

Best Practices

*To Protect Against the Invasion of Privacy
for Commercial and Recreational UAS*

Introduction

The use of drones for commercial and recreational use is proliferating. While public acceptance of drones being flown for a wide range of applications is becoming more widespread, the perception of the way in which drones could invade their privacy will take much longer to change.

All operators have a duty to act responsibly and it is in everyone's best interest to take active steps to ensure that the reputation of the drone industry is positively promoted. Among the most important ways to do that is to ensure that any images or data captured by a drone are treated in an appropriate manner.



The overview of Best Practices provided below is intended to help operators understand the risks and develop procedures appropriate to their operations. Operators flying in more populated areas need to take proactive steps to avoid a privacy violation.

The word “data” is used here to describe all material collected during UAS operations, including photographs, video, images and any other material.

Pre-Flight

1. Inform those affected that you will be collecting data. Give appropriate notice wherever possible. Notice may be in person, by mail or other means, as appropriate to the mission.
2. Have a written privacy policy that you can share, highlighting:
 - a. The type data you will collect
 - b. The reason for the data collection
 - c. Your practices for retention and dissemination of data
 - d. Parties with whom data may be shared
 - e. How others may express concern about any intended flights
3. Gain active consent to the mission. Ideally, have a consent form available for an affected party to sign.
4. Plan your flight. Make sure to avoid, where possible, collecting any unnecessary data.
5. Where possible, do not over-fly private property without permission.
6. Unless you have express written permission, make alternative arrangements if you conclude that a person's reasonable expectation of privacy may be violated.

During the Mission

1. Fly your drone in a responsible and neighborly manner, being careful not to harass or disturb people.
2. Try to avoid persistent operations and abort the flight if circumstances could lead to avoidable violation of someone's privacy.
3. Avoid collecting unnecessary data.
4. Always fly in accordance with the Federal, State and Local laws.

Post-flight Data Management and Sharing

1. Carefully assess any data intended to be distributed or published in any manner for any material that may cause offense, be sensitive or harmful in nature or violate a person's reasonable expectation of privacy.
2. Share only that data necessary to complete the contract and do so in a secure way.
3. Where necessary, make the recipient aware of any data that may be sensitive or harmful in nature or violate a person's reasonable expectation of privacy.
4. In cases where the sharing of such data may be necessary to complete a contract, seek specific, written approval from any affected party prior to sharing.

Company Policies and Procedures

Companies and individuals should establish their own policies and procedures for the storage and dissemination of potentially damaging data. Such policies should be published on the company's website and may include the ways that you:

1. Dispose of or delete sensitive data as soon as possible.
2. Secure data against physical or cyber theft.
3. Delete sensitive data if reasonably requested to do so.
4. Monitor and maintain systems to prevent breaches of data security.
5. Train staff in best practices and ensure implementation of similar practices with companies with whom you may be working.
6. Offer secure access only to those within your organization who have been trained in the handling and dissemination of data.
7. Monitor federal, state and local laws with regard to privacy and make changes within your operational practices and procedures as necessary.

More information can be found at:

<http://knowbeforeyoufly.org/uas-best-practices/>

<https://www.nist.gov/cyberframework>

<https://www.iso.org/isoiec-27001-information-security.html>

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