



Drones, Privacy & National Security

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PRECISIONHAWK

Different data types → different privacy & security interests



CONSTRUCTION



ENERGY



INSURANCE



AGRICULTURE



GOVERNMENT



MINING



SECURITY



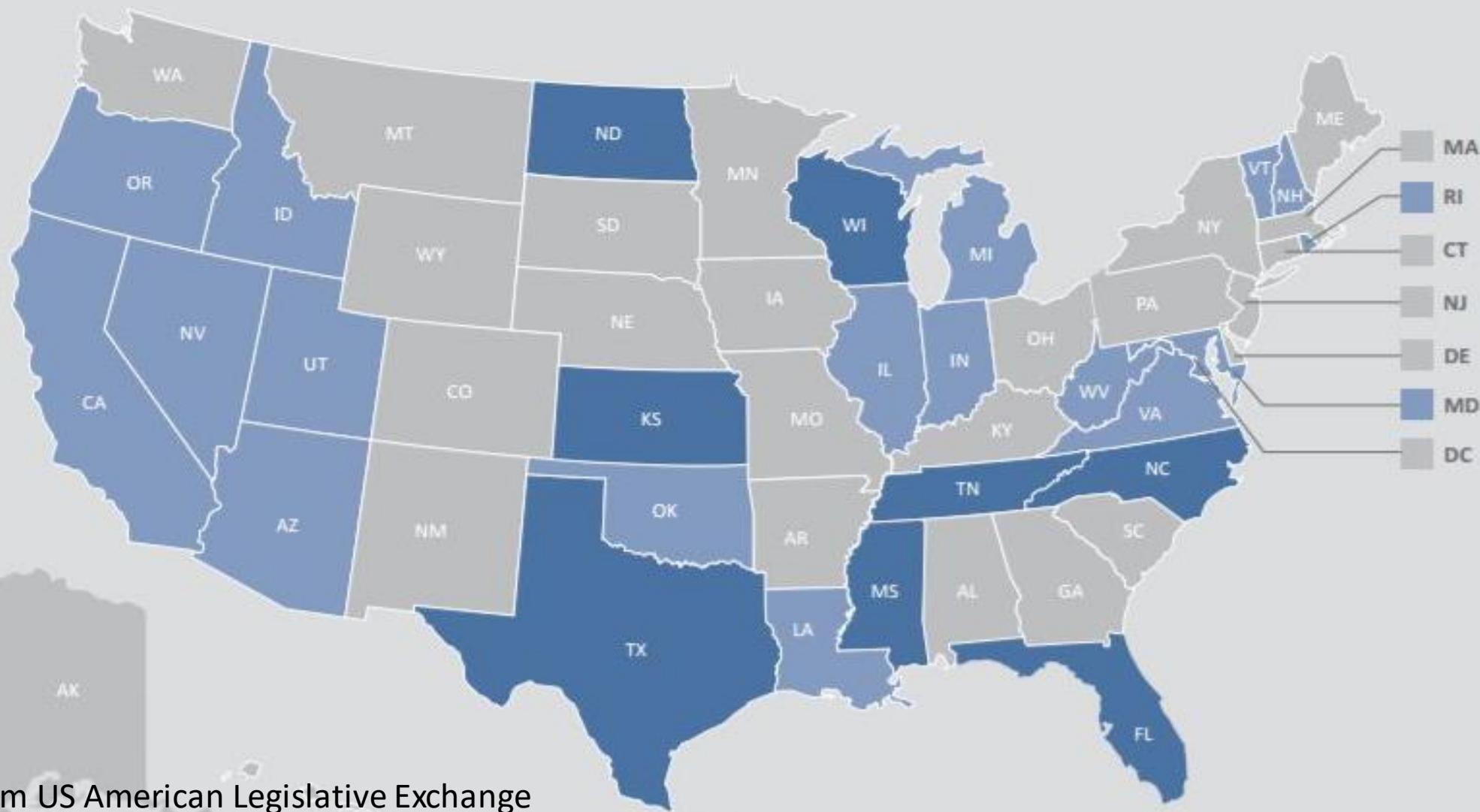
TELECOMMUNICATION

Drones are new, privacy concerns are not!

Existing laws can address some concerns related to drone operator conduct:

- **Property:** Trespass
- **Tort:** Intrusion upon Seclusion, False Light, Defamation
- **Criminal:** “Peeping Tom” laws, Eavesdropping and Surveillance, Stalking, Harassment, Assault, Indecent Photography

States with Privacy Laws Impacting Drone Operations



2015 Report from US American Legislative Exchange Council (ALEC): [*A Guide to State Laws Impacting UAS/UAV Operations: A Resource for Recreational, Non-Recreational and Commercial Drone Operators*](#)

- STATES WITHOUT LAWS IMPACTING DRONE OPERATIONS
- ALL STATES WITH LAWS IMPACTING DRONE OPERATIONS
- STATES WITH PRIVACY LAWS IMPACTING DRONE OPERATIONS

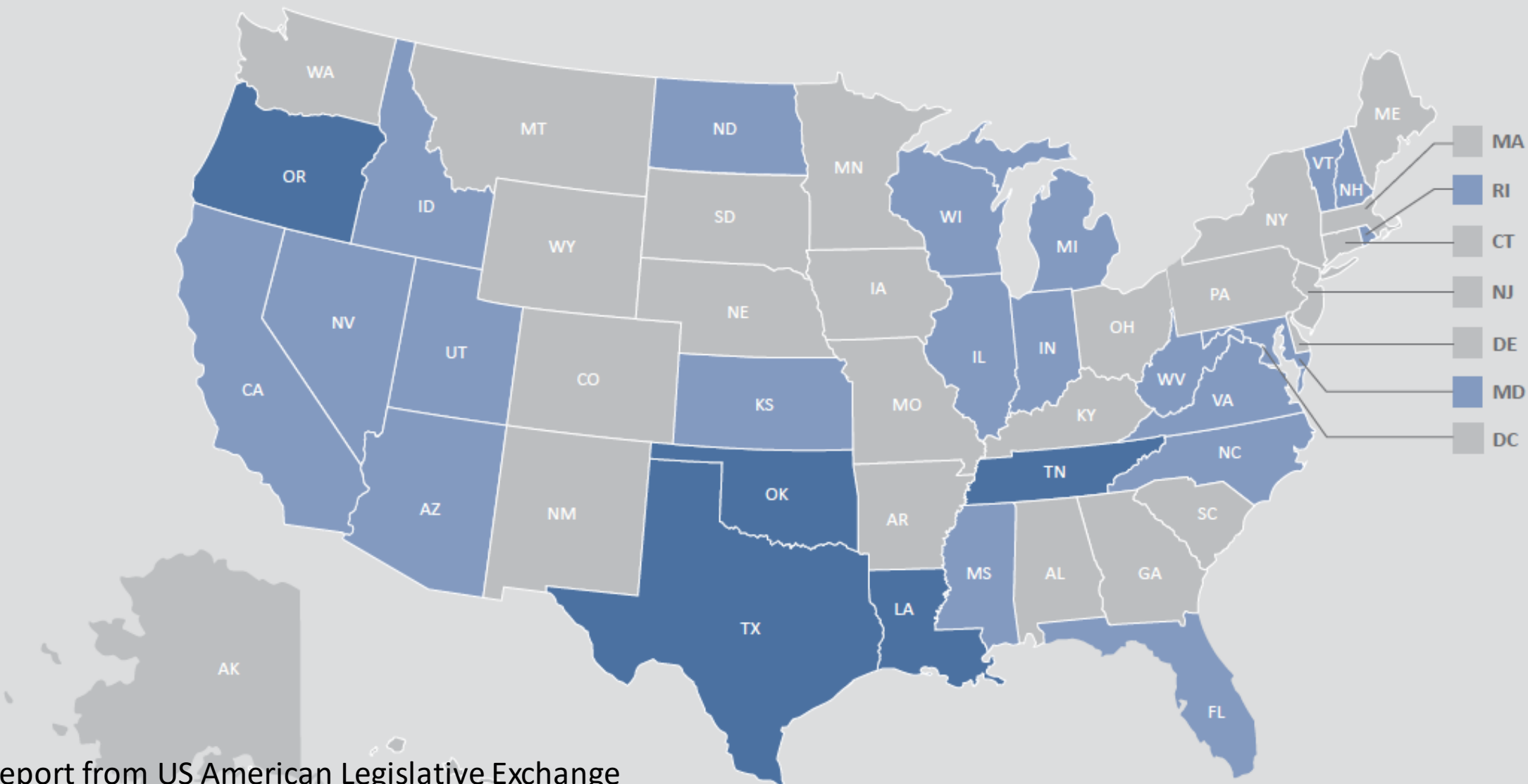
Florida	Prohibition of drone photography of privately owned property, or of people on that property, for the purposes of conducting surveillance. Fl. Stat. § 934.50 (2016).
Kansas	Expanded the definition of “stalking” to include use of drones to stalk another person. 3 Kan. Stat. 60-31a02 (2016).
Louisiana	Expansion of the definitions of Video and Peeping Tom to include drone operations if operator intends to use the drone to invade privacy or spy upon people. La. Rev. Stat. 14:283(A) (1), 14:283.1(A), 14:284(B) (amend); La. Rev. Stat. 14:283(G), 283.1(C), 284(D) (enact) (2016). Expanded the definition of Criminal Trespass to include drone operations if the operator intends “to conduct surveillance of the property” or any person on the property. La. Rev. Stat. 14:63(B) and (C) and 14:337(D) (2016)
Mississippi	Expanded the application of felony “Peeping Tom” laws to include the use of drones to surreptitiously record for “lewd, licentious and indecent “purposes. Miss. Code 97-29-61 (2015).
North Carolina	Prohibits the use of drones to conduct surveillance of a person, dwelling, or real property without consent and Restricts the use of “special imaging technology” on drones to “scientific investigation scientific research. N.C. Gen. Stat, 15A-300.1 (2014).

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US Multi-stakeholder Privacy Best Practices

- In 2015, Presidential Memo directed Department of Commerce – NTIA to set up a multi-stakeholder process to promote economic competitiveness in drone (UAS) industry, while safeguarding Privacy, Civil Rights, and Civil Liberties.
- In May 2016, subset of stakeholders reached consensus and adopted a document outlining Voluntary Best Practices for UAS Privacy, Transparency and Accountability
- Voluntary best practices include:
 - (1) Informing Others of Your Use of UAS
 - (2) Showing Care When Operating UAS or Collecting and Storing Covered Data
 - (3) Limiting Use and Sharing of Covered Data
 - (4) Securing Covered Data
 - (5) Monitoring and Complying with Evolving Federal, State, and Local UAS Laws

*Covered data = data collected by a UAS that identifies a particular person



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- STATES WITHOUT LAWS IMPACTING DRONE OPERATIONS
- ALL STATES WITH LAWS IMPACTING DRONE OPERATIONS
- STATES WITH LAWS IMPACTING DRONE OPERATIONS NEAR CIFs

FAA EXTENSION, SAFETY, AND SECURITY ACT, 2016

SEC. 2209.

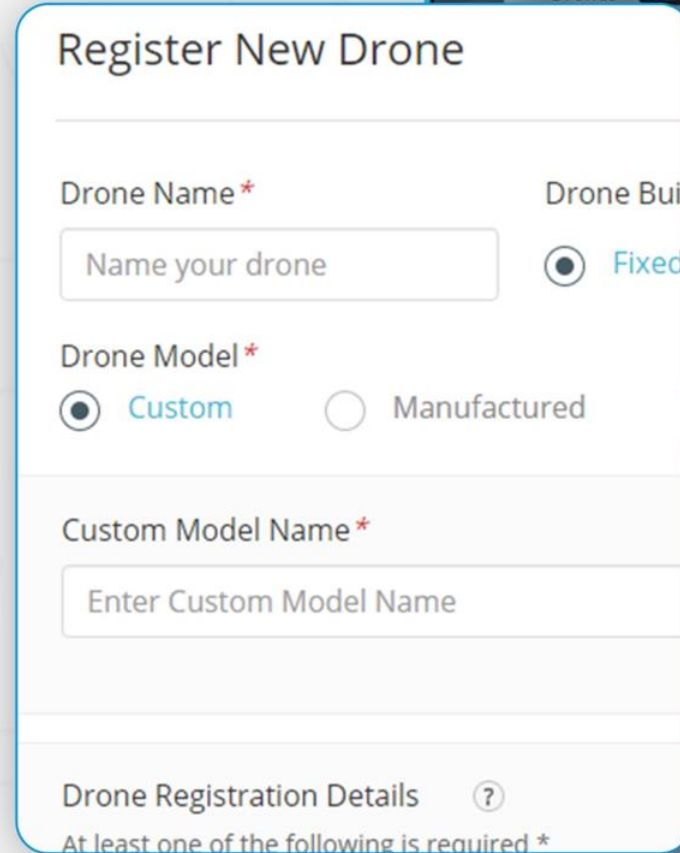
☑ (a) APPLICATIONS FOR DESIGNATION. — Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall **establish a process to allow applicants to petition the Administrator of the Federal Aviation Administration to prohibit or restrict** the operation of an unmanned aircraft in close proximity to a fixed site facility.

☑ (d) SAVINGS CLAUSE. — **Nothing in this section may be construed as prohibiting the Administrator from authorizing operation of an aircraft**, including an unmanned aircraft system, over, under, or within a specified distance from that fixed site facility designated under subsection (b).



Drone Registration

- ✓ Many countries require drones to be registered
- ✓ However, public and law enforcement don't have easy access to basic information about drones operating in their area



Register New Drone

Drone Name *

Drone Build Type * Fixed Wing Multirotor

Drone Model * Custom Manufactured

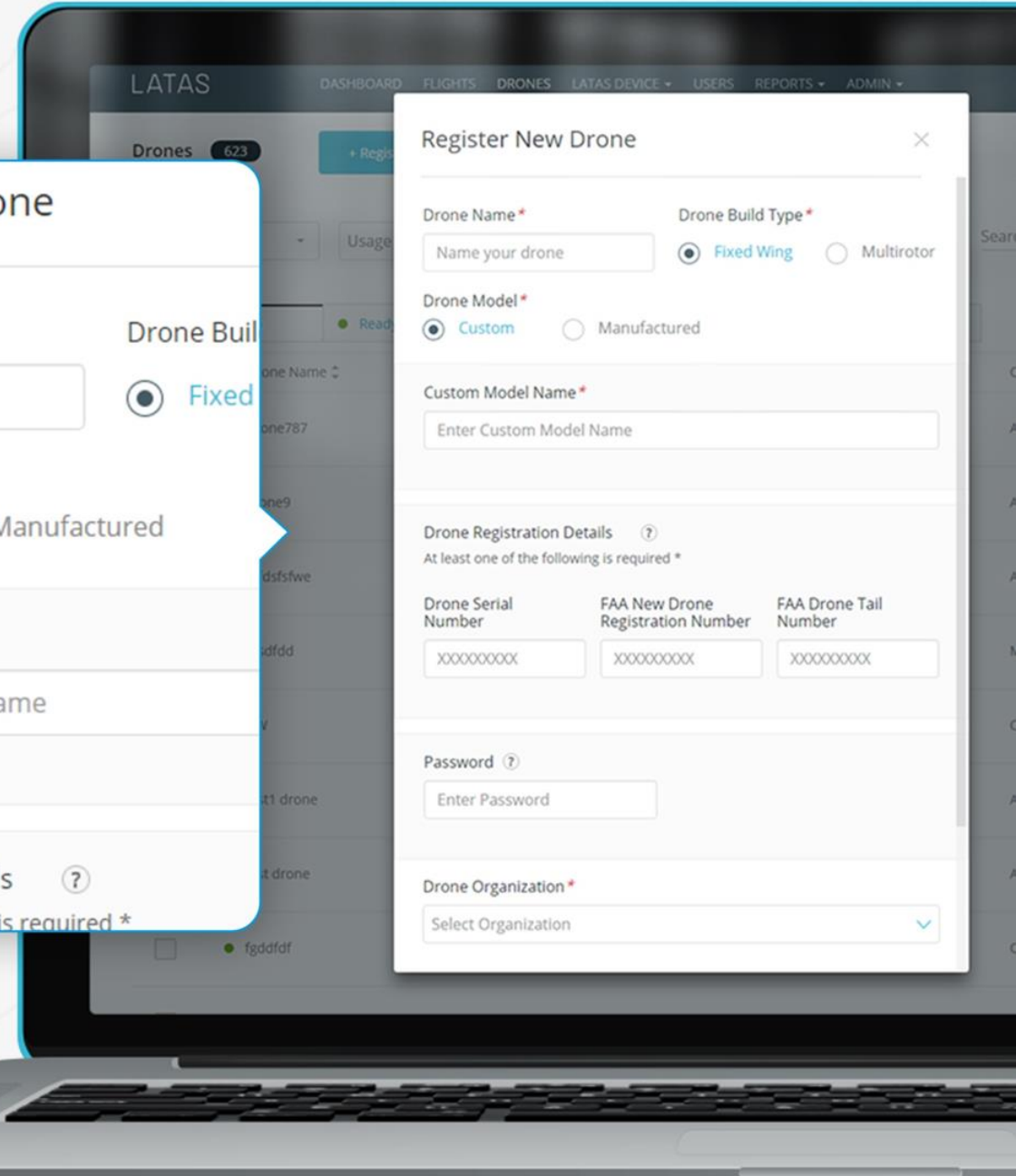
Custom Model Name *

Drone Registration Details ?
At least one of the following is required *

Drone Serial Number	FAA New Drone Registration Number	FAA Drone Tail Number
<input type="text" value="XXXXXXXXXX"/>	<input type="text" value="XXXXXXXXXX"/>	<input type="text" value="XXXXXXXXXX"/>

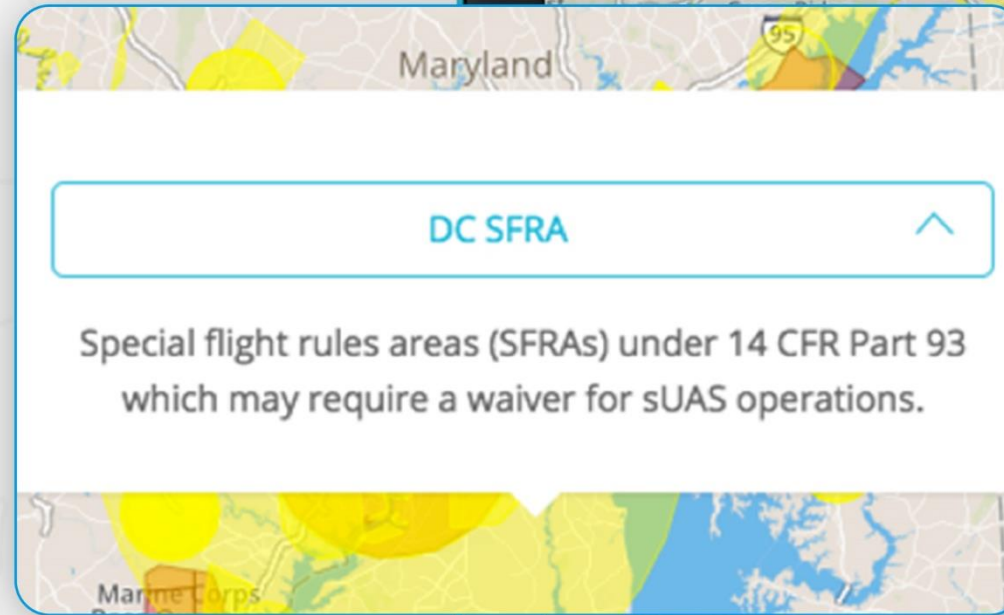
Password ?

Drone Organization *



Remote Identification

- ✓ License plate system for drones
- ✓ US Aviation Rulemaking Committee Report Dec. 2017
- ✓ EASA, France, Germany looking at ID requirements
- ✓ Italy and Denmark already technically require remote ID



DC SFRA

Special flight rules areas (SFRAs) under 14 CFR Part 93 which may require a waiver for sUAS operations.

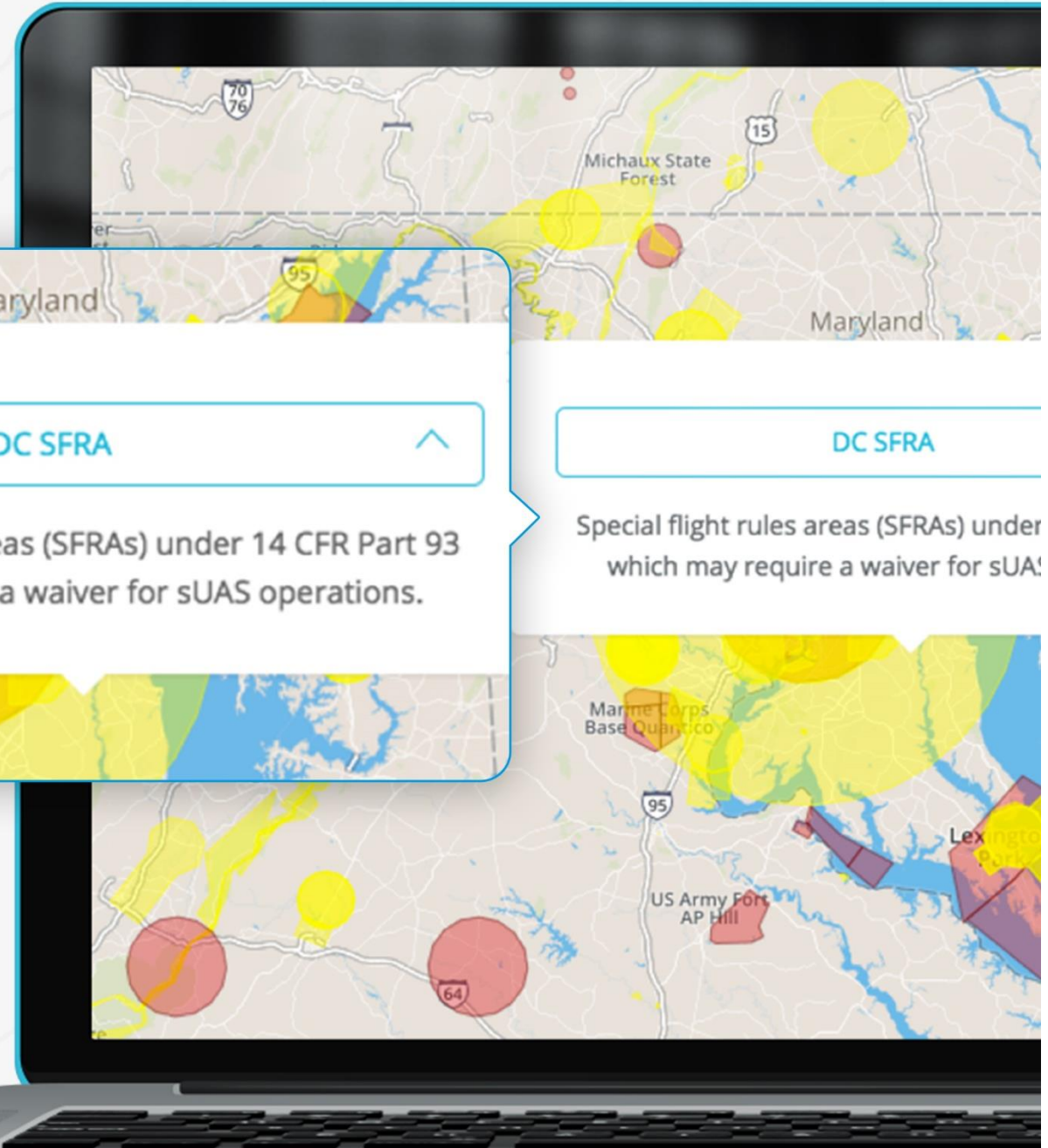
This image shows a map of Maryland with several yellow and red circular markers indicating Special Flight Rules Areas (SFRAs). A callout box is overlaid on the map, containing the text 'DC SFRA' and a description: 'Special flight rules areas (SFRAs) under 14 CFR Part 93 which may require a waiver for sUAS operations.' The map also shows major roads like I-95 and I-70/76, and locations like Michaux State Forest and Marine Corps Base Quantico.



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Benefits of Remote ID

- Detection and awareness
- Accountability and enforcement
- Security: Identify friend or foe
- Policy: application of existing law (e.g. privacy, nuisance)
- Social acceptance and comfort

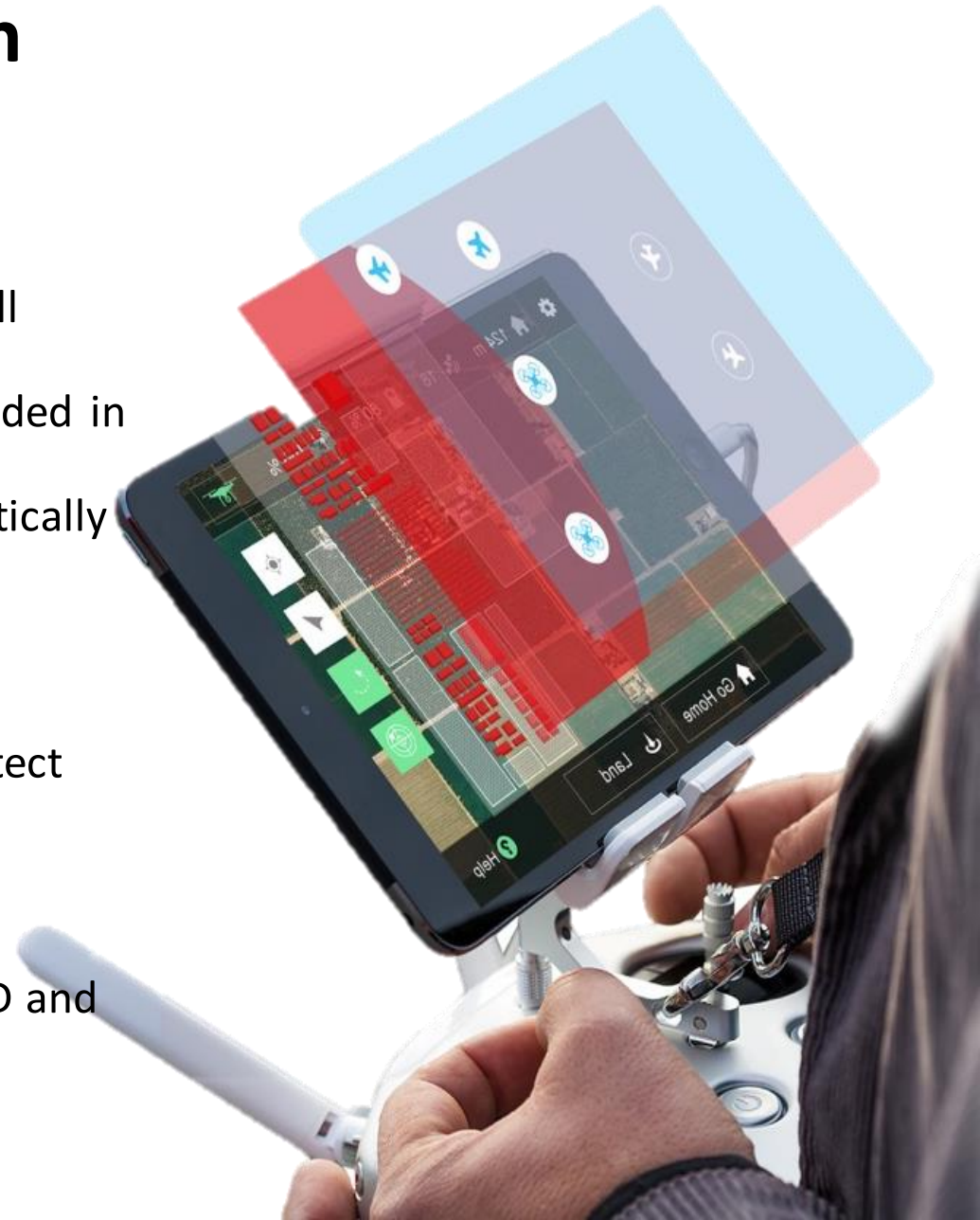


US FAA Aviation Rulemaking Committee on Remote ID

“To be effective, any regulation associated with UAS ID and tracking will need a high degree of UAS owner/operator compliance. If sightings of unidentified UAS are routine, significant time and energy will be expended in both responding to potential threats and attempting to identify the owner/operator through current means. Thus, broad compliance is critically important for an ID and tracking solution to have value.”
(page 11)

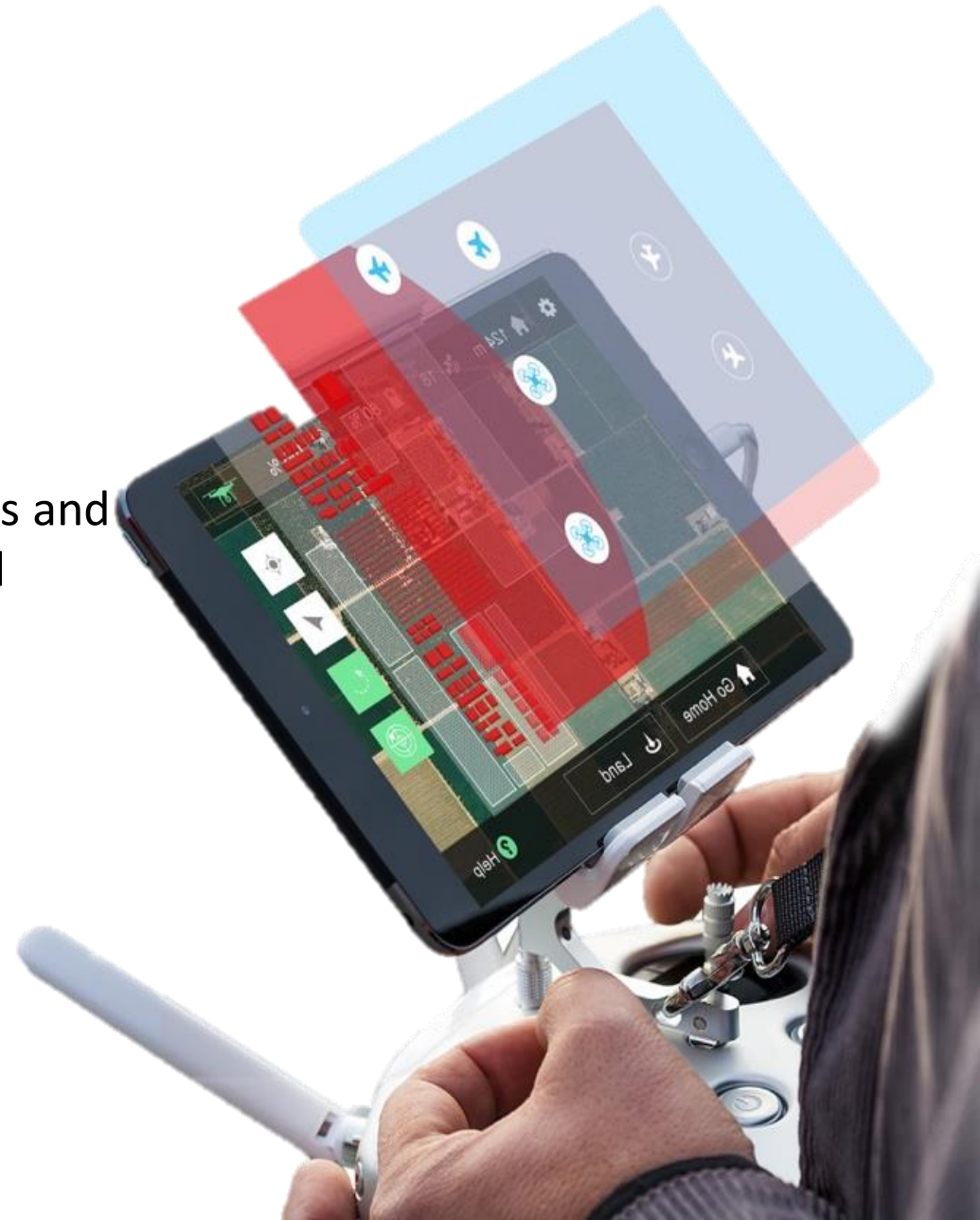
“In establishing a remote ID and tracking system, it is important to protect the privacy of UAS owners and operators.” (p. 41)

“The ARC recommends that the United States government be the sole keeper of any PII collected or submitted in connection with new UAS ID and tracking requirements.” (p. 47)



US FAA Aviation Rulemaking Committee on Remote ID

“[H]istorical tracking information for UAS, although not necessarily falling within certain definitions of PII, raises serious pilot privacy concerns that must also be addressed through various legal, technical and procedural protections. Owners and operators have legitimate reasons to keep the locations, dates, and times of their UAS flights private even if that data is not directly associated with PII in the same database.”



Discussion

