

U.S. Department of Transportation
Privacy Impact Assessment
Federal Aviation Administration
Small Unmanned Aircraft Systems Final Rule

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Executive Summary

The FAA has published a new rulemaking as required by the Federal Aviation Administration (FAA) Modernization and Reform Act of 2012 (Public Law 112-95). The rulemaking adds a new part 107 to Title 14 Code of Federal Regulations (14 CFR) establishing, among other things, a new airman certificate for pilots of small unmanned aerial systems (UAS), which will be called a remote pilot certificate with a small UAS rating. As required by the E-Government Act of 2002, Pub. L. 107-347, and the Consolidated Appropriations Act, 2005, Pub. L. 108-447, the FAA is publishing this Privacy Impact Assessment (PIA) to inform the public of the privacy risks and mitigation strategies associated with the FAA's collection, use, dissemination, and retention of PII resulting from the rule.

What is a Privacy Impact Assessment?

The Privacy Act of 1974 articulates concepts for how the federal government should treat individuals and their information and imposes duties upon federal agencies regarding the collection, use, dissemination, and maintenance of personally identifiable information (PII). The E-Government Act of 2002, Section 208, establishes the requirement for agencies to conduct Privacy Impact Assessments (PIAs) for electronic information systems and collections. The assessment is a practical method for evaluating privacy in information systems and collections, and documenting assurance that privacy issues have been identified and adequately addressed. The PIA is an analysis of how information is handled to— i) ensure handling conforms to applicable legal, regulatory, and policy requirements regarding privacy; ii) determine the risks and effects of collecting, maintaining and disseminating information in identifiable form in an electronic information system; and iii) examine and evaluate protections and alternative processes for handling information to mitigate potential privacy risks.¹

Conducting a PIA ensures compliance with laws and regulations governing privacy and demonstrates the DOT's commitment to protect the privacy of any personal information we collect, store, retrieve, use and share. It is a comprehensive analysis of how the DOT's electronic information systems and collections handle personally identifiable information (PII). The goals accomplished in completing a PIA include:

- Making informed policy and system design or procurement decisions. These decisions must be based on an understanding of privacy risk, and of options available for mitigating that risk;*
- Accountability for privacy issues;*
- Analyzing both technical and legal compliance with applicable privacy law and regulations, as well as accepted privacy policy; and*
- Providing documentation on the flow of personal information and information requirements within DOT systems.*

Upon reviewing the PIA, you should have a broad understanding of the risks and potential effects associated with the Department activities, processes, and systems described and approaches taken to mitigate any potential privacy risks.

¹Office of Management and Budget's (OMB) definition of the PIA taken from guidance on implementing the privacy provisions of the E-Government Act of 2002 (see OMB memo of M-03-22 dated September 26, 2003).

Introduction & Final Rule Overview

In the FAA Modernization and Reform Act of 2012 (Public Law 112-95), Congress mandated that the DOT conduct a suite of rulemakings to integrate small UAS into the National Airspace System (NAS). In response to this statutory mandate, the FAA published the first of these rulemakings: a notice of proposed rulemaking (NPRM), designed to allow low-risk small UAS operations in the NAS and establish a new pilot certification for small UAS pilots. The proposed rule, a new part 107 to Title 14 Code of Federal Regulations (14 CFR), addressed the operating requirements for small UAS and small UAS pilot certification requirements. While the NPRM proposed requirements and criteria for registration, marking, and identification of small UAS, as well as operation of microUAS, these issues will be addressed in separate rulemakings. *See* Registration and Marking of Small UAS Interim Final Rule (RIN 2120-AK82), 80 FR 79255 (Dec. 16, 2015), and Micro UAS NPRM (RIN 2120-AKXX).

On June 28, 2016, the FAA published the final rule. This rule implements a new part 107 in title 14, CFR, which creates a new airman certificate: the remote pilot certificate with a small UAS rating for pilots of small UAS. The process for granting this certificate will be in line with the process for granting other airman certificates. Thus, the privacy implications of the information collection, maintenance, storage, and dissemination by the FAA in accordance with this rule are the same as those of the FAA's current airman certification processes.

The FAA notes that some members of the public have raised privacy concerns related to the operational use of unmanned aircraft for unauthorized surveillance and data collection. While addressing these types of concerns is beyond the scope of this rulemaking, the FAA participated in the multi-stakeholder engagement process led by the National Telecommunications and Information Administration (NTIA), established by the Presidential Memorandum, Promoting Economic Competitiveness While Safeguarding Privacy, Civil Rights, and Civil Liberties in Domestic Use of Unmanned Aircraft Systems (February 15, 2015). As a result of this multi-stakeholder process, NTIA published "Voluntary Best Practices for UAS Privacy, Transparency, and Accountability." The FAA has added information about this guide to the part 107 training course and guidance material FAA is providing for new remote pilots. FAA also notes that there are existing federal, state, local, and common law protections of individual privacy, and that these laws may provide recourse for any potential invasion of personal privacy that might result from use of a UAS. The FAA training course and guidance materials advise remote pilots to check their state and local privacy laws prior to flight.

Small UAS have a wide variety of potential applications, such as:

- Crop monitoring/inspection;
- Research and development;
- Educational/academic uses;
- Power-line/pipeline inspection in hilly or mountainous terrain;
- Antenna inspections;
- Aiding rescue operations;
- Bridge inspections; and
- Wildlife nesting area evaluations.

Because of the potential for societally beneficial applications of small UAS, the FAA has been seeking to incorporate these systems into the NAS since 2008. In that time, the FAA has permitted non-recreational small UAS use through various mechanisms, such as special airworthiness certificates, exemptions, and certificates of authorization or waiver (COA). This rule represents the next phase of integrating small UAS into the NAS.

On February 1, 2012, Congress passed the FAA Modernization and Reform Act of 2012, Public Law 112-95. Section 333 of Public Law 112-95 (Section 333) directed the Secretary of Transportation to determine whether certain small UAS operations could be operated in the NAS without posing a hazard to other users of the NAS or a threat to national security. As part of its ongoing efforts to integrate UAS operations in the NAS, and in accordance with Section 333, the DOT proposed a new part 107 to Title 14 of the CFR to include specific rules for the non-recreational operation of small UAS posing the least amount of public risk in the NAS. The FAA received more than 4,600 public comments to the February 23, 2015, notice of proposed rulemaking.

The final rule adds the new part 107 to allow for civil non-recreational operation of small UAS in the NAS within an acceptable set of safety parameters. The rule defines small UAS as UAS weighing less than 55 pounds, and limits small UAS operations to daytime and civil twilight hours, within a confined area, and within visual-line-of-sight of the remote pilot in command. The confined area prohibits small UAS from flying over individuals who are not directly participating in the small UAS operation, flying higher than 400 feet above ground level or the highest point of a structure, and from entering controlled airspace without permission from the local FAA Air Traffic Control (ATC). The rule also imposes other operational limits, including speed limitations and weather minimums that are necessary to maintain the safety of the NAS.

In addition, this rule requires the person directly responsible for the operation of the small UAS to obtain a remote pilot certificate with a small UAS rating. This is a new type of airman certificate created for small UAS operations to satisfy existing statutory mandates for airman certification. The remote pilot certificate bestows the privileges and limitations associated with operating a small UAS. An applicant must pass an aeronautical knowledge test or complete an online training course to obtain this certificate and rating. The knowledge test is administered by FAA-designated Airmen Knowledge Testing Centers (AKTC) in a similar manner as knowledge tests for other FAA-issued airman certificates. Like applicants for other pilot certificates, applicants for a remote pilot certificate must undergo security vetting by the Transportation Security Administration (TSA). After obtaining the remote pilot certificate, the certificate holder must pass a recurrent knowledge test every 24 months to continue exercising the privileges of the certificate.

Applicants who already hold a pilot certificate issued under 14 CFR part 61, such as a recreational, sport pilot, private pilot, commercial, or air transport pilot certificate, and who meet the flight review requirements of 14 CFR 61.56, may complete an online training course in lieu of passing a knowledge test. This training course is hosted by the FAA Safety Team and requires the participant to register for an account on www.FAASafety.com, complete the training program, and print the certificate of completion so that it may be included in the application for the remote pilot certificate.

This PIA focuses on the six components of the FAA's final rule that involve the collection and use of PII: (1) remote pilot certificate applications; (2) administration of a knowledge test; (3)

administration of the online training program; (4) accident reporting; (5) applications for waivers; and (6) applications for ATC authorization.

Application for a Remote Pilot Certificate

The primary mission of the FAA is to provide the safest, most efficient aerospace system in the world. One of the ways the FAA supports this mission is through the certification of airmen, as required under 49 United States Code (U.S.C.) § 44703.

The rule defines a small UAS remote pilot in command as any person who will have the final authority and responsibility for the operation and safety of a small UAS operation conducted under part 107. Because a remote pilot in command is an airman,² individuals are prohibited from operating a small UAS in air commerce without an airman certificate.³ Like other prospective airman, any individual seeking to serve as a remote pilot in command for a non-hobby civil small UAS operation must submit an application, including certain PII, for FAA review and issuance of a remote pilot certificate.

The FAA will leverage existing airmen certification processes and systems to address requirements for small UAS remote pilots in command. PII collected by the FAA for these purposes will be managed in accordance with the DOT's existing systems of records applicable to airmen certification records, DOT/FAA 847, Aviation Records on Individuals.⁴ Information about airman certificate holders and applications, including remote pilot certificate holders and applicants, are maintained within the Civil Aviation Registry Applications (AVS Registry, also known as the Registry Modernization System [RMS]), the official repository for airmen certification records.

The FAA's Office of Aviation Safety (AVS) manages the FAA airman certification application process. Airmen or applicants may submit paper applications, or complete web-based electronic applications using the Integrated Airman Certification and Rating Application (IACRA). IACRA guides an individual seeking an airman certification through the FAA's airman application process and serves as a temporary repository of the application until they are transferred to the official repository, the AVS Registry. The DOT is conducting a PIA for IACRA, which will be published on the Departmental Privacy Program website, www.transportation.gov/privacy.

Applicants for airman certification, including remote pilot certification, must provide the following information:

- Full name
- SSN (voluntary)
- Date of Birth
- Place of Birth
- Citizenship
- Vital Description (hair and eye color, height, weight, gender)

² 49 U.S.C. § 40102(a)(8)(A) (defining an airman to include an individual who is “in command, or as pilot, mechanic, or member of the crew, who navigates aircraft when under way”).

³ 49 U.S.C. § 44711(a)(2)(A) (prohibiting a person from serving as an airman with regard to a civil aircraft being used in air commerce without an airman certificate).

- Home Address, including city, state, and zip code
- Home Phone Number
- E-mail address (for IACRA registration only)⁵
- Security questions and answers (for IACRA registration only)
- Passwords (for IACRA registration only)
- Applicant ID
- Drug Convictions (Y/N, Date of Convictions)
- Electronic Signature
- Airman Certificate Date of Issuance
- English Proficiency (Y/N)
- Existence of medical limitations preventing English Proficiency

Administration of an Aeronautical Knowledge Test

The FAA requires applicants for a remote pilot certificate to demonstrate sufficient aeronautical knowledge to safely operate a small UAS. As discussed above, part of the FAA's safety mission, as required by statute, is to certificate qualified persons as airmen capable of operating aircraft in the NAS. Applicants for remote pilot certificates must pass an FAA aeronautical knowledge written test, focusing on the knowledge areas specified in the new part 107.

The aeronautical knowledge tests for all airman certificate applicants, including applicants for remote pilot certificates, are administered by the designated AKTC.⁶ All applicants must provide the AKTC with his or her name, mailing address, date of birth, and valid photo ID to verify the applicant's identity. An applicant may provide his or her SSN, but is not required to do so. The rule applies those requirements to applicants for a remote pilot certificate. As stated in FAA Order 8080.6G, Conduct of Airmen Knowledge Tests,⁷ the FAA has established strict protocols regarding how a AKTC accepts this PII and verifies identity, how the AKTC transmits PII to the FAA, how the AKTC must safeguard PIA, and how long PII must be kept by the AKTC.

Administration of the Online Training Program

Airmen who hold a Part 61⁸ certificate with current flight reviews have already demonstrated knowledge of many of the topic areas associated with small UAS operations through initial certification and subsequent flight reviews; therefore, they may substitute an online training course for the aeronautical knowledge testing required by part 107.

The online training course is administered by the National FAA Safety Team (FAASTeam) Branch. The FAASTeam, within the FAA, is tasked to improve the U.S. aviation accident rate by conveying safety principles and practices through training, outreach, and education. The

⁵ To access IACRA, individuals must establish a user account (i.e., "register"), which requires that the individual submit an email address and create a password. The individual also must answer several security questions that would be used to reset the password, should that be needed.

⁶ See 14 CFR part 183, Subpart D.

⁷ http://www.faa.gov/documentLibrary/media/Order/FAA_Order_8080_6G.pdf

⁸ Part 61 of Title 14, CFR, establishes the airmen certification requirements for aircraft other than UAS.

FAASTeam hosts an online portal at <https://www.faasafety.gov> that offers aviation safety online training courses.

Interested persons may access online training courses as a guest without providing any PII. Those seeking credit and a completion certificate for the small UAS training course must create an account and log on to the secure website. To create an account, the user must provide their name, email address, zip code and, if applicable, their pilot certificate and ratings and certificates held.

Accident Reporting

As part of its safety mission, the FAA collects and reviews aircraft accident data and uses that data to promulgate rules, develop aviation safety outreach programs that improve aviation safety, and investigate potential violations of FAA regulations. Small UAS is a relatively new industry and operators of small UAS may not have prior experience with aviation regulations or FAA oversight. Furthermore, because of the newness of the small UAS industry, the FAA currently does not have the oversight experience with small UAS that it has with manned-aircraft operations. Accordingly, the FAA requires that the remote pilot in command report the following types of accidents to the FAA within 10 days of the accident: small UAS operation that results in (1) serious injury to any person or any loss of consciousness, or (2) damage to any property, other than the small unmanned aircraft, unless the cost of repair (including materials and labor) or fair market value in the event of total loss does not exceed \$500.

After receiving this report, the FAA may conduct further investigation to determine whether any FAA regulations were violated. In accordance with this rule, the only PII that a remote pilot in command must provide to the FAA when reporting an accident is his or her name, remote pilot certificate number, and aircraft registration number (if applicable).⁹ Upon receiving an accident report, the FAA will supplement the report as necessary with PII collected from the remote pilot airmen certification and small UAS registration systems.¹⁰ The small UAS accident report becomes part of the FAA's existing aircraft accident database and is used by the FAA to conduct safety risk analysis. The report also will be shared with the National Transportation Safety Board (NTSB). If the small UAS accident involves serious injury or death, the NTSB may investigate the cause of the accident (49 CFR 830.2). Although the FAA aircraft accident database is publically accessible, the public is not able to access PII such as name, address, or certificate number in the database; however, in certain circumstances some information from the database may be required to be disclosed under the Freedom of Information Act (FOIA), such as an individual's name and contact information associated with a business that registered or operated a small UAS involved in the accident reported.

Applications for Waivers or Authorizations

The rule permits a waiver from provisions in part 107, provided the FAA Administrator finds the proposed operation can be safely conducted under the terms of the waiver. This rule also allows a small UAS operation to be conducted in Class B, Class C, or Class D airspace, or within the lateral boundaries of the surface area of Class E airspace designated for an airport with prior authorization from ATC. Applications for waivers and ATC authorization will be made using the

⁹ A remote pilot in command could provide PII of persons injured or whose property was damaged as a result of the accident.

¹⁰ Small unmanned aircraft weighing 0.55 pounds or less are not required to be registered.

same form. Individuals seeking a waiver or authorization must submit a request containing a description of the proposed operation and an explanation of how he or she intends to safely conduct the operation. If ATC authorization or a certificate of waiver is granted, that certificate or authorization may include additional conditions and limitations designed to ensure that the small UAS operation provides a sufficient level of safety.

An applicant for a certificate of waiver or an ATC authorization must include the following PII:

- Name of organization (if applicable)
- Full name of the responsible person
- Remote Pilot Certificate number of the person who will be the remote pilot in command during the operation
- Contact information for the organization/individual (mailing address, phone number, and email address)
- Aircraft description and registration number (if applicable)

A waiver or ATC authorization application is sent to the FAA via the post office or through an online portal hosted on the FAA website. After receiving and evaluating the application, the FAA will respond to the applicant informing the applicant that the waiver or authorization request 1) is approved, with any limitations; 2) declined, with explanation; or 3) requires additional information.

Fair Information Practice Principles (FIPPs) Analysis

The DOT PIA template is based on the Fair Information Practice Principles (FIPPs). The FIPPs, rooted in the tenets of the Privacy Act, are mirrored in the laws of many U.S. states, as well as many foreign nations and international organizations. The FIPPs provide a framework that will support DOT efforts to appropriately identify and mitigate privacy risk. The FIPPs-based analysis conducted by DOT is predicated on the privacy control families articulated in the Federal Enterprise Architecture Security and Privacy Profile (FEA-SPP) v3¹¹, sponsored by the National Institute of Standards and Technology (NIST), the Office of Management and Budget (OMB), and the Federal Chief Information Officers Council and the Privacy Controls articulated in Appendix J of the NIST Special Publication 800-53, Security and Privacy Controls for Federal Information Systems and Organizations.¹²

Transparency

Sections 522a(e)(3) and (e)(4) of the Privacy Act and Section 208 of the E-Government Act require public notice of an organization's information practices and the privacy impact of government programs and activities. Accordingly, DOT is open and transparent about policies, procedures, and technologies that directly affect individuals and/or their personally identifiable information (PII). Additionally, the Department should not maintain any system of records the existence of which is not known to the public.

¹¹ <http://www.cio.gov/documents/FEA-Security-Privacy-Profile-v3-09-30-2010.pdf>

¹² http://csrc.nist.gov/publications/drafts/800-53-Appendix-J/IPDraft_800-53-privacy-appendix-J.pdf

As required by the E-Government Act of 2002, Pub. L. 107-347, and the Consolidated Appropriations Act, 2005, Pub. L. 108-447, the FAA is publishing this PIA to inform the public of the privacy risks and mitigation strategies associated with the FAA's collection, use, dissemination, and retention of PII resulting from the rule.

The DOT has published the Privacy Act System of Records Notice (SORN), [DOT/FAA 847. Aviation Records on Individuals](#) (DOT/FAA-847) – 75 FR 68849 – November 9, 2010,¹³ providing notice to the public of its privacy practices regarding the collection, use, sharing, safeguarding, maintenance, and disposal of information about an individual that may be collected as part of the airmen certification process. DOT/FAA 847 is applicable to the following processes discussed in this PIA: applications for remote pilot certificates, administration of aeronautical knowledge tests, administration of the online training program, and accident reporting.

The DOT Privacy Office is reviewing its Notices to ensure that all aspects of the activities and systems discussed in this PIA are adequately described. As required by 5 U.S.C. 552a(e)(3), the FAA provides notice to individuals about its practices for the collection, use, and dissemination of an individual's PII on the application for airmen certification and any other forms used to collect information from airmen. In this regard, DOT is determining the appropriate Privacy Act SORN that adequately and accurately describes applications for waivers and authorizations under 14 CFR part 107. DOT may opt to publish a new SORN to encompass any records the FAA may collect and manage with regard to waivers and authorizations. Following such publication, DOT will update this PIA accordingly. Consistent with the Privacy Act, the FAA will not maintain any records concerning individuals with regard to waivers in the absence of describing the records in an effective SORN.

Individual Participation and Redress

DOT should provide a reasonable opportunity and capability for individuals to make informed decisions about the collection, use, and disclosure of their PII. As required by the Privacy Act, individuals should be active participants in the decision-making process regarding the collection and use of their PII, and should be provided reasonable access to their PII and the opportunity to have it corrected, amended, or deleted, as appropriate.

All information collected about individuals for the purpose of issuing a remote pilot certification is voluntarily provided by and collected directly from the airmen seeking certification. Due to the nature of the application process, inaccurate information about the airmen will surface during the certification process. The FAA will contact the applicant if inaccuracies surface during this process and it will annotate and correct any information that an individual points out is incorrect.

Under the provisions of the Privacy Act, individuals may request searches of FAA records to determine if any records have been added that may pertain to them. Individuals also may request correction of any inaccurate information maintained in FAA systems that support the application process. Additionally, per the Pilot Records Improvement Act (49 U.S.C. § 44703) airmen may request that their name, home address, and ratings be withheld from public disclosure.

¹³ All of the Department of Transportation's system of records notices can be found on the Department's privacy webpage at www.transportation.gov/privacy.

Accessing and Contesting Records

Individuals wishing to know if their records appear in the systems described in this PIA may inquire in person or in writing to:

Federal Aviation Administration
Privacy Office
800 Independence Ave. SW
Washington DC, 20591

Included in the request must be the following:

- Name,
- Mailing address,
- Phone number or email address,
- A description of the records sought, and if possible, the location of the records and system(s) acronym(s).

Individuals wanting to contest their information that is contained in the systems described in this PIA should make their requests in writing, detailing the reasons for why the records should be corrected, to the following address:

Federal Aviation Administration
Privacy Office
800 Independence Ave. SW
Washington DC, 20591

Process-specific information, in addition to the information provided above, is as follows:

Administration of the Online Training Program

FAAsafety.gov account holders have the ability to view their account profile, make edits to their PII, and completely close their account.

Application for Waiver or Authorization

The PII collected as part of the Application for Certificate of Waiver or Authorization is provided to the FAA by persons or entities requesting either: (1) ATC authorization to operate small UAS in controlled airspace; or (2) relief from certain provisions of the rule. Applicants will have the ability to amend, correct, or retract their application at any time prior to issuance of the waiver or authorization. If the FAA approves a waiver or authorization, the applicant will have the ability to update or correct any erroneous PII provided on the application. If the application is not approved, the applicant will be given an opportunity to resubmit the application, including any necessary updates to PII provided on the application.

Additional information about the Department's privacy program may be found at www.transportation.gov/privacy. Individuals may also contact the Departmental Chief Privacy Officer at privacy@dot.gov.

Purpose Specification

DOT should (i) identify the legal bases that authorize a particular PII collection, activity, or technology that impacts privacy; and (ii) specify the purpose(s) for which it collects, uses, maintains, or disseminates PII.

The FAA's use of airmen applicant information is consistent with the purposes and routine uses specified in DOT/FAA 847. All data elements are collected via authorized websites and/or forms. FAA uses contact information to follow up with anyone who uses an account to access the online portals and submit applications. Airmen certification information is used to uniquely identify airmen and to determine the applicant's eligibility for or status of airman certificates (i.e., whether it is current or has been amended, modified, expired, suspended or revoked for any reason,) ratings, and to ensure regulatory compliance.

Specific use of airmen PII and authority for collection is detailed below.

Application for a Remote Pilot Certificate

The FAA collects PII on the application for airmen certification to verify the applicant's identity, determine his or her eligibility for a certificate and/or rating, and to print a permanent airman certificate from the authoritative record. The FAA may also use this information to contact applicants. A list of authorities for the FAA's collection and maintenance of PII in connection with the activities implemented under the rule is below:

- 14 CFR part 107, Subpart C – Remote Pilot Certification. An applicant for a remote pilot certificate with a small UAS rating will be required to apply to the FAA in a form and manner acceptable to the FAA Administrator.
- 49 U.S.C. § 40113 – Authorizing the FAA to prescribe regulations, standards, and procedures with respect to aviation safety.
- 49 U.S.C. § 44702 – Authorizing the FAA to issue airman certificates.
- 49 U.S.C. § 44703 – Directing the FAA Administrator to issue an airman certificate upon finding, after investigation, that the individual is qualified for and physically able to perform the duties related to the position to be authorized.
- 49 U.S.C. § 44709 – Authorizing the FAA Administrator to reexamine a certificate holder.
- 49 U.S.C. § 45103 – Prohibiting the use of alcohol and controlled substances in violation of law by airman certificate holders and requiring rehabilitation for individuals found to have used such substances in violation of law before the individual may return to service as an airman.

Administration of an Aeronautical Knowledge Test

Pursuant to its authority to certify airmen, codified in 49 U.S.C. §§ 44702 and 44703, the FAA uses PII collected in connection with the aeronautical knowledge test to verify that the test-taker is the applicant for an airman certificate.

Administration of the Online Training Program

The Online Training Program is authorized by 49 U.S.C. § 44701, which directs the FAA to promote safe flight of civil aircraft in air commerce. To the extent that part 61 certificate holders elect to substitute completion of the online training course for the aeronautical knowledge test, the FAA's authority also stems from 49 U.S.C. §§ 44702 and 44703, which provides the FAA

with the authority to certify airmen. The PII collected for the administration of the online training program will be used to verify that the individual taking the training is a part 61 certificate holder qualified to take the online course in lieu of the aeronautical knowledge test. The information is also used to confirm that the individual participating in the training is the same individual applying for the remote pilot certificate.

Accident Reporting

Pursuant to the FAA's oversight authority, the FAA will use the remote pilot's PII and other information from the accident report to determine compliance with applicable FAA regulations. The FAA's oversight statutes, codified at 49 U.S.C. §§ 44709 and 46104, provide the agency with broad investigatory and inspection authority for matters within the FAA's jurisdiction. Under section 46104, the FAA may subpoena witnesses and records, administer oaths, examine witnesses, and receive evidence at a place within the United States designated by the FAA. Under section 44709, the FAA may "reinspect at any time a civil aircraft, aircraft engine, propeller, appliance, design organization, production certificate holder, air navigation facility, or agency, or reexamine an airman holding a certificate issued [by the FAA]."

Under the accident-reporting provision of the final rule, the FAA will collect the minimum amount of PII necessary to: (1) determine what happened; and (2) know who to contact with follow-up questions or as part of a follow-up investigation. In addition to determining compliance with FAA regulations, the FAA will incorporate the accident report into its aircraft accident database for the purpose of aviation safety analyses. The FAA will not disseminate PII contained in the accident report to the public, except to the extent required by law.

PII for the small UAS remote pilot, as well as the information contained in the small UAS accident report, may be used by the FAA to determine the following: 1) the performance of FAA facilities or functions; 2) the performance of non-FAA owned and operated ATC facilities or Navigational Aids (NAVAID); 3) the airworthiness of small unmanned aircraft; 4) the competency of FAA-certificated airman; 5) the adequacy of the applicable FAA regulations; 6) to analyze aspects of the accident, such as whether airport certification safety standards or operations were involved, whether airport security standards or operations were involved, whether a medical event occurred that resulted in an accident, and whether there was a violation of the applicable FAA regulations.

Application for Waiver or Authorization

Pursuant to 49 U.S.C. § 40113, the FAA is authorized to prescribe regulations with respect to aviation safety. 14 CFR § 107.200 establishes that the FAA Administrator may waive certain provisions in part 107 if the proposed small UAS operation can safely be conducted under the terms of a certificate of waiver. Under 14 CFR § 107.205, the FAA enumerates which regulations may be waived by the Administrator. 14 CFR § 107.41 prohibits the operation of small unmanned aircraft in Class B, Class C, or Class D airspace, or within the lateral boundaries of the surface area of Class E airspace designated for an airport without prior authorization from ATC.

PII collected during the waiver process is used to communicate with the applicant and retrieve applicant credentials from FAA systems. The PII is also used for enforcement and oversight purposes to enable FAA inspectors to identify which person or entity the Administrator has permitted to either operate in controlled airspace or deviate from a specific regulation.

Data Minimization & Retention

DOT should collect, use, and retain only PII that is relevant and necessary for the specified purpose for which it was originally collected. DOT should retain PII for only as long as necessary to fulfill the specified purpose(s) and in accordance with a National Archives and Records Administration (NARA)-approved record disposition schedule.

Application for a Remote Pilot Certificate

In accordance with the National Archives and Records Administration (NARA)-approved records schedule [N1-237-06-1](#), airman certification files are cut off annually and destroyed 60 years after the cutoff, or when no longer needed to conduct agency business, whichever is later. IACRA collects and temporarily¹⁴ retains the PII of individuals who are applying for airman certificates and/or ratings. The AVS Registry picks up IACRA images of the applications submitted via IACRA on a daily basis. PII is collected in accordance with 49 U.S.C. § 44703 in order to verify the applicant's identity, determine the individual's eligibility for a certificate and/or rating, and print a permanent airman certificate. Records maintained in IACRA are temporary records in accordance with NARA-approved records schedule [N1-237-09-014](#), March 10, 2009, and are retained for one or two years based on application status in IACRA.

Accident reporting forms and data are retained pursuant to NARA-approved records schedule [N1-237-05-2](#), approved August 18, 2005. The paper-based forms used to report accident information will be converted into an image file and stored on the FAA's Accident/Incident Database. Once the quality of the stored image is verified the paper copy is destroyed and the image file is deleted after three years. PII collected in a specific accident report is retained for not more than five years. Accident information, excluding PII, will be maintained in perpetuity and available to the public online via the FAA's Accident/Incident Database.

Application for Waiver or Authorization

The rule provides that individuals may seek a waiver from certain provisions in part 107. The rule also provides that a person may seek ATC authorization to operate a small unmanned aircraft in controlled airspace. The pertinent provisions provide for the collection of the minimum amount of PII necessary for the FAA to: (1) evaluate the proposal to determine whether the proposed operation can be conducted safely; and (2) identify which person or entity has been authorized by the FAA Administrator to either operate in controlled airspace or deviate from a specific regulation.

The FAA has requested authority from NARA to dispose of records it obtains in connection with applications for waiver and authorization after two years, following the expiration of the waiver or authorization. The FAA will retain these as permanent records until NARA approves of the FAA's proposed disposition.

¹⁴ Since IACRA is not the authoritative source (only a means of an online application), applications submitted via IACRA are retained for only one year when in a completed status. Images in an incomplete status, ones that have been abandoned or not completed within two years, and those with an incomplete status if CFI recommendation is present, are deleted from IACRA after two years from the date the application is initiated. The status of the IACRA application determines how long the image is retained in the IACRA system. Once the certificate is issued by AFS-760 (Airmen Certification), the application, whether submitted by the paper method or through IACRA, becomes a part of the authoritative record and is retained according to the NARA-approved record schedule N1-237-06-1.

Use Limitation

The DOT shall limit the scope of its PII use to ensure that the DOT does not use PII in any manner that is not specified in notices, incompatible with the specified purposes for which the information was collected, or for any purpose not otherwise permitted by law.

In accordance with DOT/FAA 847, the FAA may disclose information about remote pilot applicants and airmen including, but not limited to, airmen number, airmen certificate and rating including current status, and airmen contact information to the following external entities:

- Members of the public, upon request: information related to basic airmen certification and qualification information. The airman's home address, may be provided, unless requested by the airman to be withhold from public disclosure per 40 U.S.C. 44703(c).
- The NTSB, consistent with (49 CFR 830.2): for purposes of NTSB's investigation of the causes of the accident if the reported accident involved serious injury or death.
- Federal, state, local and tribal law enforcement agencies when engaged in an official investigation in which an airman is involved.
- Government agencies, the aviation industry, and members of the public, upon request: information about enforcement actions or orders issued thereunder.
- The U.S. Department of the Treasury (Treasury) and the U.S. Department of Justice (DOJ) records of delinquent civil penalties owed to the FAA for collection pursuant to 31 U.S.C. § 3711(g).
- Employers of airmen who use certificates to perform job responsibilities for those employers.
- Users of FAA's Safety Performance Analysis System (SPAS) including the Department of Defense's Commercial Airlift Division's Air Carrier Analysis Support System (ACAS) for its use in identifying safety hazards and risk areas, targeting inspection efforts for certificate holders of greatest risk, and monitoring the effectiveness of targeted oversight efforts.
- Users of the FAA Skywatch system, including the Department of Defense (DOD), the Department of Homeland Security (DHS), the Department of Justice (DOJ), and other authorized government users for their use in managing, tracking and reporting aviation-related security events.
- Federal, state, local, and tribal law enforcement; and national security or homeland security agencies, whenever such agencies are engaged in the performance of threat assessments affecting the safety of transportation or national security.

Application for a Waiver or Authorization

In an effort to promote transparency and minimize the resources necessary to process waivers of 14 CFR §§ 107.25, 107.29, 107.31, 107.33, 107.35, 107.37(a), 107.39, and 107.51, the FAA will make the details of an approved certificate of waiver available to the public on an online portal. PII available to the public through the online portal for waivers on such certificates of waiver is limited to the organizational name, responsible person name, and address of waiver applicant. Airspace authorizations the FAA issues pursuant to § 107.41 ("Operations in certain airspace") will not be disclosed, but the FAA will disclose any waiver that waives the applicability of § 107.41.

Data Quality and Integrity

In accordance with Section 552a(e)(2) of the Privacy Act of 1974, DOT should ensure that any PII collected and maintained by the organization is accurate, relevant, timely, and complete for the purpose for which it is to be used, as specified in DOT's public notice(s).

Individuals providing information to the FAA in paper or electronic form are responsible for ensuring the accuracy of their own data. Data that must be scanned or transcribed by the FAA from paper records into electronic records are checked for accuracy through the FAA's quality assurance processes. Systems that collect information electronically have technical capabilities such as data field checks (e.g. ensuring numeric or symbols are not inputted into name fields) to support accurate data submissions. As appropriate, the FAA may validate data against existing repositories; for example, name and airmen number provided on waiver applications is verified against information in the AVS Registry. The integrity of all systems is protected in accordance with the standards discussed in the Security section of this PIA. Individuals may access and update their PII as discussed in the Redress and Individual Participation portion of this PIA.

Specific quality and integrity activities and standards for processes are provided below.

Application for a Remote Pilot Certificate

Applicants who submit an electronic application for a remote pilot license enter their information directly into IACRA during the registration and certification process. The FAA reviews applicant certification information for accuracy. Data related to existing airmen certificates entered into IACRA by the applicant is compared or validated via the AVS Registry databases. FAA Legal Instruments Examiners and clerical/technical staff enter information into CAIS. The information is inspected by Quality Control and Quality Assurance processes to ensure accuracy.

Administration of an Aeronautical Knowledge Test

As with its handling of PII collected for existing aeronautical knowledge tests, the FAA will assure the quality and integrity of PII collected for the small UAS aeronautical knowledge test in accordance with [FAA Order 8080.6G, Conduct of Airmen Knowledge Test](#).

Administration of the Online Training Program

The accuracy and integrity of PII provided by an account holder can be validated by that person when accessing faasafety.gov.

Accident Reporting

The FAA will use the same methodology to assure the quality and integrity of the PII collected in connection with accident reports that it uses with manned-aircraft accidents. The PII collected by the local FAA office as part of an accident report will be done in accordance with guidance provided by [FAA Order 8900.1](#), Flight Standards Information Management System.

Application for Waiver or Authorization

Applicants for a waiver or authorization must provide the information required by the rule. Applicants will be responsible for ensuring the accuracy of the information they provide to the FAA on the application. The FAA will reject applications for waiver that fail to identify the person or organization applying for the waiver.

Security

The DOT shall implement administrative, technical, and physical measures to protect PII collected or maintained by the Department against loss, unauthorized access, or disclosure, as required by the Privacy Act, and to ensure that organizational planning and responses to privacy incidents comply with OMB policies and guidance.

Several of the FAA's PII-protective security safeguards apply to all of the UAS-related PII systems examined in this analysis. Most notable among these are the safeguards incorporating standards and practices required for federal information systems under the Federal Information Security Management Act (FISMA), and are detailed in Federal Information Processing Standards (FIPS) Publication 200, Minimum Security Requirements for Federal Information and Information Systems, dated March 2006, and National Institute of Standards and Technology (NIST) Special Publication (SP) 800-53, Revision 4, Security and Privacy Controls for Federal Information Systems and Organizations, dated April 2013. FAA systems protect PII with reasonable security safeguards against loss, unauthorized access, destruction, usage, modification, or disclosure. Role-based security is defined within all applications. Roles are assigned based on job title and need. Users receive the least privileges necessary to perform their job duties. Each FAA system discussed in this PIA must be certified and accredited before being placed into operation and authorized to collect, access, use, retain, and/or dispose of PII. The security posture of all systems is reviewed on a regular basis.

Specific information pertaining to the protection of testing records not maintained by the FAA is provided below.

Knowledge Test Administration

In accordance with FAA Order 8080.6G, an individual 14 CFR part 183 designated AKTC must keep the test applicant's identification media (i.e. photo ID copy) in a secured, lockable cabinet.

Accountability and Auditing

The DOT shall implement effective governance controls, monitoring controls, risk management, and assessment controls to demonstrate that the DOT is complying with all applicable privacy protection requirements and minimizing the privacy risk to individuals.

FAA Order 1280.1, Protecting Personally Identifiable Information (PII), implements privacy protections required by various authorities, including the Privacy Act of 1974 (the Privacy Act), the E-Government Act of 2002 (Public Law 107-347), the Federal Information Security Management Act (FISMA), Department of Transportation privacy regulations, Office of Management and Budget (OMB) mandates, and other applicable procedures and guidance.

In addition to these practices, additional policies and procedures will be consistently applied, especially as they relate to protection, retention, and destruction of records. Federal and contract employees are given clear guidance regarding their duties as they relate to collecting, using, processing, and securing privacy data. Guidance is provided in the form of mandatory annual security and privacy awareness training, as well as FAA Privacy Rules of Behavior.

The FAA periodically conducts privacy compliance reviews of all FAA systems that retain and/or process PI with the requirements of the OMB Circular A-130.

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Approval and Signature

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