



How to Preserve the Confidentiality of Your Flights

UNLESS YOU REQUEST IT – THE PUBLIC HAS ACCESS TO ALL YOUR IFR FLIGHTS

The FAA developed the Aircraft Situation Display to Industry (ASDI) data to distribute to private subscribers both real time and historic data for general aviation aircraft. This information includes location, altitude, airspeed, destination, time of arrival and is searchable by tail number for all IFR flight plans within U.S. airspace. There has been a proliferation of vendors subscribing to the service and making it available to the public. Our firm subscribes to the service so that we may assist clients in reconciling their individual logbooks with FAA records. Other legitimate users of the service include flight departments, charter operators, fixed based operators, and the like.

TAXING AUTHORITIES ENTER THE FLIGHT TRACKING ARENA

The recent controversy raised by Maine's aggressive positioning that visitors who spend 20 days a year are subject to use tax on the entire value of their aircraft, serves as a stark reminder of how this data might be used on the unsuspecting. Maine, like many other states, recognizes that with their ability to place liens on aircraft and require expensive litigation to get them removed, places them in an ideal position to force the unsuspecting to absorb an unfair, if not unconstitutional, use tax. The Maine Department of Revenue touts the success of the program on its ability to generate revenue, not any reasonable basis of fairness.

Jurisdictions less likely to flaunt constitutional limitations are mining this data and sending out inquiries. Even a successful defense takes time and money away from running a business. As state coffers get tighter, and tax collectors get louder, we anticipate an exponential increase in the use of this flight data by not only sales tax collectors but also income tax and property tax agents.

AND IT'S NOT JUST ABOUT TAXES

The Naples Airport Authority imposes a voluntary curfew on night operations of all aircraft. The Naples Newspaper publishes a list of curfew violators with the stated purpose of embarrassing operators before their friends and neighbors. This loss of passenger's privacy and possibly security is clearly beyond what was intended with the institution of the ASDI program.

AND WHAT ABOUT YOUR COMPETITORS?

Public information is available by tail number for the last several years. Competitors who are interested in your major customers, suppliers, and the like, might derive significant confidential data by reviewing your historical flight logs.

PERHAPS IT'S TIME TO SUPPRESS YOUR N NUMBER

The National Business Aviation Association designed the Block Aircraft Registration Request, (BARR) program where your aircraft will not be identified by flight tracking software. The NBAA administers the program gratuitously both for members and non-members.

You may prevent the dissemination of the data either at the FAA level or at the vendor level. Imposing the block at the FAA level appears more secure, but it is absolute. If you would prefer to provide limited access to the data to designed parties, you should elect vendor suppression.

The NBAA has developed a simplified procedure to participate in the program through <http://web.nbaa.org/public/ops/asdi>. All participants will need to provide a copy of your aircraft registration with the application. Non-members of NBAA must also furnish a copy of their aircraft airworthiness certificate.

With the explosive expansion of information available on the internet, it is more important now than ever that you protect the confidentiality of your flight records. We recommend that everyone consider the potential impact of having these records available in perpetuity.

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