



City of Philadelphia

Office of Emergency Management

Fire Administration Building

240 Spring Garden Street, Lower Level

Philadelphia, PA 19123

www.phila.gov/ready @PhilaOEM

City of Philadelphia Office of Emergency Management Unmanned Aircraft System Privacy, Civil Rights, and Data Retention Policy

Released: 12 April 2021

Revised: 9 November 2022

A. Purpose

- a. The primary purpose of the City of Philadelphia's Office of Emergency Management ("OEM") Unmanned Aircraft System ("UAS") program is to support on-scene response and recovery operations as authorized below. OEM is committed to clearly outlining its data, privacy, and record keeping protocols, and to provide regular review over the implementation of the UAS program, recognizing the need for the public to understand the details of the program and how it is set up to ensure privacy interests are being protected.

B. Authorized Uses

- a. OEM UAS are utilized for the following purposes:
 - i. Prevention of, response to, and recovery from incidents that may have a nexus to terrorism and/or involve the presence of chemical, biological, nuclear, radiological, or explosive materials. OEM has primary responsibility for incident coordination and emergency management activities for the jurisdiction and will play a primary role in terrorism and CBRNE incidents.
 - ii. Supporting fire suppression or incident command/management activities on the scene of a fire.
 - iii. Performing damage documentation flights for the purpose of recovery.
 - iv. Conducting situational awareness flights to support partner agencies including assessments of crowd size and patterns at large public safety events, visual observations of infrastructure, or monitoring the safety of fire, police, or utility responders in hazardous or dangerous situations.
 - v. Recording still and video content to be used for OEM Public Affairs operations. This use is not used for general advertisement purposes, is in compliance with section D "Privacy & Civil Liberties" below, and no personally identifiable information is permitted to be utilized.
 - vi. Responding to all-Hazards incidents/events and assisting with preparedness, response, mitigation, and recovery operations.

- vii. Supporting the City of Philadelphia Fire Department (PFD) Special Operations Command (SOC) and Fire Marshall's Office (FMO) operations as identified under the entities' authorized use cases.
- viii. Creation of planning assistance and mapping products as requested by OEM program areas and partner agencies.
- ix. Training flights to orient new operators and partner agencies to OEM UAS capabilities.

C. Use Guidelines

- a. Authorized Users
 - i. All authorized users must complete the required training as detailed in OEM's UAS Training Standard Operating Procedures.
 - ii. All requests for UAS use to support OEM Operations and partner agency missions are coordinated through a member of UAS Project Leadership.
- b. Training
 - i. In addition to following all training protocols established by OEM, all authorized users receive training in privacy and civil liberties matters.
 - ii. OEM keeps a log of all authorized users.
- c. Safe Operation
 - i. Unless required otherwise by applicable FAA regulations, authorized UAS users must: (1) maintain visual line of sight with the aircraft at all times during flight, or (2) have an authorized observer able to maintain visual line of sight with the aircraft and radio communication with the authorized UAS user.
- d. Capabilities
 - i. UAS are capable of video/audio feeds and, on certain models, thermal imagery tools that help support public safety response.

D. Privacy & Civil Liberties

- a. The City prohibits the collection, use, retention, or dissemination of data in any manner that violates the First Amendment, or which in any manner discriminates against persons based on their ethnicity, race, gender, national origin, religion, sexual orientation, or gender identity in violation of law. The City only performs UAS activities in a manner consistent with its policies, applicable laws, and the United States and Pennsylvania Constitutions.
- b. The City does not conduct operations that interfere with an individual's reasonable expectation of privacy.
- c. The City restricts access to any raw UAS data it retains to authorized staff. Departments may not exchange raw, unprocessed UAS-collected data with other departments or disclose such data to the public except (1) for exigent public safety needs, (2) with the approval of executive leadership, (3) as authorized by this policy or (4) as required by law.
- d. All UAS data are the sole property of the City and may not be used by City employees or any other persons for any non-City purpose. UAS data includes, but

is not limited to, video footage, audio footage, still images, sensor data, geospatial location data, metadata, and other digital files.

- e. Should UAS data need to be made public, all Personally Identified information (PII) shown in that UAS data is obscured where persons have a reasonable expectation of privacy before such data is made public.
- f. All uses are conducted in line with the direction of *Presidential Memorandum of February 15, 2015*.¹ Privacy, civil rights, civil liberties, and data retention complaints related to the OEM UAS program may be addressed to UAS program coordinators or OEM@Phila.gov. Such complaints are thoroughly investigated and addressed as appropriate. All incidents can also be escalated to the City of Philadelphia Office of the Inspector General, if needed, available to the public at <https://www.phila.gov/services/crime-law-justice/report-a-crime-or-concern/fraud-waste-and-wrongdoing/report-wrongdoing-in-city-government/#wrongdoing-report-form>
- g. Public Reporting
 - i. The PFD/OEM Unmanned Aircraft Systems Program issues a yearly public report with additional reports produced as necessary to incorporate significant updates. The report to the public does not reveal information that could reasonably be expected to compromise law enforcement or national security and is in compliance with FAA Regulations and PFD & OEM Privacy, Civil Rights, and Data Retention Policies.
 - ii. The yearly report:
 - 1. Includes notice to the public regarding where PFD/OEM UAS are authorized to operate in the National Airspace System (NAS).
 - 2. Notes changes that significantly affect privacy, civil rights, or civil liberties.
 - 3. Makes available to the public a general summary of the agency's UAS operations during the previous fiscal year, including a description of types or categories of missions flown and number of times the agency provided assistance to other agencies or to State, Local, Tribal, and/or Territorial Governments.
 - iii. The yearly report is made available via a publicly facing website with additional basic information on the joint program, is issued to all required organizations (if any), and is directly issued to any requestor. This report is created by OEM UAS Leadership and issued to PFD/OEM Executive Leadership for review prior to dissemination.

E. Data Use and Retention

- a. OEM Data Retention Policy:
 - i. OEM Flight Logs and non-media documentation data is stored for at least 1 year. Authorized Users keep their personal flight logbook entries permanently or as required by FAA regulations.

¹ <https://obamawhitehouse.archives.gov/the-press-office/2015/02/15/presidential-memorandum-promoting-economic-competitiveness-while-safegua>

- ii. OEM UAS operations media data is retained for a maximum period of 6 months, with a longer period possible through valid extension upon OEM's determination that a longer data retention period is need for after-action discussions, training, or as required by FAA regulations.
- iii. OEM UAS operations in support of PFD-SOC or PFD-FMO mirror the data retention policy of the PFD unit being supported. Data is provided to FMO for safekeeping if flown in support of FMO operations.
- iv. Recognizing the City of Philadelphia Department of Records MDO-EM-0002-Maps and Drawings–Archive, any mapping products pertaining to streets, water mains, plates, bridges, schools, subways, fire stations, rescue locations, stadiums and parks, drainage, pipelines, and census data are permanently retained. Mapping products created with a UAS require multiple flyovers with technologies such as Real-Time Kinematic (RTK) for trustworthy accuracy. The mission plan for a mapping flight indicates if a mapping product is being created for the above-mentioned subjects.
- v. OEM retains any data from UAS flights that result in an accident or complaint for a period as long as necessary for a report and investigation to be completed. OEM may choose to retain data for a longer period of time for use during after-action discussions or training.
- vi. All footage kept past 6 months is reviewed by UAS Program Management for any PII. The PII is removed where there is a reasonable expectation of privacy from anyone found on footage.
- vii. UAS collected information that is not maintained in a system of records covered by the PFD & OEM Privacy, Civil Rights, and Data Retention Policies shall not be disseminated outside of the agency unless dissemination is required by law, or fulfills an authorized purpose set forth in Section B and complies with agency requirements.

F. Review & Oversight

- a. OEM and Law Department staff meet on an annual basis to review this policy and recommend any necessary modifications to the UAS Workgroup and Executive staff of OEM and PFD. Review will ensure all uses were conducted in line with the direction of Presidential Memorandum of February 15, 2015.¹
- b. Designated UAS Program Management staff conduct on-site and/or after action monthly assessments to ensure all flights comply with existing agency policies and regulations. Any flights deemed not following the aforementioned policies and regulations will cause the remote flight team who have conducted the flight to be restricted from active flight operations until re-training can occur.
 - i. During these assessments, sensitive information use is also assessed, like flights, any mis-use will restrict personnel from access to this information until re-training can occur.

G. Signature

- a. By order of Dominick Mireles, Director, Philadelphia Office of Emergency Management.



Dominick Mireles