



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION
National Policy

**ORDER
1200.22D**

Effective Date:
02/26/2008

SUBJ: External Requests for NAS Data

1. **Purpose of This Order.** This order explains how the FAA will handle external requests for access to National Airspace System (NAS) data when the requesting organization is not part of the Federal government or a law enforcement agency. It also describes how the FAA will review these external requests for access to NAS data, and how the FAA will monitor external data connections to the NAS.
2. **Audience.**
 - a. This order applies to all lines of business in the FAA that have an interest in external requests for access to NAS data, which includes connections to the NAS infrastructure as well as recorded NAS data.
 - b. The following are exempt from requirements contained in this order:
 - (1) Requests from Federal agencies.
 - (2) Requests from state law enforcement agencies.
 - (3) Requests made under the Freedom of Information Act.
 - (4) Data identified in FAA contracts as Government Furnished Information.
 - (5) Release of data that meets the needs of the FAA.
3. **Where I Can Find This Order.** You can find this order at https://employees.faa.gov/tools_resources/orders_notices/
4. **Cancellation.** This order replaces Order 1200.22C, NAS Data and Interface Equipment Used by External Organizations, dated February 6, 2002.
5. **Explanation of Changes.** This revision:
 - a. Simplifies the requirements for requesting access to NAS data as well as the FAA process for reviewing and approving these requests.
 - b. Replaces the former Data Release Request Committee with designated evaluators.
 - c. Reassigns responsibilities from the former regional Air Traffic Divisions of Air Traffic Services to the Service Areas of the Air Traffic Organization.

6. Implementation. This order is effective immediately.

7. Definitions. The following definitions apply to this order. They are not intended for any other official purpose.

- a. **Delayed Data.** NAS data that is aged by 15 minutes or more.
- b. **Filtered Data.** NAS data that does not contain sensitive aircraft information, including but not limited to NAS data related to VIP movement, law enforcement, or military operations.
- c. **NAS Data.** Dynamic surveillance data produced by the NAS infrastructure that is used for air traffic control operations.

8. Background. FAA air traffic control facilities routinely handle sensitive flight information. The security of flight operations could be compromised if operational air traffic data were monitored or extracted by malicious entities. Some organizations, however, have legitimate reasons for requesting access to NAS data, e.g., for minimizing the risk of runway incursions or for managing noise abatement programs. The FAA must respond to these legitimate requests while simultaneously safeguarding the NAS.

9. Policy.

- a. The FAA may release filtered real-time NAS data if it will only be used to support safe and efficient surface movement at an airport.
- b. The FAA may release filtered and delayed NAS data if it is only used for aviation safety, airspace system efficiency, noise abatement, or if it otherwise supports FAA programs.
- c. The FAA may release NAS data after the data recipient meets all requirements of this order, and then only upon approval by the Director of Safety and Operations Support.
- d. The FAA may immediately and without prior notice withhold NAS data in the interests of aviation safety or national security, or if the data release does not meet requirements of this order.
- e. All costs of data access and transmission are the responsibility of the data recipient. This includes furnishing the FAA with any required interface equipment, and providing access and training if FAA will maintain and monitor interface equipment.
- f. All data access interface equipment must meet requirements of Order 1800.66, Configuration Management Policy.
- g. The FAA may not release data to an external organization until both parties sign a memorandum of agreement (MOA). This requirement only applies to the actual transfer of data, and is not a prerequisite for approval of the request.
- h. The FAA may only release NAS data to external organizations identified in an MOA. Data recipients must submit a new data release request if they wish to provide NAS data to any

third party not listed in an existing MOA. This is intended to prohibit further release of NAS data without FAA approval.

10. Responsibilities.

a. The FAA must:

- (1) Determine validity of requests to acquire NAS data.
- (2) As required, filter and delay operational data prior to its release.
- (3) Actively monitor the processes used to filter and delay data.
- (4) Execute an MOA prior to each release of data.
- (5) Test interface equipment to ensure it does not harm the NAS.

b. Technical Operations must:

- (1) Manage a national program for reviewing and approving incoming requests.
- (2) Ensure that all appropriate organizations review each data request.
- (3) Provide an executive-level approval process for external data access requests.

c. Each ATO Service Center must designate an FAA representative that must:

- (1) Assist requestors throughout the approval process.
- (2) Generate NAS change proposals (NCP) if needed.
- (3) Work with FAA Regional Counsel while helping the requestor develop an MOA.
- (4) Ensure that the MOA addresses all costs and reimbursements associated with data access and transmission.

d. The FAA Data Governance Board must:

- (1) Establish and maintain an information repository for external data requests and associated documentation.
- (2) Monitor all external requests for NAS data.

11. Guidance. The appendices of this order provide supplemental guidance to help FAA personnel manage external data requests and ensure that they meet program requirements. The Vice President of Technical Operations may approve updates to these appendices.

a. Appendix A contains FAA Form 1200-5, NAS Data Release Request, and instructions for completing this form.

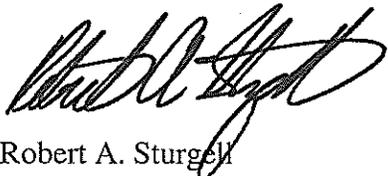
b. Appendix B provides standard operating procedures for reviewing external requests for access to NAS data, and for tracking their associated connections to the NAS.

c. Appendix C provides an MOA template for establishing agreements between the FAA and each data recipient. Each MOA must, at a minimum, include paragraphs that address each subject provided in the attached MOA template.

12. References. Please refer to the following documents for additional guidance:

- a. Order 1350.15, Records Organization, Transfer, and Destruction Standards.
- b. Order 1370.82, Information Systems Security Program.
- c. Order 1370.95, Wide Area Network Connectivity Security.
- d. Order 1375.1, Information/Data Management.
- e. Order 1600.75, Protecting Sensitive Unclassified Information (SUI).
- f. Order 1800.66, Configuration Management Policy.
- g. Order 2500.35, Reimbursable Agreements Covering Goods and Services Provided by the FAA.
- h. Order 8020.11, Aircraft Accident and Incident Notification, Investigation, and Reporting.

13. Distribution. This order is distributed in headquarters to division/group level within Technical Operations, En Route and Oceanic, System Operations, Terminal Services, the Office of the Assistant Administrator for Information Services, and the Office of Chief Counsel; to branch level in the Technical Operations, En Route and Oceanic, System Operations, and Terminal Service Areas; to division level in the FAA Academy and the FAA Logistics Center at the Mike Monroney Aeronautical Center; and to all Air Traffic Organization field offices with a maximum distribution.



Robert A. Sturgell
Acting Administrator

Appendix A. FAA Form 1200-5, NAS Data Release Request.

NAS Data Release Request		OMB Approved 2120-0668
<i>Paperwork Reduction Act Statement: This data is collected to assess the validity of your request for approval/disapproval. It will take approximately 27 hours or less to complete this form. The collection is mandatory, and all information collected must be kept confidential. An agency may not collect, and a person is not required to respond to an information collection, unless it displays a currently valid OMB Control Number.</i>		
1. Business / Organization Name:	2. Business Phone Number:	
3. Address (Street, City, State, ZIP Code)		
4. Point of Contact (POC) Name:	5. Phone Number:	6. Full E-Mail Address:
7. Are you currently receiving NAS data? <input type="checkbox"/> Yes <input type="checkbox"/> No (If no, skip to #10)		
8. Indicate your authority to access NAS data: <input type="checkbox"/> Memorandum of Agreement <input type="checkbox"/> Government contract		
(Attach documentation) <input type="checkbox"/> Other (Explain)		
9. Indicate if you have an approved NCP(s) on file: <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, list the case file number(s):		
10a. Type of data you are requesting: <input type="checkbox"/> Delayed <input type="checkbox"/> Recorded 11b. Describe the data requested: (Attach additional sheets)		
11. Describe your proposed method for acquiring data: (Attach additional sheets)		
12. Describe the nature of your organization/business and the purpose for this request. (Attach additional sheets)		
13. Describe your sensitive data filtering process. (Attach additional sheets)		
14. List any non- U.S. citizen personnel you will employ for this data request. Explain his/her duties in relation to this data request. (Attach additional sheets)		
FOR OFFICE USE ONLY: Request Date: ___/___/___ Package Date: ___/___/___ Issue Date: ___/___/___ Review Date: ___/___/___		

Appendix A. FAA Form 1200-5, NAS Data Release Request, Continued.**NAS DATA RELEASE REQUEST FORM INSTRUCTIONS**

If you require additional space to provide your answers, write them on a separate sheet preceded by the item number and attach them to this request.

1. Enter the complete registered name of the business or organization that has authority for all operations.
2. Enter the phone number of the business or organization.
3. Enter the complete address of the business or organization.
4. Enter the Point of Contact (POC) who will have the delegated authority. If this person is the same as the one stated in 3, indicate by entering "same as above."
5. Enter the phone number of the POC. If this person is the same as the one stated in item 4, indicate by entering "same as above."
6. Enter the business or organization's e-mail address.
7. Check the appropriate box. If the answer is "Yes," attach a copy of the appropriate documentation.
8. Check the appropriate box.
9. Indicate whether or not you have an approved NAS Change Proposal (NCP) with the FAA and include that number. If you have more than one NCP, list all NCP numbers.
10. Describe the type of data you are requesting – location, facility, exact data sought. Be as specific as possible.
11. Describe your method for accessing NAS data. Tell what your equipment will do, how it will operate, the method of filtering, and any other capabilities as required.
12. State the type of business you operate and the specific purpose for using the NAS data.
13. List, in specific detail, your filtering process and data safeguard procedures.
14. Provide the names of any non-U.S. citizen personnel you plan to employ for this data request, along with the scope and nature of work the individual will perform.

NOTE: FAA Form 1200-5 is available on line at: <http://feds.faa.gov>

Appendix B. Standard Operating Procedures.**1. Process Participant Roles**

1.1 Director of Safety and Operations Support:

- a. Approves or disapproves requests for NAS data
- b. Provides guidance and direction to program staff and process participants as required.

1.2 Program Manager

- a. Manages data request program, including updates to Order 1200.22, oversight of the NAS data request process, and resolving program-level issues.
- b. Approves distribution of requests to designated evaluators.
- c. Reviews completed requests case files prior to scheduling final approval.

1.3 Program Coordinator

- a. Ensures timely and appropriate processing of data requests and revalidation of Memoranda of Agreements (MOA).
- b. Provides process assistance and training, if required to FAA representatives, evaluators and other process participants.
- c. Ensures impacts to NAS systems and equipment are addressed in accordance with FAA Order 1800.66, Configuration Management Policy.
- d. Maintain policy, processes, and procedures
- e. Maintain the external request automated support tools (database and website)

1.4 FAA Representatives:

- a. Are primarily located in the Service Areas at the Service Centers.
- b. Provide appropriate form and completion support to requestors.
- c. Complete request date field in the "Official Use Only" block of the form.
- d. Resolve comments received during the review process.
- e. Develop, coordinate, and obtain signatures for MOAs.

Appendix B. Standard Operating Procedures, Continued.

- f. Develop NAS change proposals as required.
 - g. Complete action items documented in the decision memo.
- 1.5 Designated evaluators assess the validity of each request for data. Service unit personnel and other subject matter experts may also review requests based on the nature of the request.
- a. Designated evaluators represent the following organizations:
 - Safety and Operations Support, AJW-1
 - Enterprise Configuration Management, AJW-27
 - Executive Secretariat, FAA Data Governance Board, ARD-300
 - NAS Support Group, AJW-13
 - NAS Defense/Security Group, AJW-15
 - System Operations Security Office, AJR-2
 - Office of the Chief Counsel, AGC-1
 - Security and Hazardous Material Office of Internal Security and Investigation, AIN-1
 - b. Designated evaluators perform reviews of data requests assessing:
 - Adherence to data release policy
 - Validity of each request.
 - Appropriateness of the requested data for release.
 - Security aspects of sensitive data filtering processes, delay times, and access to data and facilities by non-U.S. citizens.
 - Legal, ethical, and export aspects of the request and related MOA.
 - c. Designated evaluators also assess the external data request process and recommend changes to the Program Manager.

2.0 Procedures for Processing External Requests

2.1 Initiate the request. The requestor obtains Form 1200-5 from the FAA representative and legibly completes all form fields. The second page of the form contains instructions.

- New requests for data include a draft MOA.

Appendix B. Standard Operating Procedures, Continued.

- Requests to renew existing agreements include an updated final MOA. Requestors may only renew existing agreements if there has been no change to the original request or agreement.

2.2 Submit the request. The data requestor submits completed form to the FAA representative who:

- Verifies that the form is complete.
- Reviews the draft MOA and appropriate attachments for accuracy and completeness.
- Sends the request to the Program Coordinator.

2.3 Process the request. Upon receipt, the Program Coordinator:

- Captures the request in the request database, assigning a unique identifier.
- Reviews the request for completeness and if necessary, returns incomplete requests to the FAA representative for rework.
- Submits the request to the Program Manager for preview.

2.4 Perform pre-review. The Program Manager

- Reviews the request to determine whether or not processing should continue.
- Returns it to the Program Coordinator with appropriate direction for processing.

2.5 Coordinate the request. The Program Coordinator:

- Issues the request to the evaluators for review. The standard review time is seven (7) business days.
- Returns the request to the FAA representative if it is determined the request does not apply to the data release process.

2.6 Review the request. Each designated evaluator:

- Performs a review and provides their response to the Program Coordinator. Responses may be submitted electronically (preferred) or in hard copy format with his or her signature.
- Requests extensions for the review, if required, through the Program Coordinator.

If an evaluator does not respond within the assigned or agreed to review period, the Program Coordinator issues a follow-up reminder. If no response is received after the follow-up, the Program Coordinator records the evaluator response as a “non-response” and moves forward. The Program Coordinator confirms all “non-response” indications with the Program Manager.

Appendix B. Standard Operating Procedures, Continued.

2.7 Resolve comments.

a. The Program Coordinator:

- Submits comments requiring resolution to the FAA representative.

b. The FAA representative:

- Works with the requestor to resolve comments.
- Coordinates resolution with the commenting evaluator(s) and obtains agreement.
- Returns the resolution to the Program Coordinator.

2.8 Prepare request for decision. The Program Coordinator:

- Ensures that each evaluator has accepted resolution, as applicable.
- Prepares the data release decision memo containing required actions to implement data release.
- Schedules decision date with the Technical Operations Director of Safety and Operations Support.
- Provides a summary of the request and any associated issues to the Technical Operations Director of Safety and Operations Support.

2.9 Approve or disapprove the request. The Technical Operations Director of Safety and Operations Support:

- Adds remarks or additional actions to the decision memo, if deemed necessary.
- Indicates approval or disapproval and signs the decision memo.
- Returns decision memo to the Program Coordinator.

2.10 Implement data release decision actions. The Program Coordinator will notify the FAA representative via the actions assigned on the approved decision form. If the data release request requires a NAS system configuration change, the FAA representative will:

- Generate a case file/NAS Change Proposal (NCP) (Form 1800-2) using the national automated configuration management support tool (WebCM).
- Reference the data release identification number in the title block of the NCP.
- Attach the related MOA, data release decision, and any other associated data to the proposed change.

Appendix B. Standard Operating Procedures, Continued.

The NAS Configuration Control Board (NAS CCB) adjudicates all NCPs resulting from a data release decision, with the exception of facility as-built layout drawings. The Service Area CCB adjudicates facility as-built changes.

If there is **NO** impact to a baselined NAS system, the FAA representative will:

- Submit a copy of the signed MOA directly to the Program Coordinator in accordance with the data release decision.
- Ensure MOAs are consistent with the approved request.

3.0 NCP Process

Note: This paragraph does not provide guidance on the NCP process. For NCP requirements, refer to Order 1800.66, Configuration Management Policy.

Case files/NCPs resulting from DATA REQUESTS decisions must reflect the specific interface described in the approved 1200-5. Local case files/NCPs are required for the specific location(s) identified. The NAS CCB adjudicates these local case files/NCPs.

The NCP process addresses the technical aspects associated with obtaining data requested when a physical interface or a configuration change to the NAS is required. NCPs resulting from approved NAS Data Release Requests are processed through and approved by the NAS CCB. The data release decision and program personnel direct the development of a case file/NCP as appropriate. As applicable, the Service Area CM coordinators can assist with case file/NCP development.

Appendix C. Sample Memorandum of Agreement.**Memorandum of Agreement**

Federal Aviation Administration
(Insert Name of AT Facility)

and the

(Insert Name of External Organization)

The *(Insert Name of External Organization)* has requested that the Federal Aviation Administration (FAA) provide the external organization with access to certain flight track data to support the data requirements of the Environmental Impact Statement (EIS) Airport Noise Compatibility planning under 14 CFR Part 150 Noise Abatement or _____ for *(Insert City and Airport names. Include the three-letter identification code of the airport.)* The FAA agrees to provide and allow the outside organization to use certain data as set forth in this Agreement. The FAA enters this Memorandum of Agreement pursuant to 49 United States Code (USC) Section 106(1)6. Therefore, the FAA and the external organization agree to the following procedures, restrictions, and responsibilities:

I. DESCRIPTION.

A. *(Describe the context of the data used, e.g. the aviation safety, capacity, or other purpose, and specify what equipment/system will be used for data collection. Refer to all applicable.)*

B. This Memorandum of Agreement (“Agreement”) covers the requirements for (i) provision of the Data; (ii) use of the Data; (iii) installation, use and maintenance of the System.

II. FAA RESPONSIBILITIES.

A. *(Accurately describe the specific responsibilities for the FAA. Use as many sub paragraphs as needed. For example, modifications to FAA equipment and systems must ensure continued reliable compatibility with the external organization owned equipment, etc.)*

B. Service interruptions may occur due to operational necessity, safety, and security concerns and/or hardware failure. Final authority to deny access to data in accordance with the terms of this agreement must reside with the Air Traffic Manager (*AT Facility*). The (*AT Facility*) must not be held responsible or retain any legal obligation as to the accuracy, validity, or continued availability of the data.

Appendix C. Sample Memorandum of Agreement, Continued.

III. EXTERNAL ORGANIZATION RESPONSIBILITIES – USE OF ATC COMPUTER/RADAR DATA.

(The applicable external organization will provide a narrative of its responsibilities and duties for using operational ATC data supplied by the FAA. Use as many subparagraphs as necessary.)

1. The external organization must supply the FAA with adequate compatible recording devices (discs or tapes).
2. All computer programs and equipment to be installed and operated in the *(AT Facility)* will be subject to FAA approval.
3. The external organization must provide all transportation and associated costs for transporting the discs or tapes.
4. Requests for copies of recorded data must be received by the *(AT Facility)* not later than three days after the date of the requested data.
5. The external organization must not release these data for use by law enforcement agencies or for use in any litigation, absent Court Order.
6. The external organization must not release these data if advised by the FAA that the data received contain information relating to an aircraft incident.
7. The external organization must not use these data for legal action involving noise abatement regulation enforcement.
8. Indemnification by the external organization. The external organization agrees to indemnify and hold harmless the Federal Government, its agencies, officers, and employees from and against all claims, demands, damages, liabilities, losses, suits, and judgments (including all costs and expenses incident thereto) which may accrue against, be suffered by, be charged to, or recoverable from the Federal Government, its agencies, officers, and employees arising out of the FAA providing this data and arising out of acts of omissions of the external organization, its agents, contractors, or employees by reason of damage to, destruction of, misappropriation, or loss of property of the Federal Government, its officers, employees and agents arising out of the act of omissions of the external organization, its employees, and agents under this agreement, whether or not caused or contributed to by negligence on the part of the external organization or its agents. In the event the external organization holds or obtains insurance in support of this promise, an original or certified copy of a certification of insurance must be delivered to the FAA.
9. The external organization must pay the cost, as determined by the FAA contracting officer, of producing and/or supplying any utilities, including telephone lines. The requestor must also pay for other services furnished by the government or through government-owned

Appendix C. Sample Memorandum of Agreement, Continued.

facilities for the use of the external organization's proportionate share of the cost of operation and maintenance of the government-owned facilities by which such utilities or services are produced or supplied. The government must be under no obligation to furnish utilities or services.

10. The external organization agrees that any property of the United States damaged or destroyed incident to the exercise of the privileges herein granted must be promptly repaired or replaced by the external organization to the satisfaction of the FAA contracting officer or in lieu of such repairs or replacement, the external organization must, if so required by the contracting officer, pay to the United States money in an amount sufficient to compensate for the loss sustained by the United States by reason of damage to or destruction of government property.

11. The external organization must not release FAA data to any party that isn't specifically identified in the MOA; however, the external organization may publicly release reports and analyses derived from the data, such as average flight trajectories and average flight events over a given point or track during designated time periods, as well as other derived data of a similar nature subject to the provisions of all other paragraphs of this agreement. At FAA's request, copies of all reports must be provided to FAA.

12. Additional procedures and restrictions, as required.

13. The external organization must direct requests and deliver discs/tapes:
(AT Facility name, address, and phone number.)

IV. INTERAGENCY COMMUNICATIONS.

A. The external organization must direct communications to:
(Provide the complete mailing address for the FAA facility.)

B. The FAA must direct communications to:
(Insert complete mailing address for the external organization.)

V. TERMINATION OF AGREEMENT.

Either party may terminate this Agreement by giving the other party ninety (90) days written notification. The duration of this Agreement must not exceed two years from the date signed by all parties.

VI. ADDITIONAL PROCEDURES AND RESTRICTIONS.

(Describe individually, by separate sub paragraph, each additional restriction and procedures that may apply.)

Appendix C. Sample Memorandum of Agreement, Continued.

VII. DATA COVERED BY THIS AGREEMENT.

For purposes of the Agreement, the "Data" must be defined as follows:
(Describe the specific data here, and name the location; e.g., XYZ ASR-9.)

VIII. SYSTEM REVIEW.

The FAA and the external organization agree to conduct a review, at the request of either party, to determine whether the system is operating in accordance with the specifications of this Agreement and examine the need for modifications to this Agreement or to the operation of the system. The FAA and the external organization will coordinate the location, time, and agenda of the review sessions. (Insert a time interval here, if applicable.)

The FAA and the external organization concur with the provisions of this Agreement as indicated by the signatures of their duly authorized officials.

FEDERAL AVIATION
ADMINISTRATION

EXTERNAL ORGANIZATION
(Fill in name.)

(Name and Title)

(Name and Title)

(Date)

(Date)

(Signature)

(Signature)