



**U.S. Department of Transportation**

## **Privacy Impact Assessment**

**Federal Aviation Administration  
FAA**

### **U.S. Agents for Service on Individuals with Foreign Addresses who Hold or Apply for Certain Certificates, Ratings, or Authorizations – Notice of Proposed Rulemaking**

#### **Responsible Official**

Jessica E. Kabaz-Gomez  
Email: [Jessica.Kabaz-Gomez@faa.gov](mailto:Jessica.Kabaz-Gomez@faa.gov)  
Phone Number: 202.267.7395

#### **Reviewing Official**

Karyn Gorman,  
Chief Privacy Officer  
Office of the Chief Information Officer  
[privacy@dot.gov](mailto:privacy@dot.gov)





## Executive Summary

The Federal Aviation Administration (FAA) developed this Privacy Impact Assessment (PIA) for the U.S. Agents for Service on Individuals with Foreign Addresses who Hold or Apply for Certain Certificates, Ratings, or Authorizations – Notice of Proposed Rulemaking (NPRM). The NPRM proposes that individuals with foreign addresses, and no U.S. physical address of record on file with the FAA, who hold or apply for certificates, ratings, or authorizations issued under [14 CFR parts 47, 61, 63, 65, 67, or 107](#), designate a U.S. agent for service of FAA documents. The U.S. agent would receive service of FAA documents on the certificate holder or applicant's behalf. This proposed rule would facilitate the FAA's ability to accomplish prompt and cost-effective service of process and service of other safety-critical or time-sensitive documents to individuals abroad through service on their U.S. agents.

The FAA is developed this PIA in accordance with the [E-Government Act of 2002](#) because the NPRM proposes the collection of Personally Identifiable Information (PII) of the certificate, rating, or authorization holder or applicant, and the U.S. agent they choose to designate.

## 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.<sup>1</sup>*

*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*

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<sup>1</sup>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).



*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;*
- *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 FAA is issuing the U.S. Agents for Service on Individuals with Foreign Addresses who Hold or Apply for Certain Certificates, Ratings, or Authorizations – Notice of Proposed Rulemaking (NPRM) under the authority described in [49 U.S.C. 44701\(a\)\(5\)](#), which establishes the authority of the Administrator to prescribe regulations and minimum standards for other practices, methods, and procedures the Administrator finds necessary for safety in air commerce and national security. These regulations are within the scope of that authority and are consistent with [49 U.S.C. 46103](#), which governs the FAA's service of notice, process, and actions, and provides that the FAA may serve documents on a designated agent.

## **Background**

Currently, only air carriers and foreign air carriers are required to designate an agent for service of FAA documents. However, individuals across the world can hold and apply for FAA certificates, ratings, and authorizations. As of July 2022, there were approximately 115,000 individuals holding certificates, ratings, or authorizations issued under 14 CFR parts 47, 61, 63, 65, 67, or 107 who had a foreign address and did not have a U.S. physical address of record on file with the FAA. Serving certain documents to these individuals outside of the U.S. presents a challenge for the FAA. Accomplishing valid service of process abroad requires compliance with international service requirements under multi-lateral treaties (i.e., the Hague Service Convention, 20 U.S.T. 361 [signed Nov. 15, 1965], and the Inter-American Convention on Letters Rogatory, adopted January 30, 1975, together with the Additional Protocol to the Convention [IACAP], adopted May 8, 1979, S. Treaty Doc. No. 98-27 [1986]) or by other means that comport with the receiving country and U.S.'s applicable laws regulating extraterritorial service.



These international service requirements are triggered by the FAA's service of process abroad, specifically when the FAA sends documents abroad that compel compliance and are subject to administrative or judicial review. Such documents may include enforcement action documents (e.g., notices of proposed civil penalties, orders of suspension or revocation, and emergency orders of suspension or revocation). International service requirements can significantly delay service of these documents for months (and in some cases over a year) and impose additional costs on the agency. International service requirements cannot be waived by document recipients or circumvented by sending documents electronically.

### **Overview of Proposed Rule**

This rulemaking proposes adding a new subpart C to part 3 of Title 14 of the Code of Federal Regulations (14 CFR). Proposed subpart C will require individuals who have a foreign address and no U.S. physical address of record on file with the FAA to designate a U.S. agent for service if they apply for a certificate, rating, or authorization issued under 14 CFR parts 47, 61, 63, 65, 67, or 107, or hold a certificate, rating, or authorization issued under any of these parts. The U.S. agent would receive service of FAA documents on behalf of the certificate, rating, or authorization holder or applicant. This proposed rule would facilitate the FAA's ability to accomplish prompt and cost-effective service of process and service of other safety-critical or time-sensitive documents to individuals abroad through service on their U.S. agents.<sup>2</sup> This would conserve agency resources, ensure that lengthy delays in service of process do not compromise aviation safety, and provide individuals abroad with timely notice of FAA actions and the opportunity for more expedient due process.

The NPRM proposes the collection of PII of the certificate, rating, or authorization holder or applicant, and the U.S. agent they choose to designate. For the certificate, rating, or authorization holder or applicant, the FAA is requesting the collection of the individual's full legal name, email address, their physical location/address, and mailing address. For airmen (holders or applicants of parts 61, 63, 65, 67, or 107 certificates, ratings, or authorizations), the FAA also proposes to collect the airman's date of birth, certificate number, FAA Tracking number (FTN), and Applicant identification (ID) number (medical). For individuals who hold or apply for aircraft registration certificates under part 47, the FAA also proposes to collect the aircraft registration number, make, model and serial number. The FAA would also collect the U.S. designated agent's full legal name, the type of agent

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<sup>2</sup> The NPRM proposes that a U.S. agent is an entity or an adult (individual who is 18 or older) with a U.S. address who a certificate, rating, or authorization holder or applicant designates to receive FAA service on their behalf.



(entity or an adult 18 or older), physical address, email address, fax number (optional), and telephone number (optional).

The certificate, rating, or authorization holder or applicant would access the [Civil Aviation Registry Electronic Services \(CARES\)](#) system and other FAA certificate application systems (e.g. DIWS) to enter the aforementioned information for themselves and their U.S. agent. The FAA would use the information it collects to correctly identify and associate the individual with the U.S. agent they are designating, and to identify the designated U.S. agent, so that the FAA can serve documents on the U.S. agent.

### **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<sup>3</sup>, 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<sup>4</sup>.*

### **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.*

The NPRM proposes the collection of information from the certificate, rating, or authorization holder or applicant. They would access CARES to enter the information discussed in the Overview Section about themselves and the U.S. agent they choose to designate. A Privacy Act Statement will provide notice to all individuals of the collection, use and disclosure of PII. Notice is also provided through the publication of a NPRM. The FAA retrieves records by an individual's name and other personal identifiers and protects Privacy Act records in accordance with the Department's published system of records notice

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<sup>3</sup> <http://www.cio.gov/documents/FEA-Security-Privacy-Profile-v3-09-30-2010.pdf>

<sup>4</sup> [http://csrc.nist.gov/publications/drafts/800-53-Appdendix-J/IPDraft\\_800-53-privacy-appendix-J.pdf](http://csrc.nist.gov/publications/drafts/800-53-Appdendix-J/IPDraft_800-53-privacy-appendix-J.pdf)



(SORN) entitled [DOT/FAA 801 Aircraft Registration Records](#) and [DOT/FAA 847, “Aviation Records on Individuals”](#), 75 FR 68849 (November 9, 2010).

The publication of this PIA further demonstrates DOT’s commitment to provide appropriate transparency about the NPRM.

### **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.*

The CARES database has been identified as the location that will store the U.S. the agents’ information. Under the provisions of the Privacy Act, individuals may request a search of this database to determine if any records may pertain to them. Individuals wanting information about themselves (including their designation of a U.S. agent) that may be contained in this system 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

Included in the request must be the following:

- Name,
- Mailing address,
- Phone number 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 this system 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

Additional information about the Department’s privacy program may be found at [www.transportation.gov/privacy](http://www.transportation.gov/privacy). Individuals may also contact the DOT Chief Privacy Officer at [privacy@dot.gov](mailto:privacy@dot.gov).





### **Purpose Specification**

*DOT should (i) identify the legal bases that authorize a particular PII collection, activity, or technology that impacts 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.*

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### **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.*

The NPRM proposes the collection of information discussed in the Overview that is relevant and necessary. Individuals with foreign addresses, and no U.S. physical address of record on file with the FAA, who hold or apply for certificates, ratings, or authorizations issued under 14 CFR parts 47, 61, 63, 65, 67, or 107 will be required to designate a U.S. agent for service. CARES will store the U.S. agent’s information. See [the CARES PIA](#) for a discussion of the retention of this information.

### **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 NPRM does not require the external sharing of information. The U.S. agent’s information is entered into CARES, but CARES will not share any information externally unless disclosure is required by law and does use PII in any matter that is incompatible for the reason for it was collected. See the [CARES PIA](#) for a full discussion.



## 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).*

FAA collects, uses, and retains data that is relevant and necessary for the purpose for which it was collected. The U.S. agent's information is entered into CARES. CARES performs extensive edit checks on all data that is entered into the system. See the [CARES PIA](#) for a full description.

## 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 by 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 System Management Act (FISMA). The safeguards 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 5, Security and Privacy Controls for Information Systems and Organizations, dated September 2020.

Please see the [CARES PIA](#) for additional security measure that are in place.

## 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.*

FAA Order 1370.121B, FAA Information Security and Privacy Program & Policy, implements the various privacy requirements of the Privacy Act of 1974 (the Privacy Act), the E-Government Act of 2002 (Public Law 107-347), 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, the FAA will implement additional policies and procedures as they relate to the access, protection, retention, and destruction of PII. Federal employees and contractors who work with the NPRM receive clear guidance about their duties as related to collecting,





using, and processing privacy data. Mandatory annual security and privacy awareness training, as well as FAA Order 1370.121B, provide additional guidance. The FAA will conduct periodic privacy compliance reviews of all information systems as related to the requirements of OMB Circular A-130, Managing Information as a Strategic Resource.

### **Responsible Official**

Jessica E. Kabaz-Gomez  
Attorney  
Aviation Litigation Division (AGC-300)

Prepared by: Barbara Stance

### **Approval and Signature**

Karyn Gorman  
Chief Privacy Officer  
Office of the Chief Information Officer

