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## NATIONAL CRIMINAL INTELLIGENCE DATABASE

### *Abstract*

*Processing and delivering information between authorities with legal powers for fight against organized crime, terrorism and other criminal activities through a single centralized and integrated information system represents an entirely new quality in the Republic of Macedonia. Until the moment of full implementation of the National Intelligence Database and the launch of its application, the competent government bodies have existing databases that are outdated and inefficient. In this sense, the data in existing databases are non-standardized, incompatible, technically-functionally obsolete, made of various technical platforms, thus disabling direct access to data and use of data, which in turn significantly complicates the process of drafting criminal analysis. At this point, the exchange of information with international organizations involved in combating organized, serious crime and terrorism (Interpol, SECI Centre, Europol and others) is difficult.*

*Considering the situation in the area, the creation, and implementation of the National Intelligence database is considered as necessary for timely and effective prevention and detection of organized crime, but also for other types of criminal activities. With this method of data exchange, the current problems in the inter-institutional cooperation will be overcome, which will create conditions for rapid exchange and processing of data, while enabling fast communication and interoperability with the databases of foreign government and international bodies, institutions and organizations that have responsibilities in detecting and prosecuting perpetrators of criminal acts.*

*The functioning of the National Intelligence Database Although will achieve overcoming of the problems and gaps in the international cooperation, additionally, it will improve the*

*current lack of coordination among authorities in the country, the insufficient use of information, untimely data exchange, increased costs and uneconomical use of material and human resources, standardization and normalization of data of authorities responsible for combating organized crime, support to the end-users who perform the research, in order to full exploit the content of the existing databases, strengthening, information sharing and cooperation with international organizations, enabling exchange of analytical products and developing joint analytic products as well as implementing system for early warning that will generate and send electronic alerts to the competent authorities involved in the investigations.*

*The Database itself will unite current separate databases from the police, the intelligence services, Ministry of Justice, Customs, the Public Revenue, the financial police, the public prosecution, judiciary, and administration for prevention of terrorism. Past databases from the institutions that are competent in the fight against organized crime, and serious crime in general, although special databases were used, proved as ineffective and with many faults. There is doubt whether the law on criminal-intelligence database is not contrary to the Constitution of Republic of Macedonia in relation to the monitoring of the privacy of the citizens of Republic of Macedonia, also in the section where its considered for some data to arrive at the database, whether there is violation of fundamental values of the Constitution, the division of legislative, executive and judicial power.*

*This research paper, among the other, includes analysis of the difficulty for control over the Commission, which Commission, in accordance with the law, is proposed by the Government and elected by the Assembly. According to the author, the Database should be under autonomous independent body in form of an agency or bureau, because it should serve not only the state authorities, but also the defense in the juridical actions, in that way it will preserve the democratic control. The creation and implementation of the National Intelligence Database justifies the need for a high level of international inter-institutional cooperation and coordination aimed at preventing and detecting crimes.*

**Key words: criminal, intelligence, database, international organizations, information**

## **1 Introduction**

The world in the past and even today is daily faced with a series of problems related to crime. It is an evil which torments humanity and forces it to invent new ways and means for its prevention and detection, or neutralization of this evil, this vice. In every society there is a tendency for the society to be protected from any threat, be it external, internal, and a stable security situation is to be maintained.

In other words we can say that security represents the feeling of free existence, working and living; security is a condition when danger is absent. In order to have safe and free functioning society, several measures need to be taken in order to achieve high levels of reducing crime (Liman D.M.&Poter P.G.2009). One of those measures, that is necessary to be taken, is the establishment of the National Criminal Intelligence Database in our country, whose function would be data flowing in a single database, and using the same data from those institutions that are responsible for maintaining security in the country, and, on the other hand, the exchange of data internationally. The existence of such an institution or base will contribute to reducing the rate of criminality and the resolution of crimes uncovering the perpetrators and their prosecution, and also timely and effective detection and prevention of organized crime, terrorism and other criminal activities.

## **2 Information on the database**

As it is well known, data represent information that is collected, documented and distributed with a specific purpose, while in the project for the National Criminal Intelligence Database, the term personal information means data, information and classified information related to activities that are subject to criminal-intelligence operation, on begun or committed crimes or offenses for which there are grounds for suspicion that they are being prepared, as well as other data, information and classified information obtained by criminal-intelligence activities that are important for running procedures with the goal to detect and prosecute perpetrators of crimes (Dimovski Z.,2007).

Criminal records are organized collections of data for certain persons, criminal law or criminal events, or criminal occurrences formed on the basis on analytical processing of data. It represents the operation or set of operations performed on data, automatically or otherwise, such as input, storing, organizing, modifying, searching, analyzing, using, keeping, disclosure, giving the use, transferring, acquisition, exchanging , withdrawal, blocking, erasing and extermination. And again, foreign entities are foreign countries and international bodies, institutions and organizations that have responsibilities in the detection and prosecution of suspects and perpetrators of crimes (Raikel F., 2009).

Administering the database means a set of measures and activities for maintaining the integrity of the data in the database, providing an adequate level of protection of the system for data processing, maintenance, supervision and protection of the network for permission to use the data, designing and overseeing the performance of the database and implementation of standards for use and safety of the base (Dimovski Z.,2007).

### **3 New National Intelligence Criminal Database for fight against organized crime**

The main purpose of creating and implementing the National Intelligence Criminal database is creating a new system of processing and submitting of data between the competent authorities of the state government in Macedonia in the fight against organized crime, terrorism and other criminal activities, and the need for a high degree of inter-institutional cooperation and coordination aimed at preventing and detecting crimes. Individual goals that will be accomplished with the operation are:

- Overcoming the problems and deficiencies in inter-institutional cooperation, such as lack of coordination between the authorities, insufficient use of information, untimely data exchange, increased costs and non economic use of material and human resources (Manevski M., 2005);
- Standardization and normalization of data of the authorities responsible for combating organized criminal who will be transferred from the existing databases of the bodies in the national criminal intelligence database, and improving data quality;
- Support for end-users who perform search for fully exploiting the content of existing databases;
- Strengthened exchange of information and cooperation with international organizations responsible for supporting the fight against organized crime and terrorism (Interpol, Europol, etc.);
- Overcoming the gaps in information and data that will be exchanged, processed and stored to the level of classification INTERNAL;
- Facilitating the exchange of analytical products and preparation of joint analytic products;
- Introduction of early warning system that will generate and send electronic alerts to competent authorities involved in investigation, which will enable mutual coordination of activities aimed at eliminating the possibility of running a parallel, uncoordinated investigations of the same subjects;
- Access to data in real time;
- Enabling the lawful access and use information from database, according to defined legal jurisdiction of each institution (Law on National Criminal Intelligence Database, 2009).

The Criminal Intelligence Database, according to the law will be located in the Ministry of Interior, as an integrated information system. It will allow processing and submitting data between competent authorities and exchange with foreign entities, in order to prevent and detect crimes in keeping with the law.

The Criminal Intelligence Database will contain the following information:

- Data for persons who were suspected of committing crimes, convicted persons, and victims of crimes which are prosecuted *ex officio*;
- Data related to the existence of grounds for suspicion that crime is being prepared, or currently being executed or is done; in order to provide information and evidence necessary for successful criminal law procedure;
- Data for certain persons, criminal - law events, or criminal occurrences organized in criminal records (Project of TEMPUS and Cards ,2002).

It should be noted that the database contains only certain personal data such as personal names and maiden names, nicknames, pseudonyms or assumed names, date and place of birth, residence or domicile, citizenship, sex, numbers of transactional accounts, data on driver's licenses, identity cards and passports and other characteristics which might help to identify persons of interest for the service.

There is doubt whether the proposed measures of the Database are in conflict with the Constitution of the Republic of Macedonia in relation to monitoring the privacy of citizens in the area where it provides some data to arrive at the base, if it is undermining the fundamental values of the Constitution and the division of legislative, executive, and judicial power (Klimovski S., 1999).

In addition to this the Database contains data about the date and place of committing the crimes, the type and the legal qualification of the acts, their description, name of authority which led activities with the necessary contact information for them, people who have been rendered a final court verdict as well as data about objects that have been used for committing criminal acts, or objects for which there are grounds for suspicion that they have been used for the preparation of the same act, and data for natural and legal persons who were suspected to have been used for planning, organizing, managing and financing criminal activities, and many other data that are important for preventing and detecting crimes.

#### **4 Confidentiality of data**

As mentioned above, the existence of this base is a simple reason for the flowing of all information and data in one place, and enabling efficient processing and submitting of data between the competent authorities of the state government

against organized crime, terrorism and other criminal activities. Starting from this fact, from the reasons for its existence, its primary responsibilities can be inferred and they would include the following: data processing, submitting data, exchange of information with competent authorities and exchange of information with foreign entities. All classified data are entered into the database with a degree internally, later classified by the regulations on classified information. Also, all personal data entered in the database are processed according to the goals established by this law and regulations to protect personal data, while those who are found to be incorrect or no longer useful for the service immediately are deleted.

Data are stored for a period of time necessary to achieve the purposes for which they are collected, but no longer than 3 years after being stored. Before that period expires it is necessary to determine the need for the specific data. If there is necessity for the data the period of storage is prolonged, otherwise the data will be erased. The Base has obligation to inform the competent national authority that has entered those data for the decision made and actions taken. The method of processing and storage of data, upon proposal from the Commission is regulated by the Government of the Republic of Macedonia (Law on National Criminal Intelligence Database, 2009).

Moreover all those who are employed in the competent authorities, who have access to the database, are obliged to maintain the confidentiality of these findings in their work, during the time of employment with the competent authorities, and after its completion which constitutes personal data or classified information under the law. All competent authorities are obliged under law to take all necessary technical and organizational measures to provide protection or security of data processed in the database. Appropriate technical and organizational security measures in the database are: denying access of unauthorized persons to the equipment for processing the data, preventing unauthorized data processing, managing the process of encryption of data, review and disclosure of records for all operations performed in the system for data processing, providing a copy of the data in order to restore data in case of blockage or improper functioning of the system, then providing the proper functioning of the base in case of change of systems for data processing and implementation of security documentation made by the Commission.

The base has a responsibility to transmit and exchange data with foreign entities, in order to obtain international cooperation in detecting and preventing crime, while the transfer and exchange of data is carried under the law, international treaties, and as part of membership in international institutions and organizations. If there is transfer and exchange of untrue data with foreign entities, the competent state authority or the competent authority that has entered the data immediately notifies the foreign entity, and the data is deleted from the database.

Bodies that are responsible for processing the data include: the Ministry

of Interior, Customs Administration, the Financial Police, Public Prosecutor, and the Public Revenue Office (the state body cannot process the data from law enforcement records), while state authorities that are responsible for submitting data through the database are: the Ministry of Interior, Ministry of Justice, Customs Administration, Financial Police Office, Public Prosecutor, Courts, the Public Revenue Office for Prevention of Money Laundering and financing of terrorism, the Directorate for Execution of Sanctions and the Central Register of the Republic of Macedonia.

## **5 Control**

Because of effective coordination between competent authorities, as well as providing data processing and implementation of security standards for the Base, Committee on the Database Management is formed and it is composed of a president, eight members and their deputies, of which the chairman of a Commission members and their deputies are public prosecutors, two members and their deputies are representatives of the Customs Administration, the Financial Police, the Public Revenue Department for protection of personal data and the Directorate for Security of Classified Information.

All these members are elected upon the Government's proposal by the Assembly of the Republic of Macedonia for a period of 5 years and the right to reelection. The Commission is in charge of several actions: it decides on the granting and revoking access, as well as on the level of access to the database of persons employed in the competent state authorities; it implements control over the work of the Team for administrating the database, secure administering database that concerns managing the assets, physical security and safety functions of human resources, brings documentation to ensure confidentiality and data protection contained in the Database and takes care of their implementation, then prepares reports for phenomena relevant for the security of the Database, submits information to the competent authorities related to the safe operation of database, coordinates the activities of the competent authorities related to data processing, ensures the promotion of functionality and application of standards for using the Base, ensures the application of provisions of this Law and bylaws provided by this law and performs other duties stipulated by this law (Law on National Criminal Intelligence Database,2009). The Commission annually submits a report on its work to the RM Parliament.

One of the challenges, among the others, is the control function over the Commission. According to the law the Commission is proposed by the Government and is elected by the Assembly. They approve as well the projected financial construction of more than five million euro, and the function of the database, the use, storage, confidentiality and data protection. According to certain considerations, The base, should be an independent autonomous body

in the form of agency or bureau, because it needs to serve not only the state authorities, but in litigation and defense processes.

## **6 Conclusion**

The Project of creating a single database of intelligence data is actually an idea that has already been plotted for a decade. The aim is not to achieve only more efficient fight against criminals, but to overcome conflicts and disagreements among the three intelligence agencies.

Considering the situation in the area, the creation and implementation of the National Intelligence Database is considered to be necessary for timely and effective prevention and detection of organized crime, but also of other types of criminal activities. With this method of data exchange, the current problems in the inter-institutional cooperation will be overcome, which will create conditions for rapid exchange and processing of data, while enabling fast communication and interoperability with the databases of foreign government and international bodies, institutions and organizations that have responsibilities in detecting and prosecuting perpetrators of criminal acts.

The functioning of the National Intelligence Database will help overcome the problems and gaps in the international cooperation, but it will also additionally improve the currently faulty coordination among authorities in the country, the insufficient use of information, untimely data exchange, increased costs and uneconomical use of material and human resources, standardization and normalization of data of authorities responsible for combating organized crime, support to the end-users who perform the research, in order to fully exploit the content of the existing databases, strengthening information sharing and cooperation with international organizations, enabling exchange of analytical products and developing joint analytic products as well as implementing the system for early warning that will generate and send electronic alerts to the competent authorities involved in the investigations.

The Database itself will unite current separate databases from the police, the intelligence services, Ministry of Justice, Customs, the Public Revenue, the financial police, the public prosecution, judiciary, and administration for prevention of terrorism. The past databases from the institutions that are competent in the fight against organized crime and serious crime in general, proved to be ineffective and with many faults even though there were used separate databases. There is doubt whether the law on criminal-intelligence database is not contrary to the Constitution of Republic of Macedonia in relation to the monitoring of the privacy of the citizens of the Republic of Macedonia, especially in the section where it considers some data which are to be included in the database; there is a question whether there is a violation of fundamental values of the Constitution, the division of legislative, executive and judicial power.



The last country to introduce such a base is the UK, known for numerous intelligence agencies. According to a statement by Scotland Yard (British MOI), the British Database began operation on 1 April of this year and cost the state 76 million Euros.

Experts believe that the establishment of a national intelligence database will increase the already substantial power that police have and that it would be a great opportunity for opening police folders for political affiliations. According to them, it can easily lead to making secret police files under the pretext of preparing a criminal act. To fully implement this project it is necessary to determine exactly which people will be included and what exactly will be covered. The Database involves the fundamental human rights and if someone challenges it, it can easily be dismissed by the Constitutional Court. The greatest threat to the Republic of Macedonia comes from terrorism and organized crime and it is actually the people associated with this type of crime who should (Labovik M. & Nikolovski M., 2010) be treated in the intelligence database. The law, as such, is too general and can be abused by parties of rule or by any political provenience. By establishing the National Criminal Intelligence Database the information collected by the Administration for Security and Intelligence, Military Intelligence and the Intelligence Agency would have to be stored in a single database that will be controlled by the Ministry of Interior. Some experts estimate that the law for establishing the base should be a set of records/evidences, rather than forming new evidences. All this leaves opportunity for doubt about the functioning of the project. The project itself was prepared on the initiative of anti-corruption fighter Monica Macovei of Romania as an efficient measure in combating organized crime.

From the above mentioned, it can be deduced that the adoption of this project is a necessary act, on one hand, to reduce crime at the national and global levels, as well as to prevent organized crime and terrorism; on other hand, to enhance efficiency and improve the work of the state authorities which will be accomplished through data processing and exchange of data.

The existence of a unique database on the entire country level as a single integrated information system is of great importance for the state and its security condition. The mere existence of this base and its successful functioning, i.e. exchange of information between competent authorities and exchange with foreign entities, and data processing, represents huge step for the country which will contribute to the reducing of the rate of crime and its suppression, and moreover, it will also bring many positive results for the very functioning of the system in the country.

This introduces an integrative information system that in a centralized way will regulate this area; it will deal with the corruption and crime in the Republic of Macedonia. The main effort in drafting the proposed law is creating legal foundations of a new system for processing and submitting data between

competent authorities of the state government in the Republic of Macedonia in the fight against organized crime, terrorism and other criminal activities (Kambovski V.,2005).

The adoption of the law, i.e. functioning of the National Intelligence Database will achieve overcoming of the problems and the deficiencies in inter-institutional cooperation, such as lack of coordination between the authorities, insufficient use of information, untimely data exchange, increased costs and non economic usage of material and human resources, standardization and normalization of data of the authorities responsible for combating organized crime, supporting end-users who perform search for fully exploiting the content of existing databases, strengthening, information sharing and cooperation with international organizations responsible for supporting combat against organized crime and terrorism (Interpol, SECI Centre, Europol, etc.) facilitating the exchange of analytical products and developing common analytical products, as well as an introduction of early warning system that will generate and send electronic alerts of competent authorities involved in investigations.

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