



U.S. Department
of Transportation

**Office of the Secretary
of Transportation**

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To: Dominic Mancini
Acting Administrator
Office of Information and Regulatory Affairs

From: Kristen Baldwin
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Subject: Request for Emergency Clearance of New Information Collection Request

The Department of Transportation (DOT) seeks emergency clearance from the Office of Management and Budget (OMB) to issue a new information collection, Privacy International Civil Aviation Organization Address (Privacy ICAO) request. This information collection would allow the Federal Aviation Administration (FAA) to collect information from members of the public to facilitate the processing of requests for temporary alternate ICAO addresses.

Pursuant to 5 CFR § 1320.13, emergency processing is appropriate where 1) the collection of information is needed prior to the expiration of time periods established under the Paperwork Reduction Act and the collection is essential to the mission of the Agency; and 2) the Agency cannot reasonably comply with the normal clearance procedures because public harm is reasonably likely to result if normal clearance procedures are followed. Here the Privacy ICAO system is scheduled to be ready for operational deployment on December 18, 2019. The FAA requests emergency clearance of this information collection so that it may thoroughly test customer facing technical environment, user instructions, and internal processes for approving Privacy ICAO requests. This will ensure that the FAA has addressed all operational risks and ensures the Privacy ICAO program is fully operational on January 2, 2020, the effective date of the Automatic Dependent Surveillance Broadcast (ADS-B) Out Final Rule.

The collection of information for Privacy ICAO addresses is essential to the safety mission of the FAA, and public harm is likely to result if the information collection is delayed because 1) increase in privacy risk to individuals due to the ability of third parties to determine flight paths in real-time exposing sensitive information about specific owners/operators, and 2) the failure to issue alternate ICAO addresses may lead to noncompliant operations (e.g., not equipping or broadcasting as required to avoid detection).

Automatic Dependent Surveillance – Broadcast (ADS-B) Out is a surveillance technology that allows avionics to broadcast an aircraft’s identification, position, altitude, velocity, and other information to

support air traffic control (ATC) services in terminal, en route airspace, and in airport surface operations. On May 28, 2010, the Federal Aviation Administration (FAA) published the ADS-B Out Final Rule amending 14 CFR Part 91 by adding equipment requirements and performance standards for ADS-B Out avionics on aircraft operating in Classes A, B, and C airspace, as well as certain other specified classes of airspace within the U.S. National Airspace System after January 1, 2020 (75 FR 30160). ADS-B Out broadcasts information about an aircraft via an onboard transponder to a ground receiver.

ADS-B technology also allows third parties, who are not air traffic controllers, with privately owned ADS-B ground-based 1090-MHz receivers, to easily identify the owner/operator of ADS-B Out-equipped aircraft when received by a radio within line of sight of the aircraft. This data can be further distributed via flight tracking data sources and interfaces to the public, via the internet in real-time. The ADS-B mandate created an unintended consequence of allowing the public to tap into aircraft surveillance data, being broadcasted automatically from the aircraft, and raised security and privacy concerns for general aviation and business aviation aircraft operators.

ADS-B technology currently continuously broadcasts an aircraft's position, velocity, International Civil Aviation Organization (ICAO) address and other data. The central concern for some aircraft operators is the lack of provisions for blocking aircraft owners/operators from being identified by amateur plane spotters who use readily available ADS-B receivers to capture data and correlate it to the Civil Aviation Registry (CAR) to identify aircraft. This information is further disseminated online via tracking websites such as ADS-B Exchange.

The Privacy ICAO Address Program is a voluntary program initiated by the FAA that allows U.S. registered aircraft operators flying within U.S. domestic airspace to seek anonymity to mask their aircraft identity for a period of time. The Privacy ICAO Address Program will authorize U.S. registered aircraft operators/owners to use an additional, temporary ICAO address(es), instead of their uniquely assigned permanent ICAO address, which is published in the FAA's Civil Aviation Registry (CAR). The temporary address(es) will not be linked to the public ownership registry, (i.e., CAR) which connects the aircraft registration (tail number visible on all aircraft) with the owner/operator of the aircraft. This evolution in the anonymity process is greatly desired by members of the general aviation community, especially business aviation operators.

The FAA Privacy ICAO Address Program also supports H.R. 302 – FAA Reauthorization Act of 2018, Section 566. RIGHT TO PRIVACY WHEN USING AIR TRAFFIC CONTROL SYSTEM. Section 566 reads: "Notwithstanding any other provision of law, the Administrator shall, upon request of a private aircraft owner or operator, block the registration number of the aircraft of the owner or operator from any public dissemination or display, except in data made available to a Government agency, for the noncommercial flights of the owner or operator."