

=====

NEVADA UAS TEST SITE PRIVACY POLICY

Introduction

As required by the Other Transaction Agreement (“OTA”) between the Federal Aviation Administration (“FAA”) and the State of Nevada, DTFAC-14-A-00003, Modification 0001, May 19, 2014, the Nevada Institute for Autonomous Systems (“NIAS”) in its capacity as the contracted operator hereby establishes the following policies and procedures to ensure the protection of privacy and the public’s trust during operations of the Nevada UAS Test Site.

1. FAA OTA Privacy Policy Guidance

Under Article 3 Privacy, of the OTA, appended in its entirety below, the State of Nevada and NIAS must:

- (i) have privacy policies governing all activities conducted under the OTA, including the operation and relevant activities of UAS authorized by NIAS as the Test Site Operator;
- (ii) make their privacy policies publicly available;
- (iii) have a mechanism to receive and consider comments from the public on such privacy policies;
- (iv) conduct an annual review of test site operations to verify compliance with stated privacy policy and practices and share those outcomes annually in a public forum with an opportunity for public feedback;
- (v) update its privacy policies as necessary to remain operationally current and effective; and,
- (vi) ensure the requirements of its privacy policies are applied to all operations conducted under the OTA.

This privacy policy is intended to conform to Fair Information Practice Principles.

2. Requirements of the Policy

a. Compliance with Applicable Privacy Laws

For purposes of this Agreement, the term “Applicable Law” shall mean (i) a law, order, regulation, or rule of an administrative or legislative government body with jurisdiction over the matter in question, or (ii) a ruling, order, decision or judgment of a court with jurisdiction over the matter in question.

NIAS and its team members must operate in accordance with all Applicable Law regarding the protection of an individual's right to privacy (hereinafter referred to as "Privacy Laws").

If the U.S Department of Justice or a state's law enforcement authority files criminal or civil charges over a potential violation of a Privacy Law, the FAA may take appropriate action including suspending or modifying the relevant operational authority (e.g., Certificate of Operation, or Agreement) until the proceedings are completed. If the proceedings demonstrate the operation was in violation of the Privacy Law, the FAA may terminate the relevant operational authority.

b. Change in Law

If an Applicable Law comes into effect that may have an impact on UAS, including impacts on the privacy interests of individuals or entities affected by any operation of any UAS operating at the Test Site, such Applicable Law is applicable to this privacy policy.

c. Transmission of Data to the FAA

The Test Site Operator should not provide or transmit to the FAA or its designees any data other than the data requested by the FAA pursuant to Article 5 of the OTA.

d. Other Requirements

The Test Site Operator must maintain a record of all UAS operated and have a written plan for the operator's use and retention of data collected by the UAS and how it will comply with this privacy policy.

3. Nevada UAS Test Site Policy

During the planning phase for potential operations at the Nevada UAS Test Site, NIAS will analyze proposed test plans to ensure that they meet applicable Federal and State privacy regulations, statutes, and guidance for sensor requirements, data collection plans, and data retention plans. The objective is to prevent inappropriate surveillance and collection of data which invades an individual's privacy.

4. Policy Informed By

This policy is informed by numerous sources such as:

- (i) Nevada Revised Statutes Chapter 493;
- (ii) Association for Unmanned Vehicle Systems International UAS Operations Industry "Code of Conduct";

- =====
(iii) Department of Justice/National Institute for Justice research and development and policy recommendations;
- (iv) International Association of Chiefs of Police Aviation Committee’s Recommended Guidelines for the Use of Unmanned Aircraft;
- (v) Airborne Law Enforcement Association policies and procedures (manned and unmanned);
- (vi) Department of Defense (“DoD”), US Air Force policies, procedures and operations instructions (“OI”);
- (vii) Department of Energy (“DOE”) policies and standard operating procedures; and,
- (viii) NTIA suggested best practices for UAS privacy.

5. Operations Planning

The NIAS Flight Planning Guides and additional information collected from prospective customers will help to ensure that UAS operations within the Nevada UAS Test Site meet the currently established privacy laws and policies within the United States and the State of Nevada. Examples of the information that NIAS will request from potential customers which will be used to evaluate privacy issues include:

- (i) Airspace requirements;
- (ii) UAS operating requirements (altitudes, profiles, spectrum, data handling);
- (iii) Sensor specifications and operations requirements;
- (iv) Data collection requirements;
- (v) Data retention requirements (what and for how long);

This information will be used by NIAS planning staff to select appropriate locations for the flight operations to provide for the greatest privacy protection. NIAS will create a detailed test plan with realistic limitations on sensor operations and collection activity of surveillance data during the missions. Empirical test data such as radar track information or Automatic Dependent Surveillance – Broadcast (ADS-B) data will not be subject to these limitations. NIAS will determine the types of sensor data that will be subject to limitation in concert with range authorities and NIAS legal counsel, and will coordinate with range vendors such as airport authorities, DOE, DoD, land owners, and the general public on the nature of the operations and sensor activities expected during the flights.

NIAS will coordinate with the customer/operator and will limit or prohibit sensor operations not specifically required or which have a real expectation of violating privacy during the flights. This will not preclude operational testing of the functionality of the sensor while

airborne if required, but will look to minimize unnecessary use throughout the mission. If the operation is conducted in a “sensitive” area, steps will be taken to ensure sensors are not operated during that time while over such area, including removing power from the sensor or confirming that the sensor is gimbaled in such a manner that data is not collected. Regardless of how data is collected (at the GCS, recorded on-board, transmitted to an operations center, etc.), the data will be reviewed by NIAS staff (Range Coordinator or Privacy Representative as a minimum) or appropriate range authority (such as Nellis Test and Training Range or DOE staff).

NIAS will only keep collected data for a specific period of time. Normal retention periods will not exceed 90 days unless specific circumstances require a longer period. Exceptions to and modifications of the Privacy Policy authorized by this Section 5 for any particular flights will be recorded and described in the post flight report required by the post-flight procedures described in Section 7 below.

6. Operations Execution

Specific sensor limitations, data collection limitations and retention agreements will be reviewed throughout the planning stages and again at Flight Readiness Review. Daily operations flight briefings will re-emphasize these limits to ensure that the privacy policies are being adhered to during flight operations. The on-site lead for Flight Operations (Range Coordinator or Flight Operations Manager) will be responsible for ensuring compliance with these limitations, including designation of personnel to monitor sensor operations and data collected.

7. Post-Flight Procedures

Following flight operations, the NIAS staff will provide a written report of the flight activities and will include a summary of sensor operations and the collection of data, if applicable. When required, sensor data will be reviewed by the NIAS staff or designated range vendor authority (DOE/NTTR representatives). If any privacy issues or concerns arise during the course of a flight operation, they will be documented and corrective action shall be documented by the reviewing authority with feedback to the Flight Operations Manager.

8. Change in Law

The NIAS will review this privacy policy annually in reference to changes in both Federal and State of Nevada privacy laws, as well as any newly established UAS regulation and policies.

=====
9. Annual Review and Revision

The Nevada UAS Test Site Privacy Policy will be reviewed annually to consolidate revisions caused by changes in the FAA OTA requirements or policies and Federal, State or local law. Immediate requirements for revisions may be ordered by the NIAS Board of Directors at any time.