

Drones, Privacy and the Law

July 27, 2016 - In case you hadn't noticed, small drones are everywhere these days. Personal use drones - small unmanned aircraft - have become quite popular over the past ten years. And earlier this year, the FAA made it legal for drones to be used for commercial purposes. Even before that happened, Amazon had publically announced that it wanted to use drones to make some deliveries.

With all of the fanfare surrounding drone use, they also have a dark side. There have been several close calls between drones and commercial airliners. And of course, there is the matter of privacy. Simply put, drones can be used to spy on you and there are few laws to prevent them from doing so. Earlier this month, congress passed a bill that originally had drone privacy regulations included in it. But shortly before passage, those regulations were stripped from the bill. It was a missed opportunity to protect the public.

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The FAA Extension, Safety, and Security Act of 2016 was a bill that had to be passed. Congress sent it to the President's desk just two days before funding for the FAA was set to run out.

The original version of the bill contained privacy provisions that were written by Senator Edward Markey (D-MA). Those provisions were actually minimal and targeted government agencies and commercial users of drones.

Specifically, Markey's regulations would have required both government agencies and commercial users to disclose if their drones collected personally identifiable information on people. That would have included collection of pictures for license plate readers or of people to be used with facial recognition software. Those same users would have been required to disclose how long they intended to use any personal data collected, what it would be used for, who it would have been shared with and when or if it would have been destroyed.

The bill was originally passed by the Senate in April with the privacy provisions included. But they were stripped from the bill in the House of Representatives. Shortly after that, the Senate agreed to the House version of the bill.

The fact that the provisions were stripped from the bill is disturbing to say the least. It means that the House caved to

special-interests, or that the government wants to use drones clandestinely within the borders of the United States to spy on American citizens, or both.

The bill provides funding for the FAA for more than a year. That means the next time the privacy provisions are likely to come up will be the middle of next year.

by Jim Malmberg

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