CONCLUSIONS & RECOMMENDATIONS

Abidjan, Côte d’Ivoire, 22-24 October 2019
I – INTRODUCTION

1. The ECOWAS’ Governmental Experts Committee Meeting on the West African Police Information System (WAPIS) Programme, extended to Mauritania and Chad, was held in Abidjan, Côte d’Ivoire, from 22 to 24 October 2019. WAPIS is an ECOWAS Programme, funded by the European Union, under the Regional Indicative Programme/11th European Development Fund (RIP/11th EDF) and implemented by INTERPOL.

The purpose of the meeting was to:
- Review the status of implementation of the recommendations of the March 2019 WAPIS Legal Seminar, identifying potential challenges and solutions;
- Examine and, if thought fit, adopt the WAPIS Draft Best Practices Guide on Personal Data Protection;
- Discuss and, if thought fit, adopt a recommendation to modify the list of offences;
- Consider and, if thought fit, adopt a recommendation endorsing the proposal to expand the scope of data contained in the WAPIS System;
- Discuss the modalities of the extension of INTERPOL’s I-24/7 system to the national WAPIS databases;
- Discuss the operationalization of the WAPIS Data Collection and Registration Centre (DACORE).

At the end of the meeting, participants made recommendations concerning the:
- WAPIS Best Practices Guide on Personal Data Protection;
- Modification of the list of offences;
- Expansion of the Scope of Data in WAPIS.

2. The following Member States attended the meeting:

- Republic of Benin
- Burkina Faso
- Republic of Cabo Verde
- Republic of Côte d’Ivoire
- Republic of The Gambia
- Republic of Ghana
- Republic of Guinea
- Republic of Guinea Bissau
- Republic of Liberia
- Republic of Mali
- Republic of Niger
- Federal Republic of Nigeria
- Republic of Senegal
- Republic of Sierra Leone
- Togolese Republic.

3. The meeting was also attended by the Islamic Republic of Mauritania and the Republic of Chad.

4. Also in attendance were the representatives of:
5. The list of participants is attached as an annex to this report.

II - OPENING CEREMONY

6. The opening ceremony was marked by three speeches. [Name] [name], [Country], welcomed everyone to the meeting in his opening remarks. He stressed that WAPIS is one of the most important programs of INTERPOL and reiterated INTERPOL’s commitment to the successful implementation of the WAPIS Programme. Commenting on the progress made in the ECOWAS Member States, he commended beneficiary countries that have signed the MoU with INTERPOL in the implementation of the WAPIS Programme and encouraged those that are yet to sign, to do so.

[Name] [name], [Country], on behalf of [Name], recognized the presence of representatives from all the participating countries, especially those from Chad and Mauritania. He expressed confidence that the current mobilization of the Member States shows the importance that they attached to data sharing in the region. He also highlighted that the meeting would discuss the WAPIS Best Practices Guide on Personal Data Protection which would help in the harmonization of a common practice. He further noted that because all the countries had different legal systems, the Best Practices Guide would serve as a useful tool. He thanked the European Union for funding the Programme and concluded by urging the remaining countries to sign the MoU.

[Name] [name], who represented the [Country], welcomed all the participants to the country and apologized on behalf of the IGP of [Country] who was unavoidably absent due to another equally important meeting. He expressed the commitment of the Ivorian national authorities to the implementation of the WAPIS Programme and informed the participants that [Country] had signed the MoU and that the country had already received part of the WAPIS equipment.

III – ELECTION OF THE BUREAU

7. The following bureau members were elected:
- Chairman : [Name], representative of Niger
- Rapporteurs:
  - English: Liberia and Ghana
  - French: Guinea and Côte d’Ivoire
  - Portuguese: Guinea Bissau and Cabo Verde
IV– ADOPTION OF THE AGENDA

8. The following agenda was adopted:

- Recap of 19-20 March 2019 Legal Seminar recommendations and roundtable on the status of implementation of recommendations

- **WAPIS Best Practices Guide on Personal Data Protection**
  - Introduction of WAPIS Best Practices Guide on Personal Data Protection
  - WAPIS Best Practices Guide on Personal Data Protection – Governance Regime
  - WAPIS Best Practices Guide on Personal Data Protection – Best practices in data processing by law enforcement authorities
  - Roundtable on WAPIS Best Practices Guide on Personal Data Protection

- **Modification of the list of offences**
  - Proposal to modify the list of offences
  - Roundtable on the modification of the list of offences

- **Expansion of Scope of Data in WAPIS**
  - Proposal to expand the scope of data of the WAPIS System (Introductory remarks)
  - Proposal to expand the scope of data in the WAPIS System – administrative data
  - The role of information sharing in the fight against terrorism and transnational crime in Africa
  - Sharing of law enforcement information in the fight against terrorism and transnational crime – regional obligations and legal framework
  - Roundtable on the expansion of the scope of the WAPIS System: administrative data

- **Working group sessions**
  - Group A: Expansion of scope of data in WAPIS – SPOCs and Heads of NCBs
  - Group B: Expansion of scope of data in WAPIS – Legal Experts

- **Plenary session**
  - Presentation of working group discussion (15 mins per group)
  - Roundtable on the expansion of the scope of the WAPIS System

- **WAPIS SPOCs and Heads of NCBs Working Group**
  - Presentation of draft agreements on INTERPOL I-24/7 connection
  - Presentation of draft guidelines on the INTERPOL functioning of the WAPIS DACORE
  - Roundtable on I-24/7 draft agreement Heads of NCBs and SPOCs and WAPIS DACORE draft guidelines

- **Adoption of Conclusion and Recommendations**
  - Recap of the Expert Committee Meeting
  - Presentation and adoption of conclusions and recommendations

V – DELIBERATIONS
9. The deliberations were guided by presentations made on the WAPIS Programme and the different items of the agenda.

10. **Introduction to the meeting: Remarks by the** [Name], **made a brief introduction of the WAPIS Programme and highlighted the Programme’s general objective which is to increase the capacity of West African law enforcement authorities to combat transnational crime and terrorism through enhanced police information management and sharing in the region. He addressed the three specific objectives of the WAPIS Programme which are to: (i) harmonize and structure the national and regional management of police information in the broader West Africa region; (ii) increase the capacity of the West African law enforcement community to collect, centralize, manage, and share their police data within the sub-region; and (iii) enhance global information sharing between West African law enforcement community and the global law enforcement community.**

**[Name] stated that the following outputs were expected: (i) implementation of WAPIS at national and regional levels was supported by national governments and regional institutions; (ii) the WAPIS System was implemented at national level including through the provision of operational and technical support and training; (iii) the WAPIS regional data sharing platform was developed and implemented in cooperation with the ECOWAS Commission and ECOWAS Member States (and possibly Mauritania); (iv) National WAPIS systems are linked up with INTERPOL channels through INTERPOL National Central Bureaus; (v) ECOWAS Member States and Mauritania have adopted the required legal framework at national and regional levels; and (vi) The WAPIS System was handed over to the national and regional authorities ensuring systems sustainability. He gave a retrospective view of the WAPIS Programme since its launch in 2012 with meetings in Brussels to the ones in Cotonou and in Abidjan respectively. He finally outlined the main results expected of the ECOWAS Governmental Experts’ Committee Meeting as being: (i) the adoption of the WAPIS Best Practices Guide on Personal Data Protection; the adoption of a recommendation endorsing the proposal to expand the scope of data contained in the WAPIS System; (iii) adoption of a recommendation on updating the list of offences and the modalities of doing so; and (iv) the extension of the I-24/7 to WAPIS national systems.**

11. **Recap of 19-20 March 2019 Legal Seminar on the WAPIS Programme**

The Chairman of the meeting listed the recommendations of the March 2019 Legal Seminar:

1. The WAPIS participating countries that have not signed the Memorandum of Understanding (‘MOU’) with INTERPOL concerning the implementation of the WAPIS Programme in their respective countries do so.

2. The WAPIS participating countries that have not published the 16 February 2010 Supplementary Act A/SA.10 on Personal Data Protection within ECOWAS in their official gazettes, in accordance with Article 48 of the Supplementary Act, do so.

3. All WAPIS participating countries enact data protection legislation and establish an independent data protection authority in line with the 16 February 2010 Supplementary Act A/SA.10 on Personal Data Protection within ECOWAS.
4. INTERPOL, in collaboration with the ECOWAS Commission, provides, upon request, countries that have not yet adopted data protection legislation with the necessary technical assistance to do so, upon request.

5. INTERPOL, in collaboration with the ECOWAS Commission prepares a draft 'best practices' guide concerning the processing of data in the WAPIS System and present it to the WAPIS focal points and legal experts during a dedicated legal workshop for their consideration.

6. All WAPIS participating countries take the necessary steps, through adopting appropriate legal or institutional frameworks, in line with their national legislation, to ensure the implementation of the WAPIS Programme in their countries in particular for the purpose of:
   a. creating a national committee to oversee the implementation of the WAPIS Programme in their respective countries.
   b. vesting the administration of the national WAPIS database to a distinct legal body that is already existing or newly created.

7. INTERPOL, in collaboration with the ECOWAS Commission to organize a dedicated legal workshop to discuss the modification of the list of offences.

This presentation was immediately followed by a country-by-country update by representatives of the participating countries as follows:

- **Benin** – The country has adopted a data protection law and has recently signed the MoU but there is a need to update the organization of the DACORE and the WANACO.
- **Burkina Faso** – The country has an existing system. The MoU with INTERPOL was signed in early September 2019. The drafting of data protection law is in progress.
- **Cabo Verde** – The country is yet to sign the MoU but it will be signed before the end of 2019. Regarding the data protection law, the country has a legislation in place.
- **Côte d’Ivoire** – The country has signed its MoU with INTERPOL. The texts on the organization of the DACORE, WANACO and the System are in the process of being signed. The premises for the DACORE is available. The country already has a legislation on data protection and an existing data protection authority.
- **The Gambia** – The country has signed the MoU with INTERPOL, the country is working on data protection law, WAPIS equipment has been delivered and training conducted for 16 personnel.
- **Ghana** – The MoU is at an advanced stage for it to be signed; the content has been reviewed by both INTERPOL and Ghana. The country a data protection law adopted in 2012.
- **Guinea** –
- **Guinea Bissau** – The country has not yet signed the MoU but negotiations are at an advanced stage, the new authorities are being informed about it.
• Liberia – The country signed the MoU with INTERPOL, equipment have been delivered and training conducted for 20 personnel, on data protection law, the document is at the level of the Ministry of Justice.
• Mali – The country has signed the MoU, the country is working on the decree creating the DACORE.
• Mauritania – The country has a personal data protection law. The WANACO is established and WAPIS System legal texts are are adopted. The DACORE legal framework is yet to be adopted.
• Niger – The country has signed the MoU; the WANACO and the DACORE are established.
• Nigeria – The country has signed the MoU. Other programmes are being put in place to keep the Programme moving. Office space has been allocated. The NCB and WAPIS offices will be collocated. On personal data protection law, efforts are being made to pass the legislation.
• Senegal – The country has signed the MoU. The DACORE has been established and the decrees have been adopted.
• Sierra Leone – Has signed the MoU; A data protection a bill is now before parliament.
• Chad – It already has adopted a data protection law and the data protection agency is already functioning. On the legal framework, a bill for the creation of DACORE is currently being drafted.
• Togo – The country has signed the MoU. The DACORE establishment is in progress and legislation on personal data protection is currently being drafted.

At the end of the recap, [replaced] pointed out their respective organisations’ compliance with recommendations 4, 5 and 7 of the WAPIS Legal Seminar.

12. Introduction to the WAPIS Best Practices Guide on personal data protection
[replaced], introduced the Guide. His presentation focused on the background that led to the Guide’s creation. He also provided an overview of its content and structure – particularly the case studies and best practice – and highlighted the desired outcome of the debate on the Guide – namely a recommendation for its adoption by the participating experts. He emphasized that the Guide was based upon the principles of the ECOWAS Supplementary Act on Personal Data Protection and that adherence to the Guide would tend to indicate that WAPIS participating countries were in compliance with the Supplementary Act while processing data in the WAPIS System.

[replaced], independent data protection consultant made a presentation on the governance framework that will help in the implementation of the data protection law. Her presentation highlighted the importance of law enforcement authorities appointing data protection officers (DPO) to assist them in ensuring compliance with the Guide. She advised participants to work with the data protection authority in their respective countries.

14. WAPIS Best Practices Guide on Personal Data Protection: Best practices in personal data processing by law enforcement authorities
an independent legal expert, began by highlighting key data protection concepts and principles, particularly the concept of personal data and data processing. He emphasized that it was important for law enforcement authorities to understand that they were not exempt from compliance with the principles of personal data protection, that they were dealing with personal data concerning individuals and that these individuals had certain fundamental rights concerning the processing of their data. He thereafter focused on the best practice guidelines that were contained in the Guide – such as ensuring that there was a legal basis for the processing of personal data and conducting data protection impact assessment. He concluded by urging law enforcement authorities to develop a culture of personal data protection.

During the roundtable, the participants expressed their support for the Guide and reiterated that it would be a practical tool for them to ensure that they complied with data protection norms while processing data in the System. It was highlighted that there was a need to ensure compliance with the Guide at a national level and that, to this end, it was important to ensure that capacity building and sensitization activities were conducted to enhance compliance with the Guide. Due to the differences in legal systems and contexts in which law enforcement authorities operate across the WAPIS participating countries, each WAPIS participating country would have to ensure compliance with the Guide taking into account its own unique circumstances. Although the Guide is, legally speaking, non-binding, the participants nevertheless took note of its importance in ensuring compliance with binding data protection principles such as those contained in the ECOWAS Supplementary Act on Personal Data Protection as well national legislation on personal data protection. Furthermore, participants noted that the Guide was in some respects more advanced than existing legislation on personal data protection on issues such as its recommendation for the appointment of a data protection officer and that the Guide could assist national authorities in updating or enacting their national legislation on data protection.

16. Proposal to modify the list of offences
The proposal on the modification of the offences of the WAPIS Programme was presented by . She began her presentation with a brief background of the WAPIS Programme since its inception in 2010, when the chiefs of security forces of West African countries asked the international community for assistance to confront the security threats that the region was facing. She further explained that the 2014 common list of offences was adopted by the pilot countries (Benin, Ghana, Mali and Niger) taking into account the necessities of the region but also the need to address the security challenges. She highlighted that the need to modify the list of offences had become a reality since its initial adoption and after 16 new countries were included in the Programme.

To modify the list, a two-step process was proposed to the participants: firstly, on the basis of eight (8) preselected offences from the current list, the national authorities will work on a concordance matrix of these offences with their national legislation. This matrix, will be then used to modify the interface for the beneficiary country in question to include the terms which are used for the offences in the national legislation.

The eight categories of pre-selected offences under the first phase are:
Secondly, once the participating countries are 100% owners of their national System and INTERPOL is no longer an implementing partner, it will be the responsibility of each beneficiary country in the WAPIS Programme to transfer all relevant national legislation into its national WAPIS System. At this point, the beneficiary country will be entirely free to decide which offences they wish to include in the national System as well as how to enact any changes to this list. Furthermore, once this transfer has been carried out in full, it will be the responsibility of the beneficiary country to update the declaration they made to their national data protection authority regarding the System.

Lastly, a proposal to update the current list of common offences was also made. This will seek to include offences that were not adopted in 2014.

17. Roundtable discussion on modifying the list of offences
During this roundtable, participants discussed the practical aspect of the list of offences for the implementation of the WAPIS Programme. It was observed that to facilitate the ownership by the participating countries of their national WAPIS System, it was necessary for their national legal frameworks to be reflected in their Systems. On the technical aspect, it was explained that the modification was possible and that INTERPOL will provide its support to the beneficiary countries to carry out this modification. The participants accepted the proposal of the 8 preselected categories to start the transposition. In order to facilitate the action of concordance table, countries were encouraged to study the document and, with the support of INTERPOL, the list will be modified. Participants were encouraged to forward the offences they want to be included in the list which need to be customized to reflect the specifics of the beneficiary countries.

On the updating of the list to include other offences,

18. Presentation on the Expansion of Scope of Data in WAPIS: Introduction
During her introduction to this topic, recalled that WAPIS is above all a tool made available to law enforcement officers to support them in the execution of their police duties. From its origin, the mandate of WAPIS has been to fight against transnational crime and terrorism in the region. Therefore, the scope of WAPIS had been defined by this mandate, meaning a scope linked to criminal proceedings. Indeed, currently all the data that can be processed in the WAPIS System must have a link to an open criminal investigation.
The question put to the participants can be formulated as follows: should this scope be expanded beyond criminal investigations to include police data that is not linked to a criminal investigation but that it is important for the prevention of crime? This type of data would be “administrative police data”.

19. Presentation on the Expansion of Scope of Data in the WAPIS System: administrative data

[Blank]

made a presentation on administrative police data. After recalling the objectives of the WAPIS Programme which are to efficiently fight organised crime and terrorism through police data sharing among law enforcement agencies, he laid emphasis on the type of police data so far recorded in the WAPIS System which are mainly criminal data. He recalled that the necessity of expanding the scope of data in the WAPIS System was raised during the March 2019 Legal Seminar because it was considered that processing exclusively criminal data in the System would be insufficient to cover all the aspects of security needed in the region.

He therefore mentioned examples of administrative police data which were mentioned by countries during the last legal seminar. He went on to propose the following categories for the discussions of the working groups:

He added that, with this expansion, the WAPIS System will now have both criminal and administrative data. [Blank] further explained that the legal implication is that the countries which have already adopted a legal framework for their WAPIS national system should take necessary steps to update it accordingly and will have to update their declaration to their national data protection authority.

20. Presentation on the role of information sharing in the fight against terrorism and transnational crime in Africa

[Blank] started his presentation quoting INTERPOL’s Secretary General who declared during the last General Assembly (GA88) Meeting in Chile that: “Our role is to provide a global platform for information sharing, and help INTERPOL’s 194 Member Countries develop their capabilities to identify, investigate and fight transnational crime”. He explained the areas of INTERPOL’s intervention and the support provided to its Member Countries. These
include: Global Communication I-24/7 Network, the Databases, Operational Support and Capacity Building. He extensively presented the 17 INTERPOL Databases and the notices accompanying them with the modus operandi. He reminded the participants to think of providing supplementary support to the INTERPOL projects in their respective countries. On the issues of data recording and sharing, he maintained that African countries are still below the ladder compared to other continents. On the African continent, West Africa is leading behind Southern and Eastern African countries. He concluded that West Africa can do more with the successful establishment of WAPIS in the region.

21. Presentation on the role of information sharing in the fight against terrorism and transnational crime – regional obligations and legal framework, ECOWAS perspective

Focused his presentation on the ECOWAS legal framework and any obligations included to share information to fight transnational crime and terrorism. He highlighted the following Conventions: the supplementary Act on Data Protection 01/01/10; A/P1/8/94 of ECOWAS Extradition concluded (Abuja on 06/06/94); the Protocol Relating to the Conflict Prevention Mechanism (Lomé, 10/12/19); the Convention on Small Arm and Light Weapons - 14/06/06 and the Protocol Relating to the Criminal Intelligence and Investigation Bureau (CIIB) Abuja- 10/ 2005.

In all of these conventions, there is a provision for cooperation among the law enforcement agencies in the fight against terrorism and organized crime. Some of them have been ratified while others are yet to be ratified by the Member States. He further mentioned some specialized institutions dealing with cooperation among the agencies in West Africa like: WACAP, GIABA, ARINWAS and Platform Sahel. He concluded with the challenges involved in realizing the objectives of the ECOWAS Commission in the areas of cooperation, notably language barrier, the existence of different legal system, lack of knowledge in the mutual legal assistance, lack of political will where in some cases the conventions are signed but never ratified. He urged participants to work with countries that are not members of ECOWAS to address the question on adequate information sharing in the fight against crime.

22. Roundtable discussion on the expansion of the scope of the WAPIS System

This session provided an opportunity for the participants to deliberate on the expansion of the scope of the WAPIS System. Inclusion of administrative police data in the WAPIS System was the main focus of discussion. Questions were raised by the participants on the issue and clarifications were made by INTERPOL. The participants endorsed the inclusion of administrative data into the WAPIS System, subject to further clarification.

23. Working group sessions on the Expansion of scope of data in WAPIS: The WAPIS Special Points of Contacts & Heads of NCBs (Group A) and WAPIS Legal Experts (Group B)

The participants were divided into two groups: group A comprised of the WAPIS Single Points of Contacts and Heads of NCBs and group B comprised of WAPIS legal experts. Each group dealt with the issue of the expansion of scope of data in WAPIS to include administrative police data.
Both groups agreed that the inclusion of administrative police data was a good proposal. They however suggested that the categories proposed during the meeting be further detailed.

24. Presentation of working group discussions and Roundtable
During the roundtable, it was concluded that all the participants endorsed the inclusion of administrative data into the WAPIS system, subject to the refinement of the categories of data for greater clarity.

26. Roundtable discussion on I-24/7 draft agreement : Heads of NCBs and SPOCs and WAPIS DACORE draft guidelines

[Name] made a presentation on the Roles of NCBs in Coordination between National Law Enforcement Agencies. The objective of his presentation was to indicate the need for collaboration and information sharing among the law enforcement agencies. [Name] stressed the usefulness of the I-24/7 in achieving a smooth and secured communication among the Member States. He highlighted the Article 2 which spells out the mutual assistance and cooperation and Article 3 which forbids members to intervene in issues of politics, religion, race and military nature. In sharing data, he admonished participants to respect INTERPOL data processing protocol and human rights of all persons. He concluded by outlining the responsibilities of the NCBs, among which is to promote the extension of the I-24/7 to other Law Enforcement Agencies in their respective countries.

27. Presentation on draft guidelines on the functioning of the WAPIS DACORE

A Presentation was done by [Name] on the draft guidelines and functioning of the WAPIS Data Collection and Registration Centre (DACORE). He outlined the composition of the WAPIS national Committee (WANACO), which should be drawn from civil servants and its legal status. [Name] presented the organigram of the DACORE, he further pointed out the functions and missions of the DACORE and emphasized that among other things, the DACORE will be responsible for processing of criminal and administrative data in the beneficiary countries including the smooth running of the centre. [Name] highlighted the needed infrastructure and equipment for the DACORE. On the infrastructure, the premises should be adapted to the functions and missions of DACORE.
- Offices (management, secretariat, financial service, administrators, validators)
- Computer room
- Operators room
- Training/meeting room
- Technical and communication room

On logistics, beneficiary countries should consider putting in place the means of communication, means of transportation, furniture and office including office supplies. He concluded with the issue of sustainability, [Name] encouraged Member States to identify funding for the maintenance of the system after the implementation phase.
28. Roundtable discussion on I-24/7 draft agreement: Heads of NCBs and SPOCs and WAPIS DACORE draft guidelines

Participants raised questions on the two presentations and clarifications were made by the presenters. It was agreed that NCBs should continue promoting the extension of I-24/7 to other Law Enforcement Agencies in their respective countries. Member States should also establish budget lines for the maintenance and sustainability of the WAPIS system in their respective countries.

29. Presentation and adoption of Conclusions and Recommendations

VI – CONCLUSIONS AND RECOMMENDATIONS

30. The ECOWAS Governmental Experts’ Committee on the WAPIS Programme recommends that:

1. Law enforcement authorities using the WAPIS System abide by the WAPIS Best Practice Guide on Personal Data Protection and take the necessary measures at a national level – such as conducting capacity building and sensitization activities on data protection – to ensure that there is practical compliance with the WAPIS Best Practice Guide on Personal Data Protection.

2. The list of offences of each national WAPIS System be modified to conform to the provisions of the national law of the concerned WAPIS participating country through the following two-phase transposition process:
   a. Phase 1: Each WAPIS participating country shall complete a table of the pre-selected offences in Annex 1 of these Recommendations to be included in the national WAPIS System by April 2020.
   b. Phase 2: At the end of the implementation period by INTERPOL, each WAPIS participating country shall finalize the full transposition of its relevant national legislation into its national WAPIS System.

3. The list of offenses should be updated to include missing offenses, such as:

4. The scope of the national WAPIS System be expanded to include the categories of administrative police data listed in Annex 2 of these recommendations on the understanding that:
   a. Each WAPIS participating country assumes full responsibility for the data contained in its national WAPIS System and can therefore upload and share the data that it wishes to, in accordance with applicable legal texts;
b. In order to provide better precision, the description of the new categories of data will be refined by INTERPOL and presented to the next Steering Committee meeting of the WAPIS Programme.

Done in Abidjan, this 24th day of October 2019

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de la Cellule Nationale de
Coopération Judiciaire et d’entraide Pénale
Niger
Annex 1: List of offences and example of table

List of pre-selected offences:

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Annex 2: List of categories of administrative police data

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