U.S. Department of Transportation

Privacy Impact Assessment

Federal Aviation Administration (FAA)
Office of Aviation Safety (AVS)

Rulemaking Information Management System (RIMS) and Automated Exemption System (AES)

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Executive Summary

In support of Rulemaking and petition for exemptions, the Federal Aviation Administration (FAA) developed the Rulemaking Information Management System (RIMS) and Automated Exemption Service (AES). The Office of Rulemaking (ARM) uses RIMS to track rulemaking and petitions for exemptions from persons seeking relief from an FAA regulation with which they are unable to comply. AES is used make the rules and petition for exemption available for public review through a public-facing website.

The FAA is publishing this Privacy Impact Assessment (PIA) in accordance with the E-Government Act of 2002 because the FAA collects personally identifiable information (PII) from FAA employees when creating rulemakings, and individuals, to include petitioners in order to process petition of exemptions. AES does not collect PII. However, petition of exemptions that include PII are made publicly available using AES.

What is a Privacy Impact Assessment?

The Privacy Act of 1974 articulates concepts for how the federal government should treat individuals and their information and imposes duties upon federal agencies regarding the collection, use, dissemination, and maintenance of personally identifiable information (PII). The E-Government Act of 2002, Section 208, establishes the requirement for agencies to conduct privacy impact assessments (PIAs) for electronic information systems and collections. The assessment is a practical method for evaluating privacy in information systems and collections, and documented assurance that privacy issues have been identified and adequately addressed. The PIA is an analysis of how information is handled to—i) ensure handling conforms to applicable legal, regulatory, and policy requirements regarding privacy; ii) determine the risks and effects of collecting, maintaining and disseminating information in identifiable form in an electronic information system; and iii) examine and evaluate protections and alternative processes for handling information to mitigate potential privacy risks.[1]

Conducting a PIA ensures compliance with laws and regulations governing privacy and demonstrates the DOT's commitment to protect the privacy of any personal information we collect, store, retrieve, use, and share. It is a comprehensive analysis of how the DOT's electronic information systems and collections handle personally identifiable information (PII). The goals accomplished in completing a PIA include:

- *Making informed policy and system design or procurement decisions. These decisions must be based on an understanding of privacy risk, and of options available for mitigating that risk;*
- *Accountability for privacy issues;*

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[1]Office of Management and Budget's (OMB) definition of the PIA taken from guidance on implementing the privacy provisions of the E-Government Act of 2002 (see OMB memo of M-03-22 dated September 26, 2003).

- *Analyzing both technical and legal compliance with applicable privacy law and regulations, as well as accepted privacy policy; and*
- *Providing documentation on the flow of personal information and information requirements within DOT systems.*

Upon reviewing the PIA, you should have a broad understanding of the risks and potential effects associated with the Department activities, processes, and systems described and approaches taken to mitigate any potential privacy risks.

Introduction & System Overview

The Federal Aviation Act of 1958 gives the Federal Aviation Administration (FAA) the responsibility to carry out safety programs to ensure the safest, most efficient aerospace system in the world. The FAA is responsible for:

- Regulating civil aviation to promote safety;
- Encouraging and developing civil aeronautics, including new aviation technology;
- Developing and operating a system of air traffic control and navigation for both civil and military aircraft;
- Developing and carrying out programs to control aircraft noise and other environmental effects of civil aviation; and
- Regulating U.S. commercial space transportation.

The legal authorities for RIMS and AES can be found within Title 14 Code of Federal Regulation (CFR) 11, Subpart A - Rulemaking Procedures and Title 49 CFR Subtitle A - Office of the Secretary of Transportation, PART 5 — Rulemaking Procedures.

Rulemaking

Rulemaking is the process used by the FAA and other federal agencies to create new regulations. Individuals who are affected by a regulation may petition for an exemption from any rule issued by FAA under its statutory authority. An individual may also petition the Administrator to issue, amend, or repeal a rule. The ARM Division uses RIMS to track the rulemaking and petition of exemption and AES is used to make those documents publicly available at https://aes.faa.gov/.

RIMS is an internal web-based application located at https://rims.faa.gov that is only accessible to authorized FAA employee using their Personal Identity Verification (PIV) to track rulemaking and/or petition of exemption. The Office of Primary Responsibility Office (OPR) accesses RIMS and manually enters the following information:

- OPR designation
- OPR full name
- Approving OPR supervisor's full name
- Approving OPR manager's full name

- Approving OPR director's full name
- Routing code
- Project title
- Applicable FAA legal authority for rulemaking action
- Drivers which initiated the need for rulemaking (safety issue, congressional interest, congressional mandate, NTSB recommendation, security, harmonization with foreign civil aviation authority)
- List of administrative requirements for rulemaking action
- List of safety issues that rulemaking action will address
- List of names of external stakeholders (e.g. company names)
- List of environmental impacts from rulemaking action
- Operational impacts from rulemaking actions (positive/negative)
- List of economic benefits from rulemaking action

ARM plays an integral role in the rulemaking process by providing expertise regarding the development of rulemaking documents. RIMS only collects the aforementioned PII from employees. No PII is collected from members of the public. The OPR leads the rulemaking efforts but does not use RIMS to facilitate those efforts. RIMS only tracks progress of the rulemaking process and collects no addition PII while doing so.

Submission of a Petition for an Exemption

Individuals submit a petition for an exemption to the Federal Document Management System[2] (FDMS) electronically by accessing the public portal at www.regulations.gov or in writing to the Department of Transportation's (DOT's) Docket Operations Office. ARM analysts access the FDMS daily to check for new submission of petitions. For electronic submissions, the petitioner enters their name and/or company name and mailing address and if the petitioner wishes, they can provide additional contact information such as a fax number, telephone number, job title or e-mail address. If a petitioner mails a petition or supporting documents to the DOT, an ARM analyst enters the aforementioned information into FDMS. FDMS generates a docket number that is used for tracking the petition for exemption.

After ARM receives a new petition through FDMS, ARM generates an exemption project in RIMS and manually enters the following information from the original petition into RIMS:

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[2] The Federal Docket Management System (FDMS) is a centralized Docket Management system that provides Federal Agencies and citizens the ability to search, view, download, and submit comments on federal Notices and Rules. The public interface for FDMS can be found at www.regulations.gov. PIA for this system is available at https://www.gsa.gov/cdnstatic/20200330__-_eRulemaking_PIA_for_signaturedocx.pdf.

- Name and or company name
- Address
- Email address
- Job Title
- Telephone number
- Fax number
- Docket number

RIMS generates a project number that is assigned to track the petition of exemption within RIMS.

Review of Petition of Exemption

An ARM analyst performs an initial assessment to determine how the petition of exemption should proceed. This assessment includes:

- If the petition meets the requirements of 14 CFR § 11.81;
- If the petition is necessary;
- Gathering background information on the petition; and
- Would the petition set a precedent?

If the petition does not meet the requirements of 14 CFR § 11.81, the ARM analyst prepares a rejection letter in which the petitioner has 30 days to respond with the appropriate requested information. If the information is not received, the ARM analyst closes the project in RIMS with no further action. If it is determined that the petition meets the requirements of 14 CFR § 11.81, the ARM analyst determines if the exemption has been previously published and is necessary. If ARM determines an exemption is not required, the ARM analyst prepares a closeout letter that explains other actions that are appropriate. If the exemption would set a precedent and is required, a Federal Register notification document is published in the Federal Register. An OPR is assigned to lead preparation of the exemption but does not use RIMs to facilitate those efforts. RIMS only tracks progress of the exemption for petition and collects no addition PII while doing so. Once the exemptiont is complete, a final copy of the exemption is stored in RIMS and exemption project is closed.

Correction of Exemptions

If, after an exemption is issued and, the FAA or the petitioner discovers the exemption has an error, the FAA corrects the error and reissues a revised exemption to the petitioner. The revised exemption contains the following statement at the top of the first page: "CORRECTED COPY," followed by a brief explanation of the correction and the date.

Amendment to an exemption

A petitioner may request an amendment to their exemption, such as adding aircraft, changing a name, adding a part, or changing a condition or limitation. However, requests for an amendment are often made at the same time a petitioner requests an extension of an exemption. If the OPR approves the requested amendment, ARM drafts a letter granting extension and amendment. If the FAA does not approve the amendment, the FAA may still issue an extension of exemption, but deny the request for amendment. If the petitioner requests an amendment without requesting an extension, the FAA may issue a letter grant of amendment, a letter denial of amendment, a full grant, or a full denial. If an active exemption must be updated, the FAA can also initiate an amendment to an active exemption without a request from the petitioner.

Once the petition for an exemption has gone through its review process and approved, ARM sends the decision document to the petitioner and submits an electronic copy to AES.

AES

Once the rulemaking project is complete, RIMS sends a Portable Document Format (PDF) version of the final petition for an exemption to AES in a real-time exchange via web service. AES makes the petition for exemption available to the public at https://aes.faa.gov/. User ID or password is not required for access to the website. Individuals can access the website and conduct a search for exemptions using the following search fields:

- Exemption number
- Docket number
- Petitioner's full name
- Company name
- OPR Office
- Equipment (aircraft type)
- Expiration date
- Issue date
- Disposition
- Regulation

The exemption may include the following PII:

- Full name of petitioner
- Company name (if applicable)
- Petitioner's business mailing address (if applicable)

- Petitioner's home address
- Petitioner's personal or business email address
- Petitioner's job title
- Petitioner's home or business telephone number
- Petitioner's home or business fax number
- Docket/exemption number

Fair Information Practice Principles (FIPPs) Analysis

The DOT PIA template is based on the fair information practice principles (FIPPs). The FIPPs, rooted in the tenets of the Privacy Act, are mirrored in the laws of many U.S. states, as well as many foreign nations and international organizations. The FIPPs provide a framework that will support DOT efforts to appropriately identify and mitigate privacy risk. The FIPPs-based analysis conducted by DOT is predicated on the privacy control families articulated in the Federal Enterprise Architecture Security and Privacy Profile (FEA-SPP) v3[3], sponsored by the National Institute of Standards and Technology (NIST), the Office of Management and Budget (OMB), and the Federal Chief Information Officers Council and the Privacy Controls articulated in Appendix J of the NIST Special Publication 800-53 Security and Privacy Controls for Federal Information Systems and Organizations[4].

Transparency

Sections 522a(e)(3) and (e)(4) of the Privacy Act and Section 208 of the E-Government Act require public notice of an organization's information practices and the privacy impact of government programs and activities. Accordingly, DOT is open and transparent about policies, procedures, and technologies that directly affect individuals and/or their personally identifiable information (PII). Additionally, the Department should not maintain any system of records the existence of which is not known to the public.

RIMS does not collect information from a petition, it obtains the information from FDMS. Notice is provided to petitioners prior to collecting their information (see the Privacy Notice (https://www.regulations.gov/privacyNotice) and User Notice (https://www.regulations.gov/userNotice). The FAA ensures individuals are made aware of information it collects for the exemptions. The FAA retrieves records in the RIMS and the AES by the petitioner's name and other personal identifiers, and protects Privacy Act records in accordance with the Department's published System of Records Notices DOT/FAA 825, Petitions for Rulemaking - Public Dockets, 65 FR 19476, 19523, April 11,

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2000 and DOT/FAA 826, [Petitions for Exemption (Other than Medical Exemptions) - Public Dockets](), 65 FR 19523, April 11, 2000.

The publication of this PIA demonstrates DOT's commitment to provide appropriate transparency into RIMS and AES.

Individual Participation and Redress

DOT provides a reasonable opportunity and capability for individuals to make informed decisions about the collection, use, and disclosure of their PII. As required by the Privacy Act, individuals should be active participants in the decision-making process regarding the collection and use of their PII and they are provided reasonable access to their PII and the opportunity to have their PII corrected, amended, or deleted, as appropriate.

Under the provisions of the Privacy Act, individuals may request searches to determine if any records have been added that may pertain to them. Individuals wishing to know if their records appear in a system may inquire in person or in writing to:

Federal Aviation Administration
Privacy Office
800 Independence Ave. SW
Washington, DC 20591
Included in the request must be the following:

- Name
- Mailing address
- Phone number and/or email address
- A description of the records sought, and if possible, the location of the records

Contesting record procedures:

Individuals wanting to contest information about themselves that is contained in RIMS and AES should make their requests in writing, detailing the reasons for why the records should be corrected to the following address:

Federal Aviation Administration
Privacy Office
800 Independence Ave. SW
Washington, DC 20591

Purpose Specification

DOT should (i) identify the legal bases that authorize a particular PII collection, activity, or technology that i mpacts privacy; and (ii) specify the purpose(s) for which it collects, uses, maintains, or disseminates PII. The PII contained in PTB is utilized for transit subsidy usage reconciliation, reporting for the agency, monitoring, and tracking participant usage.

DOT/FAA 825 and DOT/FAA 826 do not include any specific routine use permitting the sharing of Privacy Act records. The Department has published 15 additional routine uses applicable to all DOT Privacy Act systems of records, including this system. The routine uses are published in the Federal Register at 75 FR 82132, December 29, 2010 and 77 FR 42796, Jul 20, 2012, under "Prefatory Statement of General Routine Uses" available at http://www.transportation.gove/privacy/privacynotices).

Data Minimization & Retention

DOT should collect, use, and retain only PII that is relevant and necessary for the specified purpose for which it was originally collected.

RIMS records schedule DAA-0237-2021-0009-006 is in draft. The agency proposes to maintain the records for six years after rules have been published and will maintain the record permanently until schedule is approved. AES records are maintained in accordance NC1-237-77-3, Approved December 1977, External Relations Records Schedule Summary. Regional Airworthiness Directives Dockets and Regional Airspace Dockets are duplicate copies of the original dockets that originate in regional offices and are destroyed in agency when no longer needed for reference. Washington and regional transmittal files, and non-codified items, such as notices of meetings, delegations of authority, organizational statements, certification requests, and similar material are destroyed when no longer needed for reference; and NC1-237-83-1, Approved November 1983, Rules and Regulations Records, item 12b: Exemption Dockets (non-medical). Records are transferred to Federal Records Center five years after termination date. Federal Records Center destroys five years later.

Use Limitation

DOT shall limit the scope of its PII use to ensure that the Department does not use PII in any manner that is not specified in notices, incompatible with the specified purposes for which the information was collected, or for any purpose not otherwise permitted by law.

The legal authorities for RIMS and AES can be found within Title 14 Code of Federal Regulation (CFR) 11, Subpart A - Rulemaking Procedures and Title 49 CFR Subtitle A - Office of the Secretary of Transportation, PART 5 — Rulemaking Procedures. Rulemaking is the process used by the FAA and other federal agencies to make new regulations. Individual that are affected by a regulation may petition for an exemption from any rule issued by FAA under its statutory authority. ARM uses RIMS to track the rulemaking and petition of exemption and AES is used to make those documents publicly available at https://aes.faa.gov/.

FAA collect the petitioner's name and/or company name, mailing address, email address, telephone number, fax number, job title and docket number. ARM uses this information to contact the petitioner if needed and additional information about the exemption. The docket number is used to track the exemption within FDMS. RIMS generates an exemption number that is used to track the petition within RIMS. Once the exemption is approved, RIMS provides AES a PDF version of the final petition for exemption. AES makes the petition for exemption available to the public at https://aes.faa.gov/.

Data Quality and Integrity

In accordance with Section 552a(e)(2) of the Privacy Act of 1974, DOT should ensure that any PII collected and maintained by the organization is accurate, relevant, timely, and complete for the purpose for which it is to be used, as specified in the Department's public notice(s).

The FAA collects, uses, and retains data that is relevant and necessary to the purpose for which it was collected. RIMS does not collect information directly from the individual during the petition of an exemption. Individuals submit a petition for an exemption to the FDMS or in writing to the DOT's Docket Operations Office. ARM analysts access the FDMS daily to check for new submission of petitions. For electronic submission and paper submission, the ARM analyst manually enters the information and perform check to ensure the accuracy of the information as it is entered. Once the petition is approved, RIMS shares the information with AES and the information is made publicly available. If, after an exemption is issued and, the FAA or the petitioner discovers the exemption has an error, the FAA corrects the error and reissues a revised exemption to the petitioner.

Security

DOT shall implement administrative, technical, and physical measures to protect PII collected or maintained by the Department against loss, unauthorized access, or disclosure, as required by the Privacy Act, and to ensure that organizational planning and responses to privacy incidents comply with OMB policies and guidance.

The FAA protects PII with reasonable security safeguards against loss or unauthorized access, destruction, usage, modification, or disclosure. These safeguards incorporate standards and practices required for federal information systems under the Federal Information Security Management Act (FISMA) and are detailed in Federal Information Processing Standards (FIPS) Publication 200, Minimum Security Requirements for Federal Information and Information Systems, dated March 2006, and National Institute of Standards and Technology (NIST) Special Publication (SP) 800-53, Revision 4, Security and Privacy Controls for Federal Information Systems and Organizations, dated April 2013.

RIMS was issued a three-year authority to operate (ATO) on November 30, 2020. Users are FAA employees and access the system using their PIV card. RIMS uses roles to determine the level of access a person has to the system and validates an individual against their FAA credentials. In addition, the AES was issued a three-year ATO on November 18, 2018. System Administrator access the system with their network ID and pass. AES is a public website and users are not required to register for access to the system.

Accountability and Auditing

DOT shall implement effective governance controls, monitoring controls, risk management, and assessment controls to demonstrate that the Department is complying with all applicable privacy protection requirements and minimizing the privacy risk to individuals.

The FAA's Office of the Chief Information Officer, Office of Information Systems Security, Privacy Division is responsible for governance and administration of FAA Order 1370-121A, FAA Information Security and Privacy Program and Policy. FAA Order 1370-121A implements the various privacy laws based on the Privacy Act of 1974 (the Privacy Act), the E-Government Act of 2002 (Public Law 107-3470, the Federal Information Security Management Act (FISMA), Department of Transportation (DOT) privacy regulations, Office of Management and Budget (OMB) mandates, and other applicable DOT and FAA information and information technology management procedures and guidance.

In addition to these practices, additional policies and procedures will be consistently applied, especially as they relate to the protection, retention, and destruction of PII. Federal and contract employees are given clear guidance in their duties as they relate to collecting, using, processing, and security privacy data. Guidance is provided in the form of mandatory annual security and privacy awareness training, as well as FAA Privacy Rules of Behavior. The DOT Privacy Office and the FAA Security Compliance Division (AIS-200) will conduct periodic privacy compliance reviews of RIMS and AES with the requirements of OMB Circular A-130.

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