been an obvious flaw in the INTERPOL system that, while the CCF was bound to respect confidentiality, the General Secretariat was not. The revision of Article 23 closes this gap.

The changes to Articles 25 and 28 work in tandem. Article 25 now empowers the CCF to create procedures for "addressing conduct that it considers abusive, improper, or in bad faith." Article 28 has a new section that empowers the CCF to a) dismiss a request where it determines there has been a "serious abuse of its proceedings"; b) report "substantiated suspicions" of serious abuse to the General Secretariat, which can refer the matter to national law enforcement; and c) subject to confidentiality requirements, bring to INTERPOL's attention "reported acts of intimidation, coercion, or reprisal in connection to a request" to the CCF.

It is important, first, to note that the changes in Articles 25 and 28 were made after a public consultation process – to which the authors contributed – on the CCF Statute by INTERPOL's Committee on the Processing of Data. The changes adopted by the GA are broadly in line with those on which the Committee sought input in April 2025. While this consultation process was commendable, it does not appear to have had a significant effect on the changes adopted, which will require considerable tact and judgment to bring into successful operation.

The authors had recommended that the CCF provide a reasoned and final decision even in cases of suspected "serious abuse." Notably, subsection a) makes no effort to differentiate between requests that the CCF determines are merely unfounded and those it believes are abusive. Subsection b) places INTERPOL in the position of reporting potentially criminal offenses to national authorities, an unwelcome innovation that is at odds with the fact that INTERPOL is not an investigative body. Finally, while subsection c) implies that nations which threaten CCF applicants might be subject to some INTERPOL sanction, that sanction – like the sanctions that could have been applied within the INTERPOL system to genuinely abusive conduct towards the CCF – has not been specified, or even clearly stated as a possibility.

Most controversial of all, though, have been the changes to Article 33. Again, these changes were made after the public consultation process by INTERPOL's Committee on the Processing of Data – though in this instance, the changes adopted by the GA are significantly different than those on which input was sought. Article 33 has three new sections, which require that 1) the CCF Requests Chamber to pass all new admissible requests to the General Secretariat; 2) the General Secretariat to notify the Requests Chamber within forty-five days if information on the applicant is being processed in the INTERPOL Information System; and 3) the Requests Chamber to refrain from acting on an admissible request until the General Secretariat has completed any compliance assessment on that data that it is undertaking, and the time this assessment takes may constitute a valid reason for extending the time limits for the CCF to decide on the request.

These changes are not as radical or as unwelcome as they might appear, at least as regards sections 1 and 2. They largely codify the operational sequence that has applied in practice for the last few years. Once a request is declared admissible, the first practical step is to determine whether any data concerning the applicant are recorded in INTERPOL's files and, if so, to obtain the relevant details. To that end, the Commission must consult the General Secretariat, which confirms the existence of data and provides the associated records. The CCF cannot begin its substantive review until it receives that response. In that context, section 1, requiring the Requests Chamber to forward all new admissible requests to the General Secretariat, and section 2, requiring the General Secretariat to notify the Requests Chamber within forty-five days whether data on the applicant is being processed in the Information System, primarily formalize an existing workflow.

Indeed, the time limit of forty-five days is a significant improvement, as at least some of the delays for which the CCF has become notorious have been driven by slow responses from the General Secretariat to CCF queries. As explained by the CCF Chairperson, Teresa McHenry, during an American Bar Association webinar, delays in replying to such queries in 2024 reportedly

reached up to six months in certain cases, which made it impossible for the CCF to comply with its statutory deadlines, including four months for access requests and nine months for deletion requests.[2]

The real concern in Article 33 lies in section 3. It introduces a sequencing rule that, in certain cases, prevents the Requests Chamber from acting on an admissible request until the General Secretariat has completed its own compliance assessment. While this mirrors the long-standing practice of the General Secretariat conducting the initial compliance review of requests for police cooperation, formalizing that sequencing carries two risks.

First, section 3 may blunt urgent relief by delaying the CCF precisely when speed is the point. Provisional measures exist to allow the Requests Chamber to act immediately where needed. Article 37 of the CCF Statute provides that: "At any time during the proceedings, the Requests Chamber may decide on provisional measures to be taken by the Organization in relation to the processing of the data concerned." If section 3 is applied in a manner that prevents the Requests Chamber from acting until the General Secretariat completes its compliance review, Article 37 risks being deprived of part of its practical effect.

A simple example illustrates the point. Consider an applicant arrested on the basis of a legacy Red Notice issued before the creation of the Notices and Diffusions Task Force in 2016 and not yet subjected, for whatever reason, to a full compliance assessment under the more recent review architecture. The applicant is detained and facing imminent extradition. In that scenario, the temporary blocking of the data pending review is precisely the type of urgent relief Article 37 is meant to make available. If, however, Article 33(3) is interpreted as requiring the Requests Chamber to wait until the General Secretariat has completed its assessment before it can act on an admissible request, the CCF may be unable to order provisional measures when time is most critical. In such cases, delay is not a procedural inconvenience. It can have severe consequences, including in asylum and protection contexts where the risk of irreparable harm may be acute.

Second, section 3 risks turning the CCF process into open-ended limbo by making the pace of proceedings depend on an internal assessment with no clear, enforceable deadline. The revised Article 33 expressly contemplates that the time taken by the General Secretariat's compliance assessment may constitute a valid reason for extending the time limits for the CCF to decide on the request. In practice, this risks rendering the CCF's statutory timelines largely theoretical if there is no strict and binding deadline for the General Secretariat to complete its preliminary compliance review, and if the CCF cannot proceed in the absence of that completion. Applicants may be left with little visibility on when their case will be examined, and the time limits designed to guarantee timely review may become dependent on an open-ended preliminary stage. The result is a serious risk of prolonged legal limbo, extended detentions, and compounding harms for individuals affected by potentially illegitimate Notices and Diffusions.

While the change to the RPD is of no significance, and those to the CCF Statute were mostly foreshadowed by the consultation process or by changes made in 2024, the fact remains that INTERPOL is continuing to evolve its governance at a rapid clip. When the INTERPOL General Assembly meets in Hong Kong in 2026, it is likely, judging by the latest consultation process that closed in mid-October, to adopt even more changes

[2] See American Bar Association, "Latest Developments in INTERPOL's Redress Mechanism," on-demand webinar, July 30, 2025. Available at: https://www.americanbar.org/groups/international_law/resources/on-demand/latest-developments-interpols-redress-mechanism/