

Executive Order on Drone Privacy

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As reported in the press, **President Obama** plans to issue an **Executive Order** authorizing the **Commerce Department's National Telecommunications and Information Administration ("NTIA")** to coordinate the development of privacy guidelines for commercial drone operations. More specifically, we understand that NTIA would coordinate a "multi-stakeholder process" — a procedure used previously to address privacy issues not being sufficiently addressed elsewhere in the government, including for mobile apps and facial recognition technology.

It is not clear when the Executive Order will be issued. It is also not known whether it will be coordinated with the **FAA's** separate development of rules for integrating commercial drone operations into U.S. airspace.

We understand that the NTIA process will be intended to develop an industry code of conduct, rather than binding rules. However, adherence to any resulting code of conduct could be enforced by the *Federal Trade Commission* under Section 5 of the FTC Act, which permits it to take action against deceptive trade practices.

For this reason, industry stakeholders must approach these processes and any resulting agreements very carefully.

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