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San Francisco | April 20-24 | Moscone Center

SESSION ID: LAW-R01

Drones: All Abuzz with Privacy & Security Issues

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Viewpost

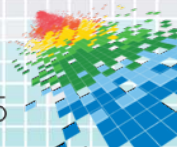
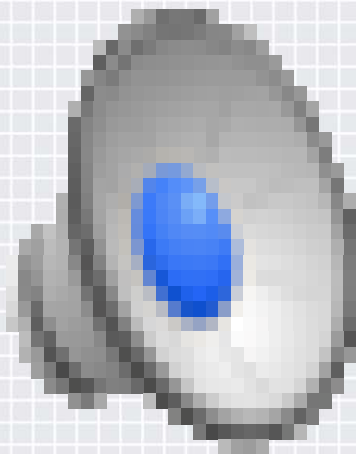
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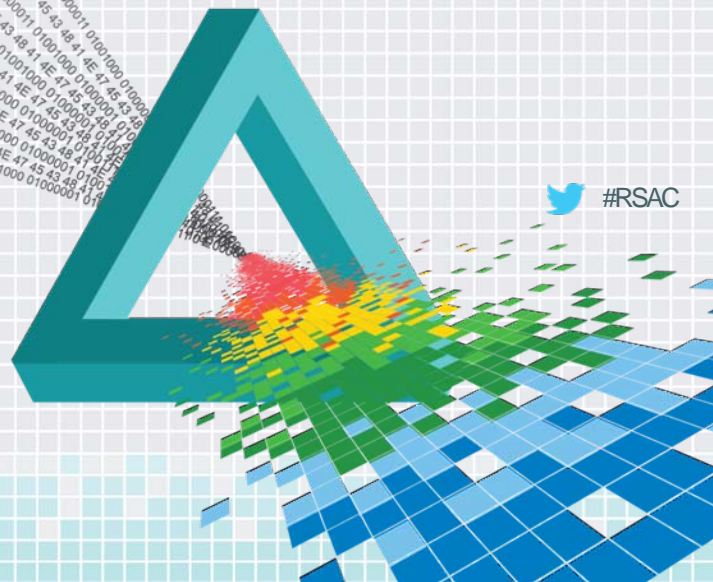
Introduction



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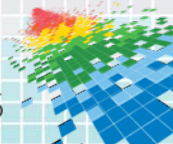
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I. The Technology



Flight Systems

- ◆ Drones
- ◆ Unmanned Aerial Vehicles (UAV)
- ◆ Remotely Piloted Vehicle (RPV)
- ◆ Unmanned Aerial System (UAS)



Technology Packages

- ◆ Visual
 - ◆ Day Cameras
 - ◆ Infrared/Thermal
- ◆ Geo/Mapping
- ◆ Sound/Acoustic
- ◆ Weaponized
- ◆ Network/Receivers
- ◆ Radar



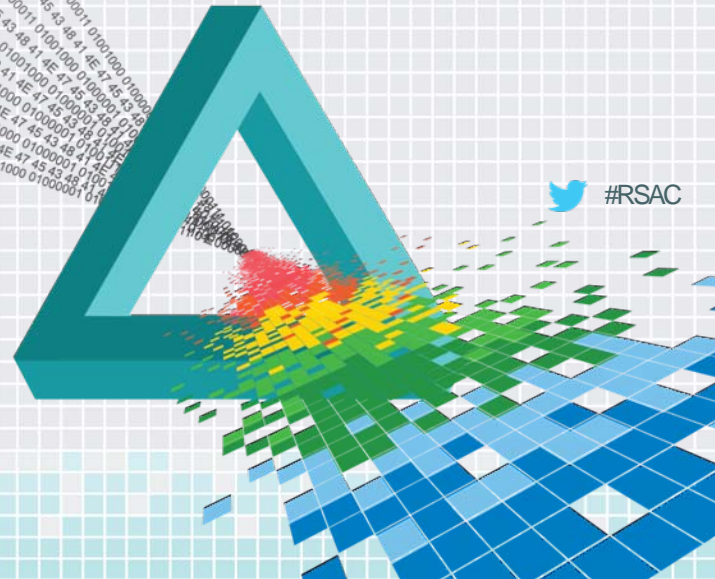
NYPD considering using drones and gunshot detectors to fight crime

Police Commissioner Bill Bratton said Tuesday at a City Council committee hearing that he's 'supportive' of using drones.

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II. Laws & Issue Spotting



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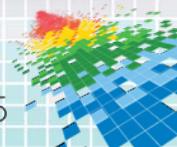
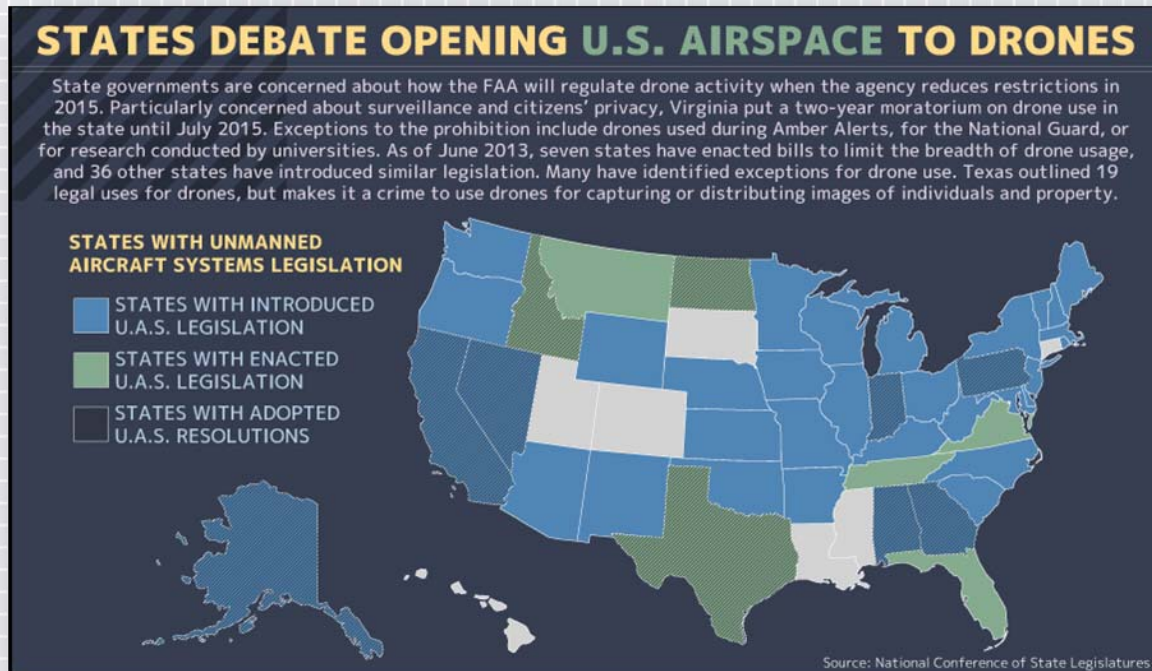
Federal Law

- ◆ Private, recreational use is fine (with caveats)
 - ◆ Don't fly higher than 400 feet off the ground
 - ◆ Never lose line of sight with the vehicle
 - ◆ Make sure the drone weighs less than 55 pounds
 - ◆ Stay away from airports and other manned vehicles
- ◆ Commercial use is fine if approved by the FAA
 - ◆ Mapping, weddings, photography, real estate, movies
 - ◆ Certificate of Authorization or Waiver (“COA”) to operate in national airspace
- ◆ Federal rulemaking (FAA Modernization and Reform Act of 2012) is due September 2015 – draft rules out now



Regulation and State Laws

- ◆ Regulators:
 - ◆ Federal Aviation Administration (FAA)
 - ◆ Federal Communications Commission (FCC)
- ◆ Laws
- ◆ Ordinances
- ◆ Defensive rights



Property or Trespass Laws

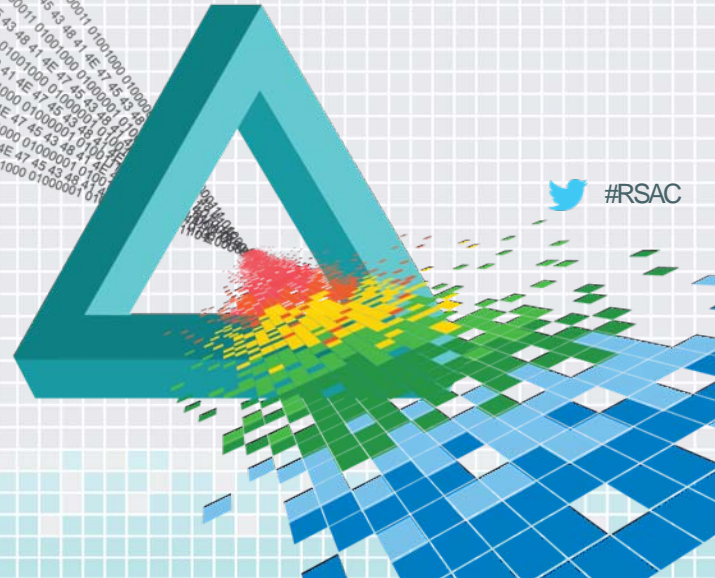
- ◆ Expectation of privacy
 - ◆ Home & Curtilage
 - ◆ *United States v. Causby*
 - ◆ *Kyllo v. United States*
- ◆ Trespass
 - ◆ Navigable Airspace – defined as ground to 500ft.
- ◆ Trespass to Chattels
 - ◆ Enjoyment of your space (airspace)



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III. Identify Benefits/Pitfalls



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Commercial Use

- ◆ Mapping/Geography/Real Estate
- ◆ Medical/Rescues
- ◆ Security Enhancement
- ◆ Traffic
- ◆ Movies
- ◆ Liability –
 - ◆ Air Space Considerations
 - ◆ 400 foot limits

HOW CAN DRONES TRACK WILDLIFE?

With 17 Raven drones and 21 T-Hawk drones at their disposal, the US Geological Survey uses the systems for a variety of purposes:



**TRACKING
SOIL EROSION**



**INSPECTING
SURFACE MINES**



Drones have also proved helpful in monitoring wildlife without disturbing their natural habitat. Using thermal detection technology, the USGS tracked the behavior and nesting sites for Colorado's population of sandhill cranes.

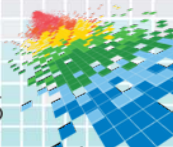


**ASSESSING NATIONAL
PARK BOUNDARIES**

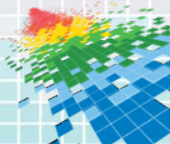
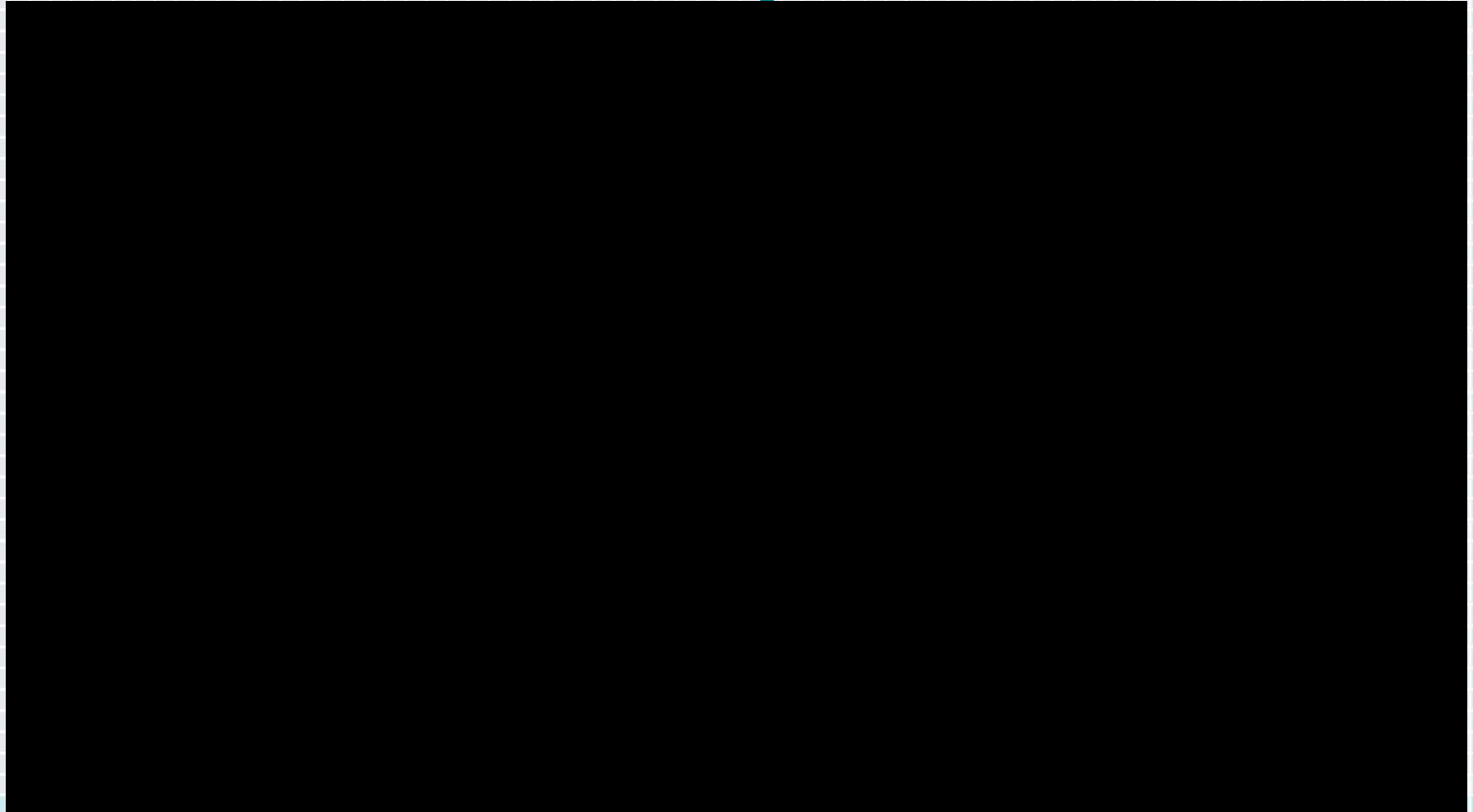


**MONITORING MOUNTAIN
STREAM TEMPERATURES**

Source: US Geological Survey



Commercial Use - Delivery

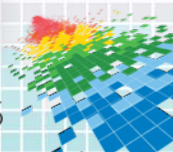


Commercial Use - Inspection

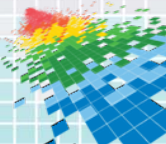


Governmental Use

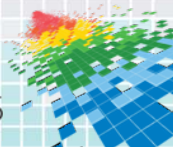
- ◆ The U.S. military owns about 10,000 drones, from one-pound Wasps and four-pound Ravens to one-ton Predators and 15-ton Global Hawks.
 - ◆ Surveillance
 - ◆ Police/Rescue
 - ◆ Criminal
 - ◆ Environmental (Water, Gas, Poaching, Wildlife)
 - ◆ Border Protection
 - ◆ Payload Delivery



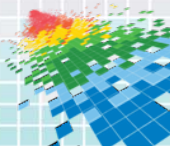
Governmental Use - Surveillance



Governmental Use - Surveillance



Governmental Use - Surveillance

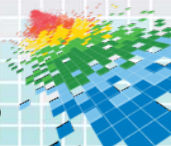


Private Use

- ◆ Fun
- ◆ Home Mapping
- ◆ Crops
- ◆ Protection? (if armed)
- ◆ Child Watching
- ◆ Memorializing Adventure/
X Games

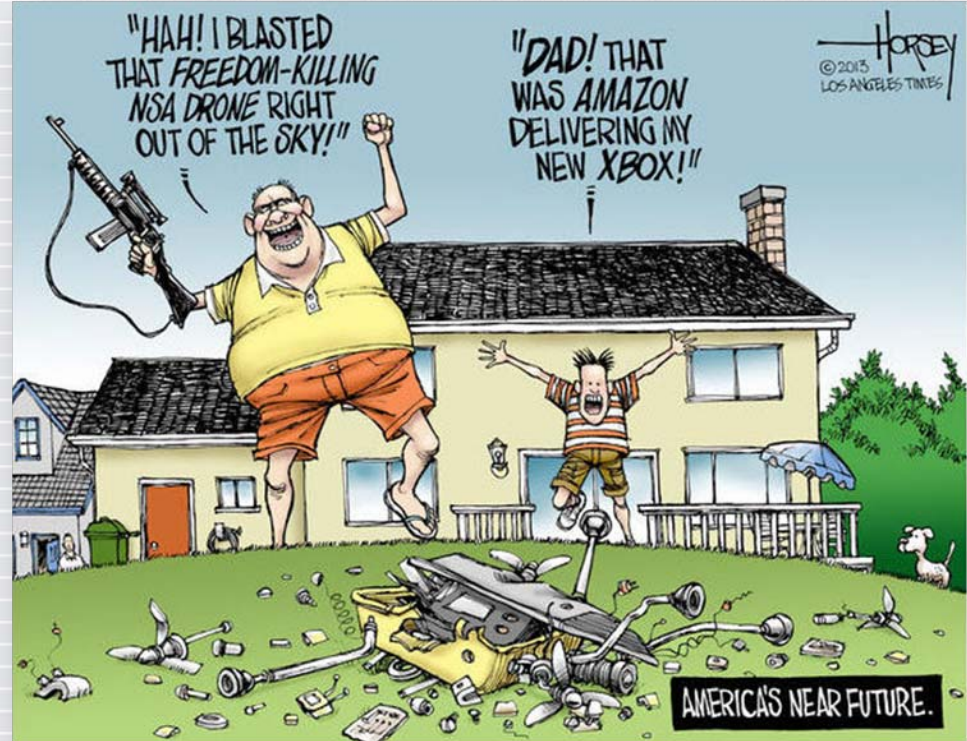


Private Use – Real Estate

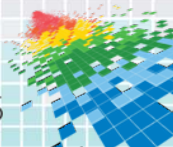


Issues of Defense Against Drones

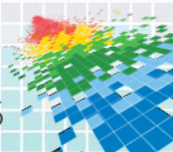
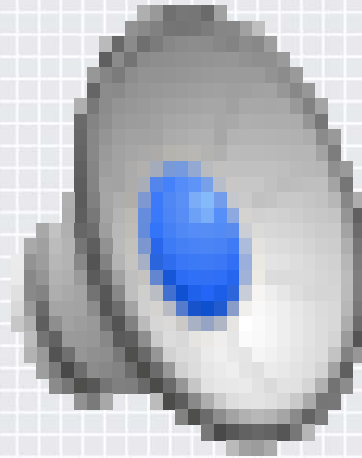
- ◆ Hacking Them
- ◆ Interfere with Transmissions
- ◆ Commandeer Them
- ◆ Path of Destruction



Issues of Defense Against Drones – Hacking



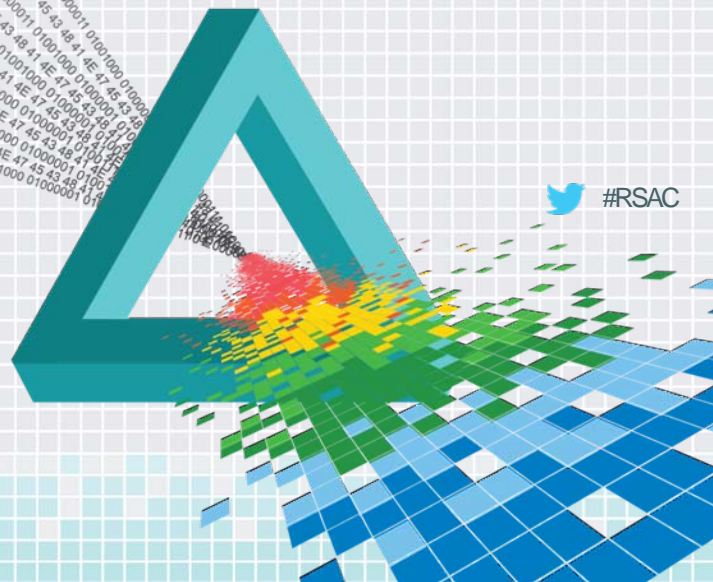
Issues of Defense Against Drones – Shoot Down



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IV. Implications



Public Policy & Risk Mitigation

- ◆ Public Policy:
 - ◆ Allowing the technology to develop
 - ◆ International competitiveness
- ◆ Risk Mitigations:
 - ◆ Understanding the visceral reactions
 - ◆ Addressing concerns
 - ◆ Maintaining viability



Privacy

- ◆ Home
 - ◆ Top Down
 - ◆ Windows
 - ◆ Personal space
- ◆ Security Issues
- ◆ Encryption Issues
- ◆ Data Retention
 - ◆ Length of retention
 - ◆ Onward use



Security

- ◆ Home security
- ◆ Homeland security
- ◆ Townships
- ◆ Roads
- ◆ Safety Controls



Apply Your Knowledge

- ◆ Next week you should:
 - ◆ Determine if your company will be using drones – either for business or personal reasons
 - ◆ Determine if your company is able to better secure or increase privacy protections for persons from drones
- ◆ In the first three months following this presentation you should:
 - ◆ Develop a program to oversee drone use by your company
 - ◆ Apply for all needed licenses
 - ◆ Review insurance coverage
 - ◆ Establish safety protocols and privacy protocols
- ◆ Within six months you should:
 - ◆ Review the new FAA commercial guidance
 - ◆ Have reviewed the policy for your company

Thanks!

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