



## **NCOEM Departmental Unmanned Aircraft Systems (UAS) Privacy Policy**

### **Background**

The Federal Government is committed to ensuring that collection, use, retention, or dissemination of information about individuals using any technology, including unmanned aircraft systems (UAS), complies with the Constitution, and Federal law, regulations, and policies. To that end, agencies must, “prior to deployment of new UAS technology and at least every 3 years, examine their existing UAS policies and procedures relating to the collection, use, retention, and dissemination of information obtained by UAS, to ensure that privacy, civil rights, and civil liberties are protected.” To ensure that the Departments use of UAS is consistent with its mission and does not erode the civil rights, civil liberties, and privacy rights and expectations of individuals who may be observed through its UAS activities, the Department has established this UAS Privacy Policy. The UAS Privacy Policy provides specific guidance with respect to any UAS operations conducted by the Department to ensure that there is transparency regarding its activities and that UAS activities do not create undue privacy risks for members of the public.

This UAS Privacy Policy is the result of consideration of Federal legislation and policy, Departmental policy, and industry best practices. The policy’s objective is to enable Departmental mission effectiveness, including but not limited to the Federal Aviation Administration’s (FAA) critical research to facilitate the safe integration of UAS in the National Airspace System (NAS), while at the same time preventing inappropriate surveillance and collection of data of or about individuals and ensuring that the appropriate privacy risk analysis is conducted prior to the authorization and commencement of any UAS program or activity.

### **Purpose**

To ensure that sUAS and its operators respect the rights of individuals, safeguarding them against unwarranted invasions of privacy and other potential abuses.

### **Scope**

This policy applies to all sUAS operators and associated personnel. Operators of UAS systems will be responsible for ensuring policy requirements are applied to all UAS activities, regardless of where they occur.

### **Policy**

In addition to strict compliance with existing laws and regulations, it is imperative that Departmental UAS operations are conducted in a manner that is consistent with a respect for privacy, civil rights, and civil liberties. Compliance with this policy is mandatory.

The Department will take the following actions to achieve the objectives above:

- The UAS Privacy Policy will be applied to all UAS Operations.
- A risk analysis of any proposed UAS activity will be conducted and provide approval prior to the commencement of UAS operations. Any mitigation strategies identified in the risk analysis must be implemented prior to UAS operations.



- Ensure all individuals involved in the operations of UAS are appropriately trained and supervised to ensure compliance with this policy and any specific privacy risk mitigation strategies for approved UAS operations.
- The sUAS shall be only operated by a member who possesses the training and certification to fly the sUAS or is under the direct supervision of a Remote PIC as provided under Federal Aviation Regulations part 107.
- Only information relevant to the mission or objective to the sUAS operation will be collected.

### **Policy and Procedures**

In compliance with the Presidential Memorandum titled "Promoting Economic Competitiveness While Safeguarding Privacy, Civil Rights, and Civil Liberties, in Domestic Use of Unmanned Aircraft Systems," the NCOEM has established a UAS Privacy Policy that ensures our operations with unmanned aircraft systems (UAS) respect and protect privacy, civil rights, and civil liberties. This policy encompasses the following key components:

#### **A. Collection of Data for Authorized Purposes Only**

The Department ensures that UAS operations collect information relevant only to authorized mission objectives. This commitment minimizes unnecessary privacy intrusions and focuses on mission-specific needs. Any use of UAS in support of Departmental programs balances mission requirements with the need to respect personal privacy and protect individual civil rights and civil liberties.

To the extent practicable the Department will ensure that UAS operations do not intentionally collect personally identifiable information (PII) which includes imagery, phone, wireless, and any other electronic emissions that might contain PII, unless authorized by law and necessary to accomplish Departmental mission.

In the event that PII is collected unintentionally, the Department office using the UAS will obscure or remove identifying data to the extent practicable immediately upon discovery of the PII, but no later than 180 days after the collection unless retention is necessary to fulfill an authorized mission of the Department or is required to be retained for a longer period in order to comply with existing law or regulation.

#### **B. Data Oversight and Auditing Procedures**

The Deputy Commissioner of OEM will conduct quarterly audits of the UAS privacy policy to ensure compliance remains intact. These audits evaluate compliance with laws, regulations, and our policies while identifying potential privacy risks. Recommendations from these reviews aim to ensure UAS use aligns with legal and policy standards. Audit findings and recommendations are made public, providing an opportunity for community feedback.

#### **C. Information Sharing Agreements**



Data collected through UAS operations will not be shared with third parties without explicit consent or legal obligation. Measures are taken to anonymize or redact personal or sensitive information when sharing is necessary.

#### **D. Citizen Complaint Procedures**

The Department has established clear procedures for public grievances related to UAS operations. The community can express concerns or complaints through multiple channels, including telephone, email, the Department's website, and social media platforms. sUAS operations will be open to public scrutiny whenever possible to foster trust and ensure accountability.

#### **E. Support for Other Agencies**

UAS support to other County agencies is provided only if the request aligns with our privacy policy, federal and state laws, and any additional local jurisdiction laws where operations occur. NCOEM will include appropriate privacy requirements, including requiring compliance with this UAS Privacy Policy, in all contracts involving the use of UAS.

#### **F. Annual Report Production**

Annual reports summarizing UAS operations, including types and categories of missions conducted, are produced. These reports aim to enhance transparency without compromising public safety. These reports will be available to the public by request. Requests can be made by contacting NCOEM at 516-573-9600.

#### **G. Policy Review Commitment**

This UAS Privacy Policy is subject to a triennial review to ensure it remains current with legal, technological, and societal changes. This periodic review ensures our practices continue to protect privacy, civil rights, and civil liberties.

#### **H. Public Notification**

The Department commits to advanced public notification of planned UAS flights through social media or a publicly accessible website. This approach fosters transparency and trust within the community.

Provide advanced public notice of planned flight operations through local media or a publicly posted web site. <http://www.nassaucountyny.gov/OEM>

All proposed UAS operations will be analyzed to ensure they meet privacy regulations, statutes, and guidance. The privacy analysis will be documented and made available to the public as appropriate. In addition, any significant or material changes to existing UAS operations are required to be reviewed and approved prior to operations. Examples of significant or material changes in operations include but are not limited to introduction of new data collection techniques (e.g., radar to camera) and changes in operating areas (e.g., rural to urban).

#### **I. Public Outreach**



To keep the public informed about our UAS program, the Department conducts public outreach, including media releases and online policy postings. This ensures transparency regarding the UAS program's scope, operational areas, and any significant changes affecting privacy or civil liberties.

### **Statement on Civil Rights and Civil Liberties**

Consistent with the commitment to respect and protect civil rights and civil liberties, the Department ensures that UAS-collected data is not used for monitoring activities protected by the U.S. Constitution or based on discriminatory practices. This policy is a testament to our dedication to using UAS technology responsibly and ethically.

#### Compliance & Audit

All UAS operators shall conduct an annual privacy review of the Department's use of UAS to ensure compliance with existing law, regulations, and Department policy, and to identify potential privacy risks. Where appropriate, recommendations will be made to ensure that the Department's use of UAS is consistent with its authorities and applicable law, regulations, and policies. The outcomes of this annual review will be made publicly available in a forum that provides an opportunity for public feedback.

Statement to comply with civil rights and civil liberties:

"UAS-recorded data will not be collected, disseminated, or retained solely for the purpose of monitoring activities protected by the U.S. Constitution, Such as the First Amendment's protections of religion, speech, assembly, and redress of grievances (e.g., protests, demonstrations)

Collection, use, dissemination, or retention of UAS-recorded data should not be based solely on individual characteristics (e.g., race, ethnicity, national origin, sexual orientation, gender, identity, religion, age, or gender), which is a violation of the law."

This policy will remain in effect until superseded by an authorized update.