



U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

Office of the Chief Counsel

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Washington, DC 20591  
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February 14, 2013

Marc Rotenberg, President  
Electronic Privacy Information Center  
1718 Connecticut Avenue, NW, Suite 200  
Washington, DC 20009

Dear Mr. Rotenberg:

I am writing to you knowing your interest in privacy issues associated with unmanned aircraft systems and seeking your organization's involvement in the Federal Aviation Administration's (FAA's) process of developing our approach to privacy in this important new arena. In the FAA Modernization and Reform Act of 2012 (FMRA), signed into law on February 14, 2012, Congress directed the FAA to take a number of actions to increase integration of unmanned aircraft systems (UAS) into the National Airspace System (NAS) over the next several years. While the expanded use of UAS presents great opportunities, it also presents significant challenges as UAS are inherently different from manned aircraft. The FAA is working to ensure the safe and efficient integration of UAS into the NAS. In addition to safety and efficiency considerations, the FAA recognizes that increasing the use of UAS raises privacy concerns. The agency intends to address these issues through engagement and collaboration with the public, and we urge your organization to participate in this effort.

The first program mandated by the FMRA involves the development and implementation of a UAS test site program. The purpose of the program is to gather safety and technical information relevant to the safe and efficient integration of UAS in the NAS. Under the test site program, the FAA will select six test ranges, taking into account geographic and climatic diversity, as well as the location of necessary ground infrastructure to support the sites, and research needs.

As part of the test site selection process, today the FAA posted a notice that lays out proposed privacy provisions to which each test site operator would be required to adhere. The notice is available at <http://www.regulations.gov> (docket number FAA-2013-0061) and will be published in the Federal Register. (The notice also provides additional information about the UAS test site program.) The FAA invites comments from the public on the proposed requirements and will take comments into account in finalizing specific requirements applicable to test site operators. The comment period is open for 60 days after the notice is published in the Federal Register. As an important privacy stakeholder, we hope your organization will participate, along with others in the privacy community and the general public, in this process.

Prior to the close of the comment period, the FAA will host an online engagement session to describe the proposed privacy plan and listen to comments from interested stakeholders. We have not yet scheduled a date for the engagement session, but we will let you know as soon as we do. We encourage you to join this discussion.

The FAA anticipates that the privacy practices adopted for purposes of the UAS test site program will inform the dialogue among policymakers, privacy advocates, and the industry regarding broader questions concerning UAS technologies. We welcome your contributions to this ongoing dialogue.

Sincerely,

A handwritten signature in blue ink that reads "Kathryn B. Thomson". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Kathryn B. Thomson  
Chief Counsel