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The Drone Wars: The Need for Federal Protection of Individual Privacy

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Drones—also known as unmanned aerial vehicles—are lightweight, easy to use, and relatively inexpensive aircraft with a wide variety of applications. Drone popularity has recently exploded, with an estimated two million recreational drones sold in 2016 and analysts predicting that sales will increase to 4.3 million units sold annually by 2020. ¹ With this increased popularity comes increased concerns about how they will be used and who will fly them. The Federal Aviation Administration (FAA) and state legislatures have created drone-specific legislation and rules governing drone use. However, these rules and regulations are more concerned with regulating drones with in relation to public lands and public safety rather than protecting privacy. To protect an individual's privacy and make them feel secure in their home, new privacy legislation must be created to protect against drones' unique technical and physical capabilities. This new legislation may be created by each state or by the FAA, with different approaches having their own benefits and drawbacks. However, to develop the most effective and comprehensive privacy scheme, the FAA should create a privacy regulation for individual states to implement through conditional preemption. This will provide a uniform privacy law that has the necessary enforcement mechanisms to protect individual privacy.