

**BEFORE THE
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.**

**Privacy Act of 1974; Department of Transportation, Federal
Aviation Administration; DOT/FAA, Small Unmanned
Aircraft Systems (sUAS) Waivers and Authorizations**

Docket No. DOT-OST-2019-0097

COMMENTS OF THE SMALL UAV COALITION

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August 6, 2019

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The Small UAV Coalition¹ is pleased to comment in response to the Notice of a modified System of Records, 84 Fed. Reg. 32512 (July 8, 2019). The System of Records titled, “Department of Transportation Federal Aviation Administration; DOT/FAA 854, Requests for Waivers and Authorizations Under 14 CFR part 107” is being updated to reflect the enactment of the FAA Reauthorization Act of 2018, section 349 of which requires limited recreational operators to request and receive authorization from the Federal Aviation Administration to operate in controlled airspace. A revision of the System of Records is required because the existing system is limited to Part 107, and limited recreational operators will be operating under 49 U.S.C. § 44809. The System of Records is also being revised in light of the FAA’s new web-based system to process waivers and the Low Altitude Authorization and Notification Capability (LAANC) system to process airspace authorization requests, as well as to include sharing of data with the National Transportation Safety Board (NTSB) as a system-specific routine use.

The Coalition understands that a Privacy Act (5 U.S.C. § 552a) “System of Records” is limited to records pertaining to a named individual (“personally identifiable information”). The Coalition seeks confirmation that waiver applications filed by a company, in which one or more individuals may be named as “responsible person” or as a UAS pilot, as well as any additional records generated in the application process, are not records within the System of Records because they are not records pertaining to a named individual. Thus, this Notice is relevant only to individuals who seek a waiver or airspace authorization.

The Notice also states:

[T]he FAA will make the following information available to the public on an FAA website:
Waiver applications and decisions, including any history of previous, pending, existing, or

¹ Members of the Small UAV Coalition may be found on the Coalition’s website: www.smalluavcoalition.org

denied requests for waivers applicable to the sUAS at issue^[2] for purposes of the waiver, and special provisions applicable to the sUAS operation that is the subject of the request. . . .

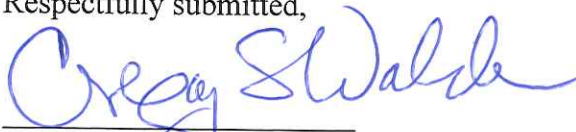
The FAA does not plan to post records relevant to airspace authorizations on its website[.]

84 Fed. Reg. at 32514. “Email addresses and telephone numbers will not be disclosed pursuant to this Routine Use.” 84 Fed. Reg. at 32515.

The Coalition requests clarification of current FAA policy and practice with respect to waiver applications. The Coalition understands that grants of waiver are publicly available on the FAA’s website, but that applications, whether previous, pending, or existing, are not on the FAA’s website, and that the website also does not include decisions to deny a waiver request. Thus, this statement appears to be inconsistent with FAA policy and practice.

The Coalition is also concerned that this statement does not reference the exemptions available under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, most notably exemption 4, which protects commercially sensitive and proprietary information submitted in connection with a waiver application, airspace authorization request, and exemption request under 49 U.S.C. § 44807 (formerly section 333). The Coalition requests the FAA clarify how it intends to protect commercially sensitive and proprietary information submitted in support of a waiver, airspace authorization, or exemption request.

Respectfully submitted,



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² Waivers are granted to an operator, which may operate more than one type and model of UAS, not to a UAS.