



# Privacy Policy

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## 1 Introduction

As required by the Unmanned Aircraft Systems (UAS) Test Site (TS) Other Transaction Agreement (OTA) between the Federal Aviation Administration (FAA) and the Northern Plains UAS Test Site (NPUASTS), each TS must have a privacy policy that guides UAS activities. This document provides the privacy policy of the NPUASTS.

## 2 Applicable Privacy Laws and Standard Policies

### 2.1 State and Federal privacy Laws

The NPUASTS is subject to and will comply with all applicable federal and state privacy laws. The State of North Dakota is an Open Records state. North Dakota's laws state that all government records and meetings must be open to the public unless otherwise authorized by a specific law. The basic laws are found in North Dakota Century Code, beginning at §44-04-17.1. The NPUASTS works with clients to ensure Non-Disclosure Agreements are signed between entities to help protect sensitive company information while performing research.

### 2.2 University of North Dakota Employee Policies

The NPUASTS is subject to and will comply with UND's employee policies.

### 2.3 Clientele UAS Policy

The NPUASTS will work with clients to support any clientele's UAS Policy as required.

## 3 NPUASTS Privacy Policy

### FAA UASTS OTA Article 3 (DTFACT-14-A-00002)

All NPUASTS activities will follow the policy outlined in this section in addition to any required policies outlined in *Section 2*. In the case where NPUASTS Client UAS Policies are applied, the NPUASTS Principle Investigator (PI) or NPUASTS Project Manager (PM) will work with the client to ensure the project is reviewed and approved by the appropriate authority defined in client's UAS Policy.

### 3.1 Intellectual Property

All proprietary data owned by NPUASTS users or derived from NPUASTS operations shall not be disclosed by NPUASTS personnel unless required by law or FAA regulation.

### 3.2 Records of all NPUASTS UAS Operations and Data Retention Plan

It is a standard operating procedure of the NPUASTS that a record be kept of all UAS vehicles operating within the organization. This data is maintained throughout the term of the OTA. A minimum set of data to be maintained includes the following:

- 1) Vehicle make, model and serial number
- 2) Dates of missions flown
- 3) Locations of missions flown
- 4) Mission commander of each mission flown

### 3.3 Data Transmission to the FAA

The NPUASTS will transmit data to FAA based on requirements of the OTA or any other agreement with the FAA. No data will be sent to the FAA that violates any state or federal laws. NPUASTS will take precaution to exclude any such data from mission plans, and post-flight data, and remove any such data inadvertently captured.

### 3.4 UAS Activities

It is the policy of the NPUASTS to conduct all research and development and UAS flight activities in accordance with FAA rules and regulations, applicable policies at the University of North Dakota, and with applicable state law. This policy shall be in effect for all test-site operations with regard to the following provisions:

- 1) That airspace designated by the FAA as operational areas of the NPUASTS is exempt by provisions of state law; HOWEVER,
  - (i) Any image otherwise in violation of the law and inadvertently captured by NPUASTS activities shall be promptly and totally destroyed; PROVIDED,
  - (ii) That demonstrable proof exists of such an image, and that it shall be the complainant's burden to show such proof upon notice via the NPUASTS Internet site;
- 2) That NPUASTS recognizes a common-law right to privacy and that all test-site activities are planned and executed to protect homesteads from unreasonable intrusion in a way that is highly offensive, unjustified and unwarranted;
- 3) That NPUASTS activities shall take all necessary precautions to ensure that a person's likeness not be published without consent and in a way that benefits or profits a third party;

### 3.5 Public Notification of Policy

The NPUASTS public policy will be posted on the NPUASTS Internet site at:

<https://www.npuasts.com/privacy>.

### 3.6 Public Notification of Operations

The NPUASTS will post a schedule of operations for public viewing at their offices on the campus of UND. This area is open to the public during normal business hours. Schedule of operations will also be provided to the FAA a minimum of one week prior to each event.

It is a standard operating procedure that a record be kept of all UAS flight activities and that this data be maintained throughout the term of the OTA.

### 3.7 Public Comments

The NPUASTS shall provide opportunity for public comment to its privacy policy by emailing [info@npuasts.com](mailto:info@npuasts.com). Test Site personnel will monitor any public comments to the NPUASTS privacy policy to ensure prompt action in response to inquiries. A record of these comments will be kept.

### 3.8 Annual Review

On an annual basis, NPUASTS will present to the UASREP or the Northern Plains Unmanned Systems Authority (NPUSA) to verify compliance with stated privacy policy and practices. The UASREP and NPUSA meetings are open to the public. The committee members and members of the public are encouraged to provide feedback to NPUASTS during this presentation and through the NPUASTS Internet site.

The NPUASTS will evaluate changes to the state and federal laws that may apply to NPUASTS operations.

### 3.9 Amendment to Policy

The NPUASTS privacy policy will be evaluated on a yearly schedule and updated according to outcomes of the annual review. Any revisions to the policy will be published on the NPUASTS Internet site.

### 3.10 Office of Primary Responsibility

The NPUASTS privacy policies will be informed by Fair Information Practice Principles and the NPUASTS Research & Development Division will be primarily responsible for ensuring that the requirements of the privacy policies are applied to all operations conducted at the NPUASTS.