

# Privacy fears: Panel has advice for drone operators

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In this April 14, 2016 file photo, a drone operated captures videos and still images of an apartment building in Philadelphia. A panel of privacy experts and technology companies organized by the Obama administration has issued guidelines for using drones without being overly intrusive. The suggestions are voluntary, but some business interests involved in the debate hope the guidelines head off tougher regulations that they fear could smother the drone industry in its infancy. (AP Photo/Matt Rourke, File)

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News organizations are exempt from the guidelines on free-press grounds.

Supporters say drones could provide huge benefits, from inspecting power lines to delivering medicine to remote areas. Google Inc. and Amazon.com Inc. want to use them for deliveries. Falling prices have made drones popular among hobbyists, too.

However, their small size and ability to go just about anywhere—while carrying cameras and sensors—have raised privacy concerns.

The Commerce Department's National Telecommunications and Information Administration on Thursday released the "best practices," which were supported by drone makers, Amazon and other technology companies and retailers, and privacy advocates. The suggestions are aimed at both commercial and private drone users.

Among the many recommendations:

—Operators shouldn't fly their drones over private property without the owner's consent.

—They should alert people in the area ahead of time when it is practical and explain the purpose of the drone flight.

—Unless there is "a compelling need," operators shouldn't fly a drone

where someone has a reasonable expectation of privacy and a drone should not be used to follow someone continuously.

—Don't use information gathered by drones for decisions about employment, credit or eligibility for health care.

—Don't use personal information for marketing purposes without the individual's consent.

—Information from drones shouldn't be held longer than "reasonably necessary," although exceptions can be made for legal disputes, safety reasons or with permission of the person being watched.

There are about 5,600 drones registered for commercial purposes and about 450,000 hobbyists have registered at least one drone, according to figures from the Federal Aviation Administration. Their popularity has soared over the past year or so, putting pressure on the industry and privacy advocates to agree on guidelines governing their use.

The Consumer Technology Association, a corporate group whose members include Google, Apple and Microsoft, said this week's guidelines balance innovation and privacy. The group's director of regulatory affairs, Alex Reynolds, said that more "prescriptive rules" would threaten the benefits offered by drones, from delivering disaster relief to helping agriculture and infrastructure maintenance.

The Center for Democracy and Technology, a civil liberties group, said it hoped big companies and hobbyists alike would follow the guidelines.

"We're concerned about the widespread use of drones for surveillance without any rules," said Chris Calabrese, the group's vice president of policy. He said the group got all the important protections it wanted in the guidelines, including protection against persistent surveillance even

in public places and use of drone-gathered data in employment and marketing.

News outlets including The Associated Press were represented in the discussions leading up to the guidelines and won an exemption. The standards say news organizations should be able to use drones the same way they use comparable technology—such as planes and helicopters—to record data in public spaces as long as they follow their own ethics policies and federal and state laws.

Joel Roberson, an attorney who represented the news groups, said the outcome "will ensure that news-reporting organizations have a First Amendment right to gather the news through drones in the national airspace."

There were some holdouts to the final report.

Four companies including GoPro, whose cameras are mounted on many drones, and drone maker DJI refused to sign the guidelines. Kara Calvert, a spokeswoman for the companies, said there are no such guidelines for security cameras or camera-toting people on ladders or rooftops. Drone users shouldn't face tougher rules, she said.

The American Civil Liberties Union objected to qualifiers that suggest drone operators can sometimes ignore the guidelines if they have a "compelling need" or "implied" consent of individuals.

"What does that mean?" said Jay Stanley, a privacy analyst with ACLU. "That kind of weasel language runs throughout the document."

The Federal Aviation Administration is close to issuing final rules regarding drones, but those regulations are expected to stick to safety issues, not privacy. Airline pilots have reported seeing drones flying

dangerously close to their planes.

In February 2015, President Barack Obama ordered the Commerce Department's National Telecommunications and Information Administration to help develop best practices for privacy and other issues surrounding drone use.

**More information:** The 8-page voluntary guidelines can be found here: [1.usa.gov/23ZVwaG](https://www.fcc.gov/23ZVwaG)

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