

ALERT

NTIA Held its First Multistakeholder Meeting to Craft Unmanned Aircraft Systems Privacy, Transparency, and Accountability Best Practices

August 5, 2015

On August 3, the National Telecommunications and Information Administration (NTIA) held its first meeting of a multistakeholder process to develop privacy, transparency, and accountability best practices for unmanned aircraft systems (UAS) operations by commercial and private users. NTIA initiated the process in response to President Obama's direction that NTIA convene private sector stakeholders to develop best practices that would "mitigate consumer concerns while promoting growth and innovation in" the UAS sector.[1] Although companies will be free to choose whether they comply with any of the resulting best practices, multistakeholder outcomes could carry important consequences for the development and use of UAS technology in a wide range of industries going forward.

In the first meeting, NTIA sought to (i) review the current regulatory environment for UAS operation; (ii) discuss the range of commercial uses of UAS; (iii) engage stakeholders in a discussion of high-priority substantive issues that stakeholders believe should be addressed by the best practices; and (iv) engage stakeholders in a discussion of logistical issues, including potentially establishing working groups and identifying concrete goals and stakeholder work. Consistent with other NTIA-led multistakeholder processes, NTIA acted as a neutral convener during the meeting, allowing the participating parties to drive the substantive discussion.

Practice Areas

Uncrewed Aircraft Systems (UAS)

High Priority Substantive Issues

Stakeholders identified the top priority issues that they felt should be addressed in the multistakeholder process, including:

- Mechanisms to identify the operator of a UAS;
- Distinguishing between public and private areas, where there may be differing expectations of privacy;
- Data retention and image de-identification (e.g., via pixilation);
- Data security;
- Use of geospatial data;
- Training;
- Applicability of Fair Information Practice Principles;
- Physical versus information privacy;
- Notice to participants and nonparticipants about planned flights;
- Technologies that enable non-UAS operators to express their privacy preference, such as geofencing or “no fly” zones;
- Reporting requirements;
- Types of data collected;
- Maintaining a balance between the First Amendment and privacy;
- Distinguishing between whether the UAS operates within visual line-of-sight or beyond line-of-sight;
- Considering the effect of regulation on innovation; and
- Distinguishing between collection of data and use of data.

Logistical Issues

Despite a lengthy discussion, stakeholders did not come to a consensus on the methods and organization of the multistakeholder process. John Verdi, NTIA Director of Privacy Initiatives, therefore asked stakeholders to consider and come prepared to discuss the following logistical issues at the next meeting:

- *Timelines*: Would having a set timeline for the group’s work product be constructive?
- *Goals*: Would drafting a clear statement of goals be good for the process?
- *Working Groups*: Should there be working groups and should they have chairs to lead the process?

Other issues that the group discussed included identifying the “problems” associated with UAS operations prior to attempting to craft best practices for their use; defining the scope of UAS operations and uses that the best practices would cover; and definitions relevant to the group’s work. For example, should the group limit its consideration to small UAS? To whom should the best practices apply, the manufacturer, the operator,

another entity? What constitutes private property where there is a higher expectation of privacy? Stakeholders will have to grapple with these definitional questions as they move forward with developing the best practices.

Moving Forward

Mr. Verdi has asked stakeholders to volunteer to work on two tasks in advance of the September meeting:

- *Best Practices:* Mr. Verdi asked stakeholders to send him any additional best practices the group should consider. He also sought volunteers to review existing best practices, including the FAA test site policies, and to provide a concise read-out of lessons learned and practices from which the group can borrow in advance of the next meeting.
- *Use Cases:* Mr. Verdi requested volunteers to draft a list of use cases and identify for each the issues about which private citizens are concerned with regard to privacy, transparency, and accountability.

Active participation in the meetings is crucial to ensuring that each stakeholder's interests are represented. Furthermore, volunteering to help draft documents for group consideration is a good way to ensure stakeholders' voices are heard in the process.

NTIA has scheduled the next meeting for September 24, 2015. Further information on the multistakeholder meetings is available [here](#).

[1] Angela Simpson, Deputy Assistant Secretary for Communications and Information, National Telecommunications and Information Administration, *Improving Privacy, Transparency, and Accountability for Unmanned Aircraft Systems*, July 13, 2015, <http://www.ntia.doc.gov/blog/2015/improving-privacy-transparency-and-accountability-unmanned-aircraft-systems>.