

Client Alert

March 2015

NTIA Announces New Multistakeholder Process on Drone Privacy

On March 4, 2015, the US Department of Commerce's National Telecommunications and Information Administration ("NTIA") [announced](#) a new multistakeholder process seeking comments on best practices concerning privacy, transparency and accountability issues related to the use of commercial and private unmanned aircraft systems ("UAS"), otherwise known as drones. The NTIA's request for comments was made in response to a Presidential Memorandum [issued by the White House on February 15](#) that directed NTIA to facilitate discussion between private-sector entities to develop standards for commercial UAS use.

The NTIA is seeking comments from all interested stakeholders, including the commercial, academic, and public interest sectors. **Comments are due by April 20, 2015.** In its request for comments, the NTIA enumerated several issues of particular interest, including the following:

- **General Structure and Process** – The NTIA seeks comments on how the group's process should be structured (e.g., (1) whether different working groups should be established to focus on the primary issues, (2) whether the stakeholders should distinguish between various types of UAS, and (3) whether there are existing codes of conduct that could serve as bases for the stakeholders' work).
- **Privacy** – The NTIA seeks comments on privacy-related questions including (1) the varying degrees of privacy risk with different types of UAS, (2) whether certain uses of UAS raise unique privacy issues as compared with non-UAS alternatives that could serve the same purpose, and (3) "what specific best practices would mitigate the most pressing privacy challenges while supporting innovation."
- **Transparency** – The NTIA seeks comments on transparency-related questions including (1) whether transparency in the use of UAS can enhance privacy or discourage the unsafe use of UAS, (2) whether notice should be provided to the public regarding where UAS are operated, (3) what mechanisms can be used to help the public identify UAS, and (4) how to best keep the public informed of UAS operations that could "significantly impact privacy, anti-nuisance, or safety interests."
- **Accountability** – The NTIA seeks comments on accountability-related questions including (1) how those who operate UAS can establish and enforce mechanisms to ensure that privacy protections and transparency policies are enforced within an organization, (2) what rules "would promote accountability," and (3) "what specific best practices would promote accountable commercial and private UAS operation while supporting innovation."

The NTIA expects to convene the first public meeting of the multistakeholder process within ninety (90) days. The first meeting will be located in the Washington, DC metro area, but will also be accessible by way of webcast and audio conference bridge. Those desiring to participate in the first meeting are requested to [indicate their interest](#) to the NTIA.

As we previously reported, the NTIA also recently launched two other multistakeholder processes: the first seeking to develop industry-wide privacy codes of conduct relating to [mobile apps](#), and the second, which is still underway, seeking to develop a code of conduct regarding the commercial use of [facial recognition technology](#).

Hunton & Williams' [Global Privacy and Cybersecurity](#) practice group and [Unmanned Systems Group](#) continue to monitor developments in this multifaceted space in the areas of privacy, technology, government relations and lobbying, local and federal regulatory work, property and land rights, aviation, environmental, product liability, patent work, risk management and insurance.

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