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STATE OF KANSAS
KANSAS DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY OF TRANSPORTATION

ADOPTING THE KANSAS DEPARTMENT OF TRANSPORTATION
UNMANNED AIRCRAFT SYSTEMS PRIVACY POLICY

I, Richard Carlson, Secretary of Transportation of the State of Kansas, do hereby adopt the Kansas Department of Transportation Unmanned Aircraft Systems Privacy Policy.

DATE: 10-26-18

A handwritten signature in blue ink, appearing to read "Richard Carlson", written over a horizontal line.

RICHARD CARLSON
SECRETARY OF TRANSPORTATION

Information Contact: Division of Aviation

Effective Date: October 26, 2018

Kansas Department of Transportation
Unmanned Aircraft Systems Privacy Policy

Approved:  _____, Director, Division of Aviation

POLICY STATEMENT:

The Kansas Department of Transportation (KDOT) shall require that any use of Unmanned Aircraft Systems (UAS) conducted in support of KDOT programs balance program requirements with the need to respect Personally Identifiable Information (PII) and comply with Privacy Laws.

DEFINITIONS:

Community Outreach and Education Program (COEP) Website. A public, online web portal created and maintained by KDOT, or its designee, that provides information regarding KDOT UAS Activities and KDOT's UAS IPP.

Director of Aviation. The Director of KDOT's Division of Aviation, or their designee.

KDOT UAS Activities. Any activity involving the operation of a UAS undertaken or performed under KDOT's UAS IPP, including activities of Team Members.

Personally Identifiable Information (PII). Information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual, including imagery, phone, wireless, and any other electronic emissions containing PII.

Privacy Laws. A law, order, regulation or rule of an administrative or legislative government body with jurisdiction over the matter in question, or a ruling, order, decision or judgment of a court with jurisdiction over the matter in question regarding the protection of an individual's right to privacy.

Privacy Risk Assessment. A systematic evaluation of how PII is collected, used, shared and maintained by KDOT or Team Members during KDOT UAS Activities.

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Privacy Risk Mitigation Strategies. A systematic evaluation of processes to reduce or eliminate the probability of collecting, using, sharing or maintaining PII in violation of Privacy Laws.

Team Member. A public or private entity or individual, including those individuals operating within or for a public or private entity that has entered into an Operating Agreement with KDOT concerning the operation of UAS pursuant to the UAS IPP or has entered into a contract with KDOT to provide deliverables in support of KDOT's UAS IPP.

UAS Integration Pilot Program (UAS IPP). A program developed by the Federal Aviation Administration pursuant to the Presidential memorandum for the Secretary of Transportation dated October 25, 2017.

Unmanned Aircraft Systems (UAS). A powered aerial vehicle that does not carry a human operator; uses aerodynamic forces to provide vehicle lift, may fly autonomously or be piloted remotely, may be expendable or recoverable and may carry a payload.

PROCEDURAL GUIDELINES:

This policy applies to all KDOT UAS Activities.

Privacy Laws will be complied with during KDOT UAS Activities.

Operating Agreements between KDOT and Team Members will require Team Members to:

Abide by this UAS Privacy Policy;

Notify the Director of Aviation of all KDOT UAS IPP activity;

Provide the Director of Aviation a Privacy Risk Assessment and Privacy Risk Mitigation Strategies for the collection of PII during the proposed KDOT UAS Activity; and

Provide supervision and training so that Team Members follow this policy and identified Privacy Risk Mitigation Strategies established for the KDOT UAS Activity.

Prior to implementation of KDOT UAS activities, KDOT or Team Members should consider mitigation strategies identified in the risk analysis. Further, proposed KDOT UAS Activities will be analyzed for compliance with Privacy Laws by performing a Privacy Risk Assessment.

The Privacy Risk Assessment will be documented and made available to the public via the COEP Website.

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Significant or material changes to existing KDOT UAS Activities are required to have a Privacy Risk Assessment conducted. Significant or material changes in activities 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).

To the extent practicable, KDOT UAS Activities will not intentionally collect PII. Certain data, to include flight operational information and community feedback will be collected by KDOT and shared periodically with the FAA. KDOT will not provide or transmit to the FAA or its designees any data other than the data necessary to complete the KDOT UAS Activities mission. KDOT will remove or redact PII as deemed necessary before sharing such data unless authorized by law and necessary to accomplish the KDOT UAS Activities mission.

In the event KDOT UAS Activities unintentionally collect PII, the PII will be obscured or removed from the data within a reasonable time after discovery of the PII, but in no event more than 180 days after discovery of the PII, unless the PII must be retained for a longer period in order to comply with law or regulation.

Advance public notice of KDOT UAS Activities will be made through local media or the COEP Website. The public will be advised that they have the opportunity to provide feedback on KDOT UAS Activities in real time and will be allowed to publish comments or concerns about the KDOT UAS Activities via the COEP Website.

KDOT will conduct an annual audit of KDOT UAS Activities to verify compliance with Privacy Laws. The outcomes of this annual review will be made available to the public on the COEP Website and allow for an opportunity for public feedback.

This policy will be updated as necessary to remain operationally current. This policy shall be reviewed and updated, if necessary, every year at the time of the annual audit of KDOT UAS Activities.

Responsibility

The Director of Aviation will be responsible for this policy being applied to all KDOT UAS Activities, including those performed by Team Members, regardless of where those activities occur.

The Director of Aviation will be responsible for providing training to Team Members on this Policy.

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The Director of Aviation will be responsible for conducting a Privacy Risk Assessment or reviewing a Privacy Risk Assessment supplied by a Team Member, of proposed KDOT UAS Activities and provide approval prior to the commencement of KDOT UAS Activities, including approval of Privacy Risk Mitigation Strategies identified in the Privacy Risk Assessment.

The Director of Aviation will be responsible for having the Privacy Risk Assessments posted to the COEP Website.

The Director of Aviation will be responsible for having PII obscured or removed from data within a reasonable time of discovery of the collection of PII, but in no event more than 180 days after discovery of the collection of PII, unless applicable law or the KDOT UAS Activities mission precludes the obscuring or removal of the PII.

The Director of Aviation will be responsible for having KDOT UAS Activities made known through local media or the COEP Website.

The Director of Aviation will be responsible for having a review of KDOT UAS Activities performed annually to verify compliance with Privacy Laws. When appropriate, the Director of Aviation will make recommendations concerning KDOT UAS Activities being performed consistent with Privacy Laws.

The Director of Aviation will be responsible for reviewing this policy when necessary, or at a minimum of once a year, and making changes when necessary for the policy to remain operationally current and effective.