

**UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, DC**

**GUIDANCE ON RESPONDING TO COMPLAINTS
FILED ON BEHALF OF AIRLINE PASSENGERS**

NOTICE

This notice provides additional guidance to airlines on how to respond to individuals who submit written complaints to airlines on behalf of passengers other than themselves (“third-party complaints”). It clarifies that, before responding to third-party complaints, airlines may require complainants to provide evidence or assurance that they have authorization to act on a passenger’s behalf if doing so is necessary to comply with applicable privacy laws or the airlines’ own privacy policies.

BACKGROUND

The Department of Transportation requires airlines to provide the mailing address and the email or web address of the department in the airline that receives complaints about the airline’s scheduled service. See 14 CFR 259.7(b). An airline must acknowledge receipt of a complaint within 30 days, and must send a substantive written response within 60 days of receiving the complaint. See 14 CFR 259.7(c). In the case of a written disability complaint, the airline must provide a dispositive written response within 30 days of receipt. See 14 CFR 382.157.

Airlines occasionally receive third-party complaints. Often, they are filed on behalf of relatives with disabilities. The Office of Aviation Enforcement and Proceedings interprets 14 CFR 259.7(b) and 14 CFR 382.157 to permit the filing of third-party complaints with carriers.

Recently, we have received inquiries from airlines that have expressed the view that privacy laws, or their own privacy policies, may preclude them from responding directly to third-party complainants. For example, one foreign airline, citing the privacy statutes of its homeland, indicated that it could not respond directly to a third-party complainant until it received an authorization and release from the passenger. We recognize these privacy concerns, and believe that they may be accommodated within the context of our existing rules.

POLICY AND GUIDANCE

Before responding to a third-party complaint about the treatment of an adult passenger, airlines may require evidence from a third-party complainant that he or she has authority to act on the passenger's behalf. Airlines are free, on a reasonable basis, to determine the nature of the authorization to be requested, consistent with applicable law and their own policies. If obtaining authorization is not feasible, airlines may ask the complainant for the passenger's contact information so that they can respond directly to the passenger. However, airlines may not impose unreasonable burdens on the ability of individuals to file a complaint or to have a complaint filed on their behalf and to receive a response. Airlines also may not require evidence of authorization when it is clear that the complainant is authorized to act on behalf of a passenger, such as when a parent complains on behalf of a minor child.

In order to avoid unnecessary delays, airlines should encourage third-party complainants to submit any necessary evidence of authorization along with their complaints. For example, airlines that are subject to legal or policy constraints regarding privacy should place their authorization policies, instructions, and forms on their web sites in the same location as the information on where to file the complaint itself.

In the case of a non-disability complaint, airlines should ask complainants for any needed authorization within the 30-day window set forth in section 259.7 for acknowledging the complaint in writing. In the case of a disability complaint, airlines should ask complainants for any needed authorization in sufficient time to be able to comply with the 30-day deadline for providing a dispositive response. If airlines request authorization within these timeframes, then the 60-day and 30-day periods set forth above for providing a substantive/dispositive response will be applied with flexibility, taking into account the amount of time it may take to obtain the required authorization.

If a complainant does not respond to a request for additional information or authorization, airlines are not required to provide a substantive or dispositive reply to the extent that privacy laws or their privacy policies require such authorization. In these cases, however, airlines must save a copy of their request for a reasonable period. U.S. airlines must save a copy of the initial correspondence and the record of action taken on a complaint for three years. See 14 CFR 249.20(8).

Questions regarding this notice may be addressed to the Office of Aviation Enforcement and Proceedings (C-70), U.S. Department of Transportation, 1200 New Jersey Avenue, S.E., Washington, D.C. 20590.

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