

NTIA Issues Best Practices Privacy Guidelines for Drone Operators

Privacy policies for commercial and private unmanned aircraft system (UAS or drone) operators have been proposed by the National Telecommunications & Information Administration (NTIA).

NTIA said the best practices “are meant to go beyond existing law and they do not—and are not meant to—create a legal standard of care by which the activities of any particular UAS operator should be judged.”

Generally, NTIA said UAS operators “should avoid using UAS for the specific purpose of intentionally collecting covered data where the operator knows the data subject has a reasonable expectation of privacy.” The proposal defines “covered data” as “information collected by a UAS that identifies a particular person.”

Under the best practices, UAS operators should make a reasonable effort to provide prior notice to individuals of the time and location that a drone may be collecting covered data. The operators also should develop a privacy policy that discloses:

- the purposes for which the data is being collected;
- the kinds of covered data the drones will collect;
- the operator’s data retention and de-identification practices;
- the entities to whom the data will be disclosed;
- the procedures for the public to submit privacy and security complaints or concerns to the operators; and
- the practices followed in responding to law enforcement requests for the data.

The best practices are inapplicable to newsgathering and news reporting, which are protected by the First Amendment, the report said. “Newsgatherers are news reporting organizations should operate under the ethics rules and standards of their organization, and according to existing federal and state laws.”

The non-binding policies were developed by NTIA after consulting with various stakeholders in the field. NTIA is the Executive Branch agency that is principally responsible for advising the President on telecommunications and information policy issues.

Balough Law Offices has written several articles and made presentations on the legal and privacy issues relating to drones.

Balough Law Offices, LLC, is a Chicago-based law firm that focuses on cyberspace, intellectual property, and business law. Our homepage is balough.com.