



THE SECRETARY OF TRANSPORTATION  
WASHINGTON DC 20590

August 29, 2011

The Honorable Pat Roberts  
United States Senate  
Washington, DC 20510

Dear Senator Roberts:

Thank you for your letter, cosigned by your congressional colleagues, regarding the recently proposed changes to the Block Aircraft Registration Request program. The Federal Aviation Administration (FAA) published the final notice in this matter on June 3.

Many of the facilities, equipment, and personnel that underlie the safe and efficient operation of the National Airspace System (NAS) are funded with public money. The Airport and Airway Trust Fund and the general fund provide the resources to design, install, staff, maintain, and upgrade this complex network. The benefits of this public investment directly accrue to the many commercial and private users of NAS.

In light of the significant public investment in NAS, a **number of Government transparency** and information sharing laws and policies support greater public awareness of the system's day-to-day functioning. The Openness Promotes Effectiveness in Our National Government Act of 2007, for example, furthers the **openness of Government and the public's access to Government information**. In addition, various Presidential, Office of Management and Budget, and U.S. Attorney General memoranda, as well as the U.S. Department of Transportation Open Government Plan, **advocate Government transparency and the disclosure of Government information**. Furthermore, recent Federal case law holds that the identity of the aircraft on the Block Aircraft Registration Request list is not exempt from release under the Freedom of Information Act. These legislative, executive, and judicial cues informed the decision to modify the manner in which this information is made available to the public.

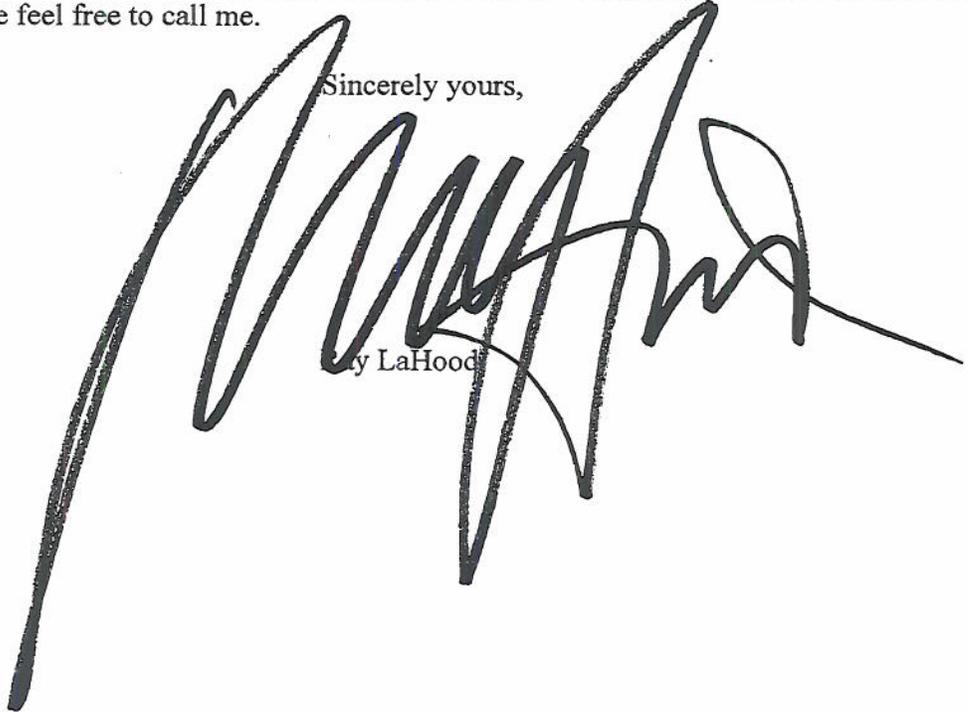
This decision remains sensitive to the personal privacy and security principles that you cite. For the security of the owners, operators, and passengers of the aircraft depicted in the data feed, the information that is released to the general public is not real-time data; rather, it is historical information that is **delayed by at least 5 minutes**. Additionally, the data do not include any information that is protected by the Privacy Act, such as a name or any other personally identifiable information. Moreover, as set forth in FAA's June 3 *Federal Register* notice, to accommodate the security concerns of NAS users, there will be a process for individuals or companies to certify to a Valid Security Concern, which will prevent the aircraft from appearing in the data feed in the same way as the previous Block Aircraft Registration Request program.

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I want to assure you that we have taken great effort to balance the principles of Open Government with individual privacy and security.

A similar letter has been sent to each cosigner of your letter. If I can provide further information or assistance, please feel free to call me.

Sincerely yours,

A large, stylized handwritten signature in black ink, appearing to read 'Pat LaHood'. The signature is written over the 'Sincerely yours,' text and extends downwards and to the left.

Pat LaHood