

Drone Regulations in the US

In a [prior blog post](#) we reported about an out-of-control drone that crashed into a Florida condominium.

The Federal Aviation Administration (“FAA”) in the [US recently announced](#) that it had enacted [regulations](#) governing the commercial operation of drones. The new regulations impose a number of limitations that are aimed at protecting people and property:

- the drone must remain within the visual sightline of the person manipulating the controls;
- drones may not operate over people not participating in the drone operation who are not under a covered structure;
- maximum speed of 100 mph;
- maximum altitude of 400 feet above ground level or within 400 feet of a structure;
- only daylight operations are permitted, except that twilight use (30 minutes before sunrise and 30 minutes after sunset) will be permitted for drones that have anti-collision lighting;
- certification of drone operators, including security background checks; and
- requiring drone operators to do pre-flight checks to ensure safety systems are functioning, including communications between the drone and the remote pilot.

Because these regulations only apply to commercial operators of drones, the drone that crashed into the Florida condominium would not have fallen within the reach of the legislation, as it was being used for recreational purposes.

The regulations do not address privacy concerns. However, the FAA encourages all drone operators (both commercial and recreational users) to comply with the Voluntary Best Practices for Privacy, Transparency and Accountability. Some of the best practices include:

- providing prior notice of the time frame and general area of drone operations if the drone will collect information that identifies a particular person (“**covered data**”);
- implementing a privacy policy concerning the use and retention of covered data;
- requiring consent to the collection of covered data where a person has a reasonable expectation of privacy or where there is a persistent and continuous collection of covered data;
- limiting the use and sharing of covered data, including no use of covered data for marketing purposes; and
- implementing measures to manage security risks of covered data.

In addition, the FAA website also provides a link to Guidelines for Neighbourly Drone Use. These guidelines, which are written in plain, easy-understandable language are aimed at recreational drone operators.

The drone regulations will address many of the safety concerns for condominiums in the US. However, privacy concerns remain, as the privacy guidelines referred to above are only voluntary and are not enforceable by law.

