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**FEDERAL AVIATION ADMINISTRATION**  
National Policy

**ORDER**  
**8000.88A**

Effective Date:  
3/6/24

**SUBJ: PRIA and PRD Guidance for FAA Inspectors**

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This order provides Federal Aviation Administration (FAA) inspectors with guidance regarding Title 14 of the Code of Federal Regulations (14 CFR) part 111: the Pilot Records Database (PRD) and the Pilot Records Improvement Act of 1996 (PRIA). The PRD facilitates the sharing of pilot records among pilot employers in a clearinghouse managed by the FAA. In accordance with part 111, all 14 CFR part 119 certificate holders (CH), operators that conduct operations in accordance with a fractional ownership program (fractional ownerships), and air tour operators holding a Letter of Authorization (LOA) issued in accordance with 14 CFR part 91, § 91.147, are required to access the PRD and evaluate the available data for each individual pilot candidate prior to making a hiring decision. Also, in accordance with part 111, part 119 CHs, entities conducting public aircraft operations (PAO), air tour operators, fractional ownerships, and other specific entities operating under part 91 or 14 CFR part 125 are required to report records on individuals employed as pilots into the PRD. The PRD contains employer and FAA records on an individual's performance as a pilot for the life of the individual. Records contained within the PRD database are only permitted to be used as a hiring aid in an operator's decision-making process for pilot employment.

PRIA was enacted to ensure that air carriers adequately investigate a pilot's background before allowing that pilot to conduct commercial air carrier flights. Under PRIA, an air carrier cannot place a pilot into service until after it obtains and reviews the last 5 years of the pilot's records.

Public Law (PL) 111-216, Airline Safety and Federal Aviation Administration Extension Act of 2010 (the PRD Act), codified at Title 49 of the United States Code (49 U.S.C.) § 44703(i), was signed into law on August 1, 2010. Section 203 of the PRD Act amends PRIA by requiring the FAA to create the PRD that contains various types of pilot records. Compliance with the PRD Act requires air carriers and other persons to provide records maintained by them in accordance with PRIA as of August 1, 2010, which includes historical records going back 5 years prior to that date (i.e., 2005) under the requirements of PRIA. This is in addition to any records air carriers or other persons have created since August 1, 2010, that the PRD Act requires for the PRD.

This order for FAA inspectors is supplemented by other related guidance, such as Advisory Circular (AC) 120-68, Pilot Records Database and Pilot Records Improvement Act, and numerous other documents found on the official PRD and PRIA websites. These guidance and

informational documents should help inspectors implement the requirements of PRIA, the PRD Act, and part 111.

A handwritten signature in black ink, appearing to read 'R. Ruiz', is positioned above the typed name.

Robert M. Ruiz for  
Lawrence Fields  
Executive Director, Flight Standards Service

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## Chapter 1. General Information

**1. Purpose of This Order.** This order provides Federal Aviation Administration (FAA) inspectors with an initial familiarization concerning the Pilot Records Improvement Act of 1996 (PRIA), which is codified at Title 49 of the United States Code (49 U.S.C.) § 44703(h), (j), and (k), and the Pilot Records Database (PRD). Additionally, it equips inspectors with the knowledge and necessary tools to competently observe, record, and evaluate the PRIA and PRD functions of any air carrier or operator assigned to them. Using this order, the inspector should be able to successfully conduct an audit or an inspection of PRIA/PRD-related pilot records, as a normal surveillance procedure or in response to an alleged statutory violation.

**a. Background Investigations.** Congress originally enacted PRIA because seven fatal airline accidents attributable to pilot error occurred between 1987 and 1994. Through subsequent investigation, it was determined that each pilot had a history of prior safety violations or training problems. Because the hiring air carrier had not investigated the pilot's background for competency or other safety-related information, the hiring air carrier was unaware of the safety risks. PRIA became law to ensure that such investigations are completed because the past failures were catastrophic. Today, the PRD carries on this mission only in a modern electronic system, which provides the same records to an airman's performance and training history only in a much timelier manner for the benefit of all the aviation community.

**b. Transition.** PRIA and the PRD are complementary to one another and run in parallel until PRIA is sunset on September 9, 2024. This allows for an orderly transition from PRIA to the PRD and ensures pilot records remain accessible during the transition.

**2. Audience.** This order applies to Flight Standards Safety Assurance offices' aviation safety inspectors (ASI).

**3. Where You Can Find This Order.** You can find this order on the MyFAA employee website at [https://employees.faa.gov/tools\\_resources/orders\\_notices](https://employees.faa.gov/tools_resources/orders_notices) and the Dynamic Regulatory System (DRS) at <https://drs.faa.gov>. Operators and the public can find this order on the FAA's website at [https://www.faa.gov/regulations\\_policies/orders\\_notices](https://www.faa.gov/regulations_policies/orders_notices) and DRS.

**4. What This Order Cancels.** FAA Order 8000.88, PRIA Guidance for FAA Inspectors, dated March 14, 2006, is canceled.

**5. Distribution.** This order is distributed to the director level in Washington headquarters and the centers; to the branch level in the offices of the Associate Administrator for Aviation Safety, Flight Standards Service (FS), and Safety Analysis and Promotion Division (AFS-900); to all Flight Standards District Offices (FSDO); and to the Office of Aerospace Medicine, Drug Abatement Division (AAM-800).

## 6. Background.

**a.** PRIA, and now Title 14 of the Code of Federal Regulations (14 CFR) part 111, require the requesting, gathering, sharing, and evaluation of information pertaining to a pilot's qualifications and other safety background and employment records. These records enable the

hiring air carrier to make an informed decision concerning each pilot applicant before extending a firm offer of employment.

**b.** The PRIA statute is unusual because it is a self-executing statute. That is, PRIA prescribed what was to be done without the need for the FAA to issue additional regulations. However, with the statute revision in 2010, the FAA promulgated part 111 to implement the PRD and plan for the eventual sunseting of PRIA.

**c.** This order covers the more prominent aspects of the PRIA statute and part 111. Advisory Circular (AC) 120-68, Pilot Records Database and Pilot Records Improvement Act, provides further guidance concerning PRIA and the PRD. Consult 49 U.S.C. § 44703(h) for PRIA, (i) for the PRD, and (j) and (k), which apply to both PRIA and the PRD.

**d.** PRIA was enacted on October 9, 1996, in response to seven fatal commercial air carrier accidents that were attributed, in part, to errors made by pilots who had been hired without complete safety background checks. Later reviews of these pilot's records revealed prior safety violations or training problems, which followed them to subsequent air carrier employment without the new air carrier being aware of these violations or problems. In each case, the new air carrier had lacked access to, or had failed to obtain, the pilot's flight qualifications and other safety-related records from the FAA and/or previous employers before completing the hiring process. This created the potential for substandard pilot performance to continue.

**e.** Carrying on this mission, the PRD was enacted on August 1, 2010, and 49 U.S.C. § 44703 was amended to include the PRD, which runs concurrent with PRIA for continuity until September 9, 2024, at which time PRIA will end. This new law was enacted in response to a fatal airline accident on February 12, 2009, near the Buffalo Niagara International Airport, Buffalo, NY.

**f.** Since its enactment in 1996, PRIA has required 14 CFR parts 121 and 135 air carriers and 14 CFR part 125 air operators to request, receive, and evaluate background safety information for any pilot applicant before allowing the applicant to begin service as a pilot. The PRD expands on the applicability of those who must participate in the PRD process. See paragraph 9 for more details regarding applicability of the PRD. A pilot may begin training with an air carrier before the PRIA background check has been completed. However, all PRIA background checks, and now PRD background checks, must be completed and evaluated before the applicant can begin service as a pilot for the air carrier. Although part 111 is in effect and provides many of the same functions as PRIA, PRIA will continue in effect until September 9, 2024, to allow the air carrier and air operator community to make the transition from the old system to the new by entering their appropriate pilot records into the PRD.

**7. Principal Operations Inspector (POI) Responsibilities.** The primary responsibilities of the POI are to:

- a.** Be knowledgeable concerning PRIA and the PRD.
- b.** Promote the assigned air carrier's awareness of and compliance with PRIA and the PRD.
- c.** Conduct regularly scheduled reviews of the assigned air carrier's PRIA/PRD records.

d. Be prepared to conduct an investigation upon receipt of a report indicating that the air carrier is not complying with the PRIA/PRD law or part 111.

e. Contact AAM-800 if it appears that there may be violations of PRIA, or if the company did not use FAA Form 8060-12, Authorization for Release of DOT Drug and Alcohol Testing Records Under PRIA and Maintained Under Title 49 Code of Federal Regulations (49 CFR) Part 40. After PRIA sunsets in September 2024, FAA Form 8060-12 may no longer apply; however, a company must complete the drug and alcohol records checks in accordance with 49 CFR § 40.25, in addition to the PRD query. The company must use a written release to obtain the drug and alcohol testing records from previous employers. Only AAM-800 will perform surveillance activities to determine compliance with PRIA and 49 CFR § 40.25 and take appropriate actions concerning any deviations from PRIA and 49 CFR § 40.25 for drug and alcohol testing records.

## **8. PRIA Applicability.**

a. **Persons Who Must Request and Furnish Records.** PRIA specifically pertains to the following:

(1) A part 121 or 135 air carrier or a part 125 air operator, and any fractional ownership operating under 14 CFR part 91 subpart K (part 91K), as well as any single-pilot operator under part 135 that is hiring an individual to be a pilot. A company operating under part 91, § 91.147 must request the drug and alcohol testing records under PRIA when hiring a pilot.

(2) An air carrier or other person that has employed an individual as a pilot of a civil or public aircraft.

**Note:** A “person” includes corporations, companies, associations, firms, partnerships, societies, and joint stock companies, as well as individuals. It also includes a governmental authority, trustee, receiver, assignee, and other similar representative. Thus, a part 91 operator that has employed the applicant as a pilot is considered a “person” and must furnish any PRIA-requested records that it has created concerning the applicant (see subparagraph 8b(2)).

(3) Any individual who is applying for a position as a pilot with an air carrier and has been employed as a pilot of a civil or public aircraft.

b. **Exceptions.** PRIA does not require the following operators to request records:

(1) Flights or other operations not operating under part 121, 125, or 135, including those operations expressly excluded from certification requirements under 14 CFR part 119, § 119.1(e).

**Note:** Flight operations under § 91.147 are required to report drug and alcohol testing records.

**Note:** Even though an operator may be excluded from the PRIA statute, they may be required to participate in the PRD.

(2) In addition, the requirements of part 111 to request records, while expanded over PRIA, do not apply to several other groups of operators. Even though some operations, such as 14 CFR part 133 external load operations and 14 CFR part 137 agriculture operations, are not required to request records under PRIA, they should furnish any records that they may have accumulated concerning an applicant if they receive a PRIA request.

(3) If a certificate holder (CH) (air carrier) finds it necessary, it may contact its POI to request a determination concerning the applicability of the request process for any specific operation(s) not listed above. The Office of Safety Standards (OSS) can assist POIs in understanding the applicability of PRIA and part 111 but cannot make a final determination of applicability for any specific operator.

## **9. PRD Applicability.**

**a. Access and Evaluate Records.** The following operators are required to access and evaluate a pilot's records in the PRD prior to making a hiring decision in accordance with part 111, § 111.100:

(1) Part 119 CHs. All CHs operating in accordance with part 121, 125, or 135 are required to access and evaluate an individual's records in the PRD prior to making a hiring decision. This includes both air carriers as well as operators.

(2) Fractional Ownerships. Any person who has been issued management specifications (MSpecs) to operate in accordance with part 91K is required to access and evaluate an individual's records in the PRD prior to making a hiring decision. Compliance with § 111.105 satisfies the pilot safety background check specified in § 91.1051 until that provision sunsets.

(3) Air Tour Operators. An air tour operator that has been issued a Letter of Authorization (LOA) in accordance with § 91.147 is required to access and evaluate an individual's records in the PRD prior to making a hiring decision.

(4) Optional Record Review. Corporate flight departments and public aircraft operations (PAO) may also elect to review records in accordance with part 111 subpart B, as set forth in § 111.100. If reviewing records in the PRD, the operator must comply with § 111.120, which requires receipt of a pilot's consent to access records.

**Note:** Regardless of how an operator obtains pilot services from an individual (e.g., direct employment, contractor, temp agency, or other means of compensation), a part 119 CH, fractional ownership, or air tour operator as defined in § 91.147 is responsible for accessing and evaluating the individual's records in the PRD prior to making a hiring decision to operate the approved aircraft.

**b. Requirement to Enter Records.** The following operators are required to report pilot records into the PRD in accordance with § 111.200. AC 120-68, Paragraph 2.8, Entering Company Records in the PRD, and Appendices A through E provide an explanation of the types of records to be entered into the PRD by each reporting entity in order to meet the requirements of part 111 subpart C.



(1) Part 119 CHs. CHs operating in accordance with parts 121 and 135 that held an Air Carrier Certificate are required to enter pilot records as set forth in § 111.200 for pilots they have employed since August 1, 2005. In addition, those CHs operating under parts 121, 125, and 135 who held an Operating Certificate are required to enter pilot records for those pilots employed since August 1, 2010.

(2) Fractional Ownerships. Operators conducting operations as fractional ownerships are required to enter pilot records as set forth in § 111.200 for all pilots it employed since August 1, 2010.

(3) “PAC” Operators. This group of operators, which includes PAO, air tour operators, and corporate flight departments operating two or more type-rated aircraft or turbine-powered rotorcraft, have identical reporting requirements.

(a) Air Tour Operators. Air tour operators conducting operations in accordance with § 91.147 are required to enter pilot records as set forth in § 111.215.

(b) Corporate Flight Departments. Corporate flight departments that operate two or more aircraft described in § 111.1(b)(4)(i) or (ii), in furtherance of or incidental to a business, solely pursuant to the general operating and flight rules in part 91, are required to enter pilot records as set forth in § 111.215.

(c) Entities Conducting PAO. PAO are required to enter pilot records as set forth in § 111.215.

(4) Trustee in Bankruptcy. A trustee in bankruptcy is required to continue to comply with the reporting requirements for the PRD in accordance with the reporting entity’s obligations in part 111, as set forth in § 111.200.

**10. PRIA Definitions.** In review, there are two significant events as a pilot begins work with a new air carrier: first, when the pilot has been “hired” or “employed,” both terms referring to the same event; and second, when the pilot has been “placed into service” performing as a pilot after the required training, testing, and checking has been successfully completed.

**a. Hired and Employed.** For all practical purposes under PRIA, the terms “hired” and “employed” both refer to that point in time when a pilot has been offered, and has accepted, a position as a pilot with an air carrier. Whether a pilot has begun training, completed training, or has already been released to begin service as a pilot, has no bearing on the definition of hired or employed. Both terms are interpreted to have the same meaning.

**b. Placed Into Service.** Upon completion of the required training, testing, and checking, a pilot is released for service to begin performance as a pilot, usually under the supervision of a Chief Pilot or a training captain, for the prescribed period of time or flight hours. Under PRIA, a pilot cannot be placed into service until the hiring air carrier has requested, received, and reviewed the required records, unless a good faith exception applies.

**11. PRD Definitions.** Definitions annotated with an asterisk (\*) are also regulatory definitions captured in § 111.10.

**a. Authorized User.** An individual who is employed by an operator, entity, or trustee and who is designated by a Responsible Person (RP) to access the PRD on behalf of that employer for purposes of reporting and evaluating records that pertain to an individual pilot applicant.\*

**b. Begin Service as a Pilot.** The earliest date on which a pilot serves as a pilot flightcrew member or is assigned duties as a pilot in flight for an operator or entity that is subject to the applicability of part 111.\*

**c. Corporate Flight Department.** For the purpose of this order, this term refers to an operator meeting the applicability of § 111.1, which means they operate two or more aircraft which are standard airworthiness airplanes that require a type rating under 14 CFR part 61, § 61.31(a) and/or turbine-powered rotorcraft in furtherance of or incidental to a business, solely pursuant to the general operating and flight rules in part 91, or that operates aircraft pursuant to a Letter of Deviation Authority (LODA) issued under part 125, § 125.3.

**d. Final Disciplinary Action Record.** A last-in-time record of corrective or punitive action taken by an operator or entity who is subject to applicability of part 111 in response to an event pertaining to pilot performance. No disciplinary action is considered final until the operator determines the action is not subject to any pending dispute.\*

**e. Final Separation from Employment Record.** A last-in-time record of any action ending the employment relationship between a pilot and an operator or entity who is subject to the applicability of part 111. No separation from employment is considered final until the operator determines the separation is not subject to any pending dispute.\*

**f. Historical Record.** A record that an operator subject to the applicability of part 111 subpart C must generate and maintain in accordance with 49 U.S.C. § 44703(h)(4) and must report to the PRD in accordance with 49 U.S.C. § 44703(i)(15)(C)(iii).\*

**g. Operator.** Any air carrier or operator subject to part 111 as described in § 111.1.

**h. PRD Administrator.** The individual(s) who manages the PRD on behalf of the FAA.

**i. PRD Date of Hire.** The earliest date on which an individual begins any form of required training in preparation for that individual's service as a pilot on behalf of an operator or entity subject to the applicability of part 111 or performs any duty as a pilot for an operator or entity subject to the applicability of part 111. This definition includes both direct employment and employment that occurs on a contract basis for any form of compensation. The PRD date of hire has a different regulatory definition than "hire" as defined under the drug and alcohol testing regulations (14 CFR part 120, § 120.7(h)).\*

**j. Proxy.** A person who is designated by an RP to access the PRD on behalf of an operator, entity, or trustee subject to the applicability of part 111 for purposes of reporting or retrieving records.\*

**k. Record Pertaining to Pilot Performance.** A record of an activity or event directly related to a pilot's responsibilities or completion of the core duties in conducting safe aircraft operations, as assigned by the operator employing that pilot.\*

**l. Responsible Person (RP).** The individual identified on the application required by § 111.15 and who meets at least one of the criteria in § 111.15(c). The individual should be serving in a required management position listed under § 119.65(a) or other applicable regulation. These positions may include the following positions: Director of Safety (DOS), Director of Operations (DO), Chief Pilot, Director of Maintenance (DOM), or Chief Inspector.\*

**m. Reporting Entity.** An operator, entity, or trustee who is subject to the applicability of part 111 subpart C, including its RP, authorized users, and proxies.\*

**n. Reviewing Entity.** An operator that is subject to the applicability of part 111 subpart B, including its RP, authorized users, and proxies.\*

## **12. PRIA Authority.**

**a. Section 44703.** The authority for PRIA is codified in the following 49 U.S.C. sections:

- (1) Section 44703(h), Records of Employment of Pilot Applicants.
- (2) Section 44703(j), Limitations on Liability; Preemption of State Law.
- (3) Section 44703(k), Limitation on Statutory Construction.

**b. Compliance.** PRIA has been effective since February 6, 1997. The PRIA statute contains the legal provisions for compliance. This statute is self-executing, which means that the FAA did not need to make separate regulations. The FAA will implement the actual statute (49 U.S.C. § 44703(h)) without any further regulations. Therefore, the authority for PRIA is found in the above 49 U.S.C. references and is not contained in 14 CFR. The safety of commercial aviation, as well as that of the general public, always demands that suspected PRIA noncompliance be reported for investigation as soon as possible. Failure to check a pilot's records before hiring the pilot has proven to be catastrophic in the past.

**c. Extension.** The PRD has extended the above statute and is hereby known as the "Airline Safety and Federal Aviation Administration Extension Act of 2010."

**13. PRD Authority.** Title 49 U.S.C. § 44703(i) replaces PRIA by requiring the FAA to create a PRD that contains pilot records. The PRD Act requires the PRD to contain pilot records for FAA certification events, enforcement records, pilot employment history, training data, and drug and alcohol testing records. The PRD Act also requires that the PRD replace PRIA after a period of transition. Until the PRD is fully implemented, PRIA remains in effect. Therefore, air carriers and certain other operators must continue to provide pilot records to an air carrier or air operator seeking information on an individual pilot in accordance with PRIA. As established by PRIA, air carriers are required to evaluate all available pilot records prior to making a hiring decision. To effectuate the requirements of the PRD Act, the FAA promulgated part 111, which implements the PRD. Compliance with part 111 will ensure that operators have a full picture of an individual's aviation background before permitting that individual to begin service as a pilot.

#### 14. Additional PRIA and PRD Resources.

**a. PRIA Resources.** PRIA resources are available on the official PRIA website at [https://www.faa.gov/pilots/lic\\_cert/pria/](https://www.faa.gov/pilots/lic_cert/pria/).

**b. PRD Resources.** PRD-specific resources can be found at [https://www.faa.gov/regulations\\_policies/pilot\\_records\\_database](https://www.faa.gov/regulations_policies/pilot_records_database).

**c. Support.** Direct any PRIA or PRD questions to [PRDSupport@faa.gov](mailto:PRDSupport@faa.gov) (9-AMC-AVS-PRDSupport@faa.gov).

#### 15. Maintenance of PRIA-Related Air Carrier Records.

**a. Minimum Retention Period.** Once PRIA-related records have been requested and received by the hiring air carrier, 49 U.S.C. § 44703(h)(4) requires that the Administrator and air carriers maintain pilot records for a period of at least 5 years.

**b. Records Not Requested.** If an applicant was initially considered for employment by an air carrier but ultimately was not hired and PRIA-related records were not requested or received, there are no records to maintain. An air carrier needs to retain only those records it generates in making the requests and those records received in response to a request for records.

**c. Records Requested.** The records that have been requested and received under the authority of PRIA must be maintained for a period of at least 5 years after the application date for employment to an air carrier. This includes situations in which:

(1) PRIA records were requested and received, but the air carrier declined to extend an offer of employment to the applicant. The pilot was not hired, did not begin training, and was never considered an employee of the air carrier.

(2) PRIA records were requested and received, the pilot was hired, training was begun and possibly finished, but for some reason, employment was terminated before being released for service, either by the pilot or by the air carrier.

(3) PRIA records were requested and received, the pilot was hired, training was successfully completed, the pilot was released for service, began performing as a pilot, and continued employment as a regular employee of the air carrier.

**d. Records Retention.** In other words, if records have been requested and received under the authority of PRIA, regardless of whether the applicant was actually hired or released for service as a pilot, the records generated or received under PRIA must be maintained for 5 years.

**16. Maintenance of PRD-Related Air Carrier Records.** Reviewing entities should download or otherwise retain the PRD Airman Record (PAR) retrieved from the PRD as part of reviewing the pilot records. As with PRIA, the PAR should be kept separate from the other pilot records, and information from a PAR should never be entered again into the PRD or provided to another entity. The operator should also show evidence that they requested and evaluated any records from the National Driver Register (NDR). Keep in mind, the NDR records are not provided by

the PRD and must be requested through the state's Department of Motor Vehicles (DMV). Operators who are required to report historical records are also required to maintain those records for 5 years after reporting them to the PRD, as described in § 111.255(e).

## **17. Lost or Destroyed Pilot Records.**

**a. Records Not Available.** When pilot records have been lost or destroyed, the requesting air carrier will follow the basic intent of the good faith exception. In these cases, the air carrier furnishing the records is willing to comply but cannot because the records no longer exist (for example, from a natural disaster or a fire) and cannot be furnished to the requestor or reported to the PRD.

(1) Carriers that have lost or destroyed pilot records should attempt to get a copy of any records they submitted through PRIA before stating the records do not exist at the carrier. To attempt to find PRIA records, the carrier should prepare FAA Forms 8060-11, Air Carrier and Other Records Request; 8060-11A, Airman Notice and Right to Receive Copy-Air Carrier and Other Records; and 8060-12. As another way to find a copy of lost/destroyed records, the carrier should also request the records in the PRD.

(2) After verifying that the records do not exist, the air carrier or operator furnishing the records provides a statement that the requested records have been lost or destroyed and are not available to be forwarded per the request.

(a) An additional effort should be made by the air carrier to ensure that the requested records are not being maintained at another location, which is frequently the case.

(b) Since some service agents may receive and maintain drug and alcohol testing records on behalf of an employer (e.g., a third-party consortium) and other service agents are required to maintain certain drug and alcohol testing records (e.g., a Medical Review Officer), that service agent should have and maintain its own copy of all drug and alcohol testing records. Thus, there should be a reasonable expectation for drug and alcohol testing records to be furnished, even when other PRIA-related pilot records have been lost or destroyed at the company location. Direct any PRIA questions about drug and alcohol testing records to AAM-800 at [drugabatement@faa.gov](mailto:drugabatement@faa.gov).

(3) Once that has been completed, the statement is returned to the requestor within the time allowed by statute (30 days from the day of receipt of the request) to complete the PRIA request process.

(4) Then the hiring air carrier may follow the intent of the good faith exception and either hire or decline to hire the pilot, 30 days after the date the request was received.

(5) The statement from the furnishing air carrier must then be filed in the pilot's PRIA/PRD-related records file for future reference and/or inspection by the FAA.

**b. Air Carrier Verification.** The air carrier providing the statement that its records have been lost or destroyed must verify that this is actually the case, and not use this provision simply as an excuse not to provide records that have been requested.

**18. Directive Feedback Information.** Direct questions or comments to the Air Transportation Division (AFS-200) at 9-AMC-AVS-PRDSupport@faa.gov. For your convenience, FAA Form 1320-19, Directive Feedback Information, is the last page of this order. Note any deficiencies found, clarifications needed, or suggested improvements regarding the contents of this order on FAA Form 1320-19.

## Chapter 2. PRIA Surveillance and Compliance

### 1. References for Use in Inspections, Investigations, and Surveillance.

**a. Inspection Frequency.** The frequency of PRIA records inspections must be in accordance with and meet the requirements of FAA Order 1800.56, National Flight Standards Work Program Guidelines. Surveillance for parts 121 and 135 PRIA is in accordance with Safety Assurance System (SAS) Data Collection Tools (DCT).

**b. Purpose.** This chapter furnishes the inspector with general guidelines for an investigation, to be used along with the inspector's good judgment. FAA inspectors should first become familiar with all available PRIA information, including Advisory Circular (AC) 120-68, Pilot Records Database and Pilot Records Improvement Act, the PRIA and PRD Basic Work Guidelines (see Appendix A), and other available resources. FAA inspectors should then use FAA Order 2150.3, Compliance and Enforcement Program, before beginning any surveillance or enforcement actions concerning an air carrier.

**2. Inspector's Role.** FAA inspectors assigned the responsibility of air carrier oversight should be knowledgeable concerning the PRIA law and have appropriate checklists and job aids to perform their required function properly. This chapter provides a basic introduction to the knowledge that FAA inspectors must have to enable them to:

- Conduct scheduled inspections of PRIA-related records.
- Conduct an investigation as the result of a report that has been received indicating that an air carrier is not complying with the PRIA law.
- Be prepared to initiate an enforcement action as the result of a noncompliance with the PRIA law.

**3. Drug and Alcohol Testing Records.** Drug Abatement Division (AAM-800) inspectors will verify that the air carrier or operator is requesting, receiving, and maintaining records related to drug and alcohol testing. If an FAA inspector suspects that an air carrier or operator is not using FAA Form 8060-12, Authorization for Release of DOT Drug and Alcohol Testing Records Under PRIA and Maintained Under Title 49 Code of Federal Regulations (49 CFR) Part 40, and/or maintaining the documentation in accordance with 49 CFR part 40, the inspector must contact AAM-800 at 202-267-8442 or [drugabatement@faa.gov](mailto:drugabatement@faa.gov). While an air carrier is not required to use FAA Form 8060-12, the form combines the record requirements of PRIA with those of 49 CFR part 40, so that failure to use the form might indicate that the air carrier is not in compliance with the drug and alcohol testing record check requirements of 49 CFR part 40. AAM-800 can assign a drug abatement inspector/investigator with specialized training to conduct a further inquiry into the records or into whether the air carrier properly conducted all required drug and alcohol record checks. The drug abatement inspectors/investigators will also check for the PRIA drug and alcohol records during the regularly scheduled inspections of the air carriers or during specially scheduled investigations. In addition, if an FAA inspector learns about a pilot's record of a positive drug test result, breath alcohol test result of 0.04 breath alcohol concentration or greater, or refusal to test, the inspector must report the information to the Special Investigations Branch (AAM-830) at [AAM830@faa.gov](mailto:AAM830@faa.gov) to ensure it was reported in accordance with 14 CFR part 120.

#### 4. Reserved.

#### 5. PRIA Document Compliance by Air Carriers.

**a. Air Carrier Records Retention System.** To show that it has met the statutory requirements of 49 U.S.C. § 44703(h), each air carrier should have a records retention system in place that will allow the air carrier and FAA to verify compliance with all PRIA requirements. Records received pursuant to PRIA requests should be maintained as follows:

(1) PRIA Records Ordered and Received But Pilot Not Hired. The statute requires that if records were ordered, even if the pilot was not hired, those records are required to be maintained for at least 5 years.

(2) Pilot Hired But Not Placed Into Service. Due to a situation that may terminate a pilot's employment, after being hired but before entering service, the records required to be requested and received must also be maintained for at least 5 years.

(3) Pilot Hired and Placed Into Service. Records required to be requested and received must be maintained for at least 5 years.

**Note:** For PRIA records obtained via the PRD system, the operator will maintain the downloaded PRD Airman Record (PAR) for 5 years. This may be in a digital format or printed.

**b. Air Carrier Maintenance of PRIA Records.** To assist with the requirement to show document compliance with PRIA, the air carrier should maintain all records requested and received under PRIA in a system of records separate from the air carrier's regular personnel records or be easily retrievable from the company's primary system of records.

**c. FAA Inspector Access to an Air Carrier's PRIA-Related Records.** An air carrier cannot use 49 U.S.C. § 44703(h)(11) as an instrument to deny an FAA inspector access to its PRIA-related records during an audit or inspection.

(1) The wording of the current version of the statute stating "any individual that is not directly involved in the hiring decision" may initially indicate to an air carrier that its PRIA records are protected from review by FAA inspectors. The intent of the statute, however, is to protect the pilot's privacy and the privacy of that pilot's records from others not authorized to see those records.

(2) Title 49 U.S.C. § 41709; 14 CFR part 119, § 119.59; and 14 CFR part 135, § 135.73 clearly indicate that the FAA inspector is authorized to see those records and is to be given free and unlimited access to an air carrier's PRIA records at any time, notwithstanding 49 U.S.C. § 44703(h)(11). Failure to provide PRIA-related records when requested by the FAA for its review or inspection could result in the suspension of all or any part of the certificate holder's (CH) Operating Certificate or operations specifications (OpSpec), in accordance with § 119.59(e).



## **6. Payment for Records Requested Under PRIA.**

**a. Title 49 U.S.C. § 44703(h)(5).** A person who receives a request for records under this subsection shall furnish a copy of all such requested records maintained by the person not later than 30 days after receiving the request.

**b. Title 49 U.S.C. § 44703(h)(7).** A person who receives a request under § 44703(h)(1) or (6) may establish a reasonable charge for the cost of processing the request and furnishing copies of the requested records.

**c. Settling Disputes.** It is not within the scope of the FAA's authority to facilitate settlements between companies concerning nonpayment for records requested and received through PRIA.

**d. Fees.** Although a reasonable fee may be charged for providing records, those records must still be provided within the required 30 days, regardless of any fee dispute.

**7. Violations and Investigations.** Once a "noncompliance" with the PRIA law has been identified, the FAA inspector must investigate and use the guidelines of Order 2150.3 to take compliance, administration, and/or enforcement action. If regulatory noncompliance or any other safety issue is discovered, follow the process contained in FAA Order 8900.1, Volume 14, Chapter 1, Section 2, Flight Standards Service Compliance Action Decision Procedure, to determine the appropriate FAA action. This is done regardless of whether the discovery was by routine inspection or a suspected violation as reported by another person.

## **8. Alleged Violations Reported to FAA PRD Team Members in the Office of Safety Standards (OSS).**

**a. Gathering Information.** FAA PRD Team Members in the OSS do not conduct investigations. If a report of a possible violation is received by the PRD Team, the PRD program manager will forward that information, as appropriate, to the Principal Operations Inspectors (POI) responsible for the air carrier involved. If the information received by the PRD Team involves the drug and/or alcohol testing records required to be exchanged under PRIA or 14 CFR part 111, the PRD program manager will contact AAM-800, as appropriate.

**b. Investigation Responsibility.** PRD Team Members in the OSS will not perform investigations or enforcement actions; they can only gather and report the initial information. Investigations and enforcement authority rests with the responsible aviation safety inspector (ASI)/Safety Assurance office which has oversight of the operator, or AAM-800 in reference to drug and alcohol testing records.

## **9. FAA Inspector's Basic Work Guidelines.**

**a. Work Guidelines.** To assist in the efficient inspection process of an air carrier's compliance with PRIA, the work guidelines have been included in Appendix A. It touches on most of the basic areas that will present the inspector with a reliable indication of PRIA compliance.

**b. Written Procedures.** The work guidelines in Appendix A repeatedly questions whether the air carrier has “written procedures.” The statutes setting forth the PRIA requirements do not mandate the air carrier industry to have written procedures of any kind. However, it is a sound business practice to establish and maintain written procedures for use by the air carrier employee(s) assigned to complete the PRIA-related processes. It is also a convenient introduction for a new employee learning the duties and responsibilities of PRIA.

**c. Management System Tool.** During the course of a PRIA records review, FAA inspectors may interpret the term “written procedure” to mean only “procedure,” if they so desire. By using the term “written procedure,” the air carrier industry is being encouraged to use a management system tool provided by the FAA that will encourage and foster a consistent means to comply with the PRIA law.

## **10. PRIA Compliance Action Decision Process (CADP), Sanctions, and Suggested Civil Penalties.**

**a. Appropriate Sanction.** If it is determined that sanctions are appropriate after using the CADP, Appendix B, PRD Compliance and Enforcement Guidelines, has a list of PRIA sanctions, the regulatory references, and the suggested penalty for each violation that may help determine the appropriate sanction.

**b. Course of Action.** The inspector must use Order 2150.3, along with the guidelines provided in this chapter, to determine the proper course of action before, during, and after an investigation of PRIA noncompliance.

## Chapter 3. PRD Surveillance and Compliance

### 1. Background.

**a. The PRD Act.** Public Law (PL) 111-216, Airline Safety and Federal Aviation Administration Extension Act of 2010, Section 203 (the PRD Act) required the FAA to create the PRD and transition the FAA and industry from PRIA to the PRD. The PRD Act requires the PRD to contain pilot records dating from August 1, 2005, for FAA certification events, enforcement records, pilot employment history, training data, and drug and alcohol testing records. The PRD Act also requires that the PRD replace PRIA after a period of transition. To effectuate the requirements of the PRD Act, the FAA promulgated 14 CFR part 111, which implements the PRD.<sup>1</sup>

**b. Transition.** Until the PRD is fully implemented in September 2024, PRIA remains in effect. Therefore, air carriers and certain other operators must continue to provide pilot records to an air carrier or air operator seeking information on an individual pilot in accordance with PRIA while also complying with part 111. However, part 111 has requirements that overlap with PRIA and must be met concurrently. This transition period exists to ensure that pilot records remain available to hiring employers before they can be reported to the PRD. For further guidance regarding how to navigate the transition period, refer to Advisory Circular (AC) 120-68, Pilot Records Database and Pilot Records Improvement Act.

(1) Compliance Dates and Requirements. Part 111 includes the following compliance dates. Noncompliance with subparagraphs (a)–(c) jeopardizes the ability of an operator to comply with subparagraphs (d)–(f):

(a) August 1, 2010: Operators must cease expunging pilot records so that the applicable records may be reported to the PRD; in some cases to retain records as far back as 2005 in accordance with 49 U.S.C. § 44703(i)(4)(B).

(b) September 8, 2021: Deadline for then-current operators to submit application for database access in accordance with § 111.15(a); the date after which application for access must be submitted at least 30 days before an operator initiates aircraft operations.

(c) December 7, 2021: Mandatory use of the PRD for review of records when hiring pilots in accordance with § 111.105(b)(1).

**Note:** On December 7, 2021, the Aviation Data Systems Branch (AFS-620) no longer accepted FAA Form 8060-10, FAA Records Request (PRIA), for request of FAA records under PRIA. Air carriers and operators that were required to review FAA records on or after December 7, 2021, under PRIA and/or § 111.100

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<sup>1</sup> The PRD can be accessed by pilots who hold airline transport, commercial, and remote pilot certificates (and FAA medical certificates) and meet other criteria. It will contain applicable pilot records for the life of the pilot or until they reach 99 years of age. Refer to AC 120-68, Paragraph 2.5.2.5, Pilot, available at [https://www.faa.gov/regulation\\_s\\_policies/advisory\\_circulars/index.cfm/go/document.information/documentID/1039941](https://www.faa.gov/regulation_s_policies/advisory_circulars/index.cfm/go/document.information/documentID/1039941).

were directed to use the PRD to obtain those records in accordance with § 111.105(b)(1).

(d) June 10, 2022: Mandatory industry record reporting to the PRD begins in accordance with part 111 subpart C and § 111.205(b).

(e) June 12, 2023: Industry must complete reporting historical pilot records to the PRD dated between January 1, 2015, and June 9, 2022. (Refer to § 111.255(d)).

(f) September 9, 2024: Industry must complete reporting historical pilot records to the PRD dated between August 1, 2005, and December 31, 2014, for operators holding an Air Carrier Certificate, and August 1, 2010, and December 31, 2014, for operators holding an Operating Certificate or management specifications (MSpec) issued under part 91K. (Refer to § 111.255(d)).

## (2) Potential Findings.

(a) Noncompliance with the historical recordkeeping requirements as identified in the PRD Act. It is likely that many operators with experience under PRIA have continued to only retain the previous 5 years of pilot records as required by PRIA without considering the PRD's longer timeframe. In addition to the SAS PRIA and PRD content in SAS Element 2.1.5 Appropriate Airmen/Crewmembers Checks and Qualifications, question 16 of the PRIA and PRD Basic Work Guidelines (located in Appendix A) may be helpful. PRIA and PRD content is in SAS Element 2.1.5.

1. Applicability. Keeping of historical pilot records only applies to groups 1 and 2 as described in Appendix A. Specifically, historical records should have been retained from August 1, 2005, for group 1 air carriers and from August 1, 2010, for groups 1 and 2 operators. Groups are defined and discussed further in Appendix A.

2. Discussion. The requirement to retain these records was established by 49 U.S.C. § 44703(i)(4)(B) and was effective August 1, 2010. The records, which normally would have only been retained for 5 years in accordance with PRIA, were then to be retained until the PRD was ready to accept those records. The PRD began accepting these pilot records June 10, 2022. The FAA has informed industry on multiple occasions of this new retention requirement. For a list of the related communications, see Appendix D, Communication History.

3. Indicators. Inspectors may ask the operators for either evidence that the pilot records were being maintained from the applicable date or have since been reported to the PRD. Note that even after historical records have been reported, § 111.255(e) requires air carriers and operators continue to retain those historical records for 5 additional years.

(b) Operator has not submitted an application for database access by September 8, 2021, or within 30 days of initiating operations.<sup>2</sup> A report, which indicates which operators have registered, can be found at <https://my.faa.gov/org/linebusiness/avs/offices/afx/divisions/afs/afs620>.

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<sup>2</sup> Specifically, means to establish an Authorized Responsible Person (RP) role in the PRD.

This link may be updated or moved in the future. Contact [PRDSupport@faa.gov](mailto:PRDSupport@faa.gov) if you have trouble accessing the report. See Appendix A, question 17.

1. **Applicability.** The requirement to register in the PRD applies to each air carrier and operator specified by § 111.1. This includes groups 1 through 5 as described in “Applicability Groups” in Appendix A.

2. **Discussion.** The requirement is satisfied when each air carrier or operator registers a qualified individual to be the Authorized Responsible Person (RP). The registration process is performed from the PRD website at <https://prd.faa.gov/PRDExternal>. More information regarding qualifications and the process are discussed in AC 120-68, Paragraph 2.5.1, Responsible Person (RP).

3. **Indicators.** The simplest indicator for verifying the RP account has been registered is to have the operator demonstrate that they have access to the PRD system and can log in. Alternatively, you can use the registration report provided by the Safety Analysis and Promotion Division (AFS-900). This report will indicate, organized by office, which air carriers and operators have registered an RP. Inspectors may wish to review the report before checking directly with the operator. It is important to note that the report has limitations, which means it may not be 100 percent accurate. As of publication, the latest PRD Registration Report can be found at <https://my.faa.gov/org/linebusiness/avs/offices/afx/divisions/afs/afs620>.

4. **Registration.** For the most accurate information, you may contact PRD Support at [PRDSupport@faa.gov](mailto:PRDSupport@faa.gov) and they can determine the current registration status. It is important to note that in addition to registering by September 8, 2021, or within 30 days of initiating operations, they must also maintain the registered RP. If the RP role becomes vacant, they must register a new RP, in accordance with § 111.15(d). See Appendix A, question 18 for this related requirement.

(c) Operators may have hired pilots without reviewing the FAA records in the PRD in accordance with § 111.105. A report, which indicates which operators have reviewed records via the PRD, can be found at <https://my.faa.gov/org/linebusiness/avs/offices/afx/divisions/afs/afs620>. This link may be updated or moved in the future. Contact [PRDSupport@faa.gov](mailto:PRDSupport@faa.gov) if you have trouble accessing the report. See Appendix A, question 19.

1. **Applicability.** Not all operators included in the PRD applicability are required to review records when hiring pilots. Reviewing records in the PRD applies to groups 1, 2, and 3 as described in Appendix A. The other groups are allowed to review records during hiring if they wish. In all cases, the pilot must grant consent first.

2. **Discussion.** Certain air carriers and operators (reviewing entities) are required to access the PRD and review the records within when hiring pilots. They may begin training the pilots before reviewing the records but must have the review complete before assigning the pilot to duty. (Refer to § 111.105(a).)

3. **Indicators.** AC 120-68 instructs operators to maintain either physical or digital copies of the PRD Airman Record (PAR) as evidence that the records were reviewed. Email

PRDSupport@faa.gov for assistance. A report is also maintained by AFS-900, which indicates how many PARs have been viewed by reviewing entities, but it does not specify for which pilots.

4. PAR Access Activity Report. The latest PAR Access Activity Report can be found at: <https://my.faa.gov/org/linebusiness/avs/offices/afx/divisions/afs/afs620>.

(d) Operators may have hired pilots without reviewing the National Driver Register (NDR) in accordance with § 111.110. See Appendix A, question 20. Operators are also required to document that they have complied with § 111.110 by reporting such in the PRD in accordance with § 111.110(b). See Appendix A, question 21. Driving records which may be obtained in response to completing the NDR review are to be maintained by the operator for 5 years in accordance with § 111.110(c). See Appendix A, question 22.

1. Applicability. Not all operators included in the PRD applicability are required to review the NDR. Reviewing records in the NDR applies to group 1 as described in Appendix A.

2. Discussion. Air carriers are required to perform a search of the NDR as part of the hiring process. The NDR may indicate that there are specific states, which have derogatory records related to a pilot's driver's license. In these cases, the air carrier must then query that specific state's Department of Motor Vehicles (DMV) to determine the actual content of the record. Once all related reviews have been completed, the air carrier is required to report the completion date to the PRD for each specific pilot which they are hiring.

3. Indicators. AC 120-68 instructs operators to maintain either physical or digital copies of the NDR results as evidence that the records were reviewed. Section 111.110(c) requires that the documentation be retained for 5 years.

(e) Operators may not have reported the PRD date of hire for each individual employed as a pilot to the PRD in accordance with § 111.205(b)(3). See Appendix A, question 23 and footnote 7.

1. Applicability. The requirement to record each pilot's date of hire applies to each air carrier and operator specified by § 111.1. This includes groups 1 through 5 as described in "Applicability Groups" in Appendix A. Consider that groups 3, 4, and 5 may report this record on request as allowed by § 111.215(b)(1).

2. Discussion. Air carriers and operators are required to report the pilot's PRD date of hire as part of reporting pilot records to the PRD. The PRD date of hire means the earliest date on which an individual begins any form of required training in preparation for the individual's service as a pilot on behalf of an operator or entity subject to the applicability of part 111; or performs any duty as a pilot for an operator or entity subject to the applicability of part 111.

3. Indicators. The reporting entity should be able to demonstrate via the PRD system that the PRD date of hire has been reported. You may also contact PRDSupport@faa.gov when inquiring about specific pilot records.

(f) Operators may not have reported all of the applicable records for each individual employed as a pilot to the PRD in accordance with § 111.205(b)(1) generated on or after June 10, 2022, (referred to as new pilot records) within 30 days. See Appendix A, question 24.

1. *Applicability.* The requirement to report new pilot records applies to each air carrier and operator specified by § 111.1. This includes groups 1 through 5 as described in “Applicability Groups” in Appendix A. Consider that groups 3, 4, and 5 may report most records on request as allowed by § 111.215(b)(1).

2. *Discussion.* Reporting entities are required to report a variety of pilot records within 30 days of record creation as of June 10, 2022. AC 120-68 describes these reporting requirements in detail. Refer to AC 120-68, Paragraph 2.8.1, Company Records.

3. *Indicators.* The reporting entity should be able to demonstrate via the PRD system that the appropriate new pilot records have been reported. You may also contact PRDSupport@faa.gov when inquiring about specific pilot records.

(g) Operators may not have begun reporting any of the applicable historical records in accordance with § 111.205(b)(2). See Appendix A, question 25.

1. *Applicability.* The requirement to begin reporting historical pilot records applies to groups 1 and 2 as described in “Applicability Groups” in Appendix A. Specifically, historical records should have been retained and reported from August 1, 2005, for group 1 air carriers and from August 1, 2010, for groups 1 and 2 operators.

2. *Discussion.* The requirement to retain these records was established by 49 U.S.C. § 44703(i)(4)(B) and was effective August 1, 2010. Section 111.205(b)(2) requires that the historical records be reported. Part 111 specifies that they begin reporting historical records on June 10, 2022. In order to meet this requirement, it is sufficient if the operator has entered even a single historical record as of June 10, 2022. This is not per pilot, but rather per operator. The operator is free to determine the reporting schedule as it suits them as long as they begin by June 10, 2022, and meet the completion stages outlined in questions 26 and 27. Refer to AC 120-68, Paragraph 2.8.2, Historical Records, for more information.

3. *Indicators.* The reporting entity should be able to demonstrate via the PRD system that one or more of the appropriate historical pilot records have been reported. You may also contact PRDSupport@faa.gov when inquiring about specific pilot records.

(h) Operators may not have completed reporting historical records dated between January 1, 2015, and June 9, 2022, in accordance with § 111.255(d) by June 12, 2023. See Appendix A, question 26.

1. *Applicability.* The requirement to report historical pilot records applies to groups 1 and 2 as described in “Applicability Groups” in Appendix A. Specifically, historical records should have been retained and reported from August 1, 2005, for group 1 air carriers and from August 1, 2010, for groups 1 and 2 operators.

2. Discussion. The requirement to retain these records was established by 49 U.S.C. § 44703(i)(4)(B) and was effective August 1, 2010. Part 111 specifies that they begin reporting historical records on June 10, 2022, and provides for two interim due dates when the reporting must be complete. Historical records dated on or after January 1, 2015, are to be reported by June 12, 2023. Older historical records are to be reported by September 9, 2024. Refer to AC 120-68, paragraph 2.8.2 for more information. This can only be evaluated on or after June 12, 2023.

3. Indicators. The reporting entity should be able to demonstrate via the PRD system that the appropriate historical pilot records have been reported. You may also contact PRDSupport@faa.gov when inquiring about specific pilot records.

(i) Operators may not have reported all of the applicable historical records for each individual employed as a pilot to the PRD in accordance with § 111.205(b)(2). See Appendix A, question 27.

1. Applicability. The requirement to report historical pilot records applies to groups 1 and 2 as described in “Applicability Groups” in Appendix A. Specifically, historical records should have been retained and reported from August 1, 2005, for group 1 air carriers and from August 1, 2010, for groups 1 and 2 operators.

2. Discussion. The requirement to retain these records was established by 49 U.S.C. § 44703(i)(4)(B) and was effective August 1, 2010. Part 111.205(b)(2) requires that the historical records be reported. Part 111 specifies that they begin reporting historical records on June 10, 2022, and provides for two interim due dates when the reporting must be complete. Historical records dated on or after January 1, 2015, are to be reported by June 12, 2023. Older historical records are to be reported by September 9, 2024. Refer to AC 120-68, paragraph 2.8.2 for more information. This can only be evaluated on or after September 9, 2024.

3. Indicators. The reporting entity should be able to demonstrate via the PRD system that the appropriate historical pilot records have been reported. You may also contact PRDSupport@faa.gov when inquiring about specific pilot records.

**2. Action.** Safety Assurance (SA) offices will initiate surveillance for PRD compliance in accordance with the National Flight Standards Work Program Guidelines (NPG) and will document the results via the Safety Assurance System (SAS). Due to critical safety impact, as well as high external stakeholder interest, regarding both PRIA and the PRD, do not close any surveillance required by this order as “Resource Not Available.” For certificate holders (CH) with both 14 CFR parts 121 and 135 operating authority, complete the Data Collection Tools (DCT) for part 121 only, with comments addressing any differences between the operating parts. For CHs with both 14 CFR parts 91K and 135 operating authorities, complete the DCTs for part 135 only, with comments addressing any differences between the operating parts. If a particular pilot is common between both operating authorities, the CH may access the PRD records for review under either operating authority as long as the CH can demonstrate that the pilot records were obtained and reviewed in accordance with part 111.



**a. Surveillance.** Surveillance of PRD compliance should be included during base inspections. This is applicable for base inspections on all operators required to use PRD and, where appropriate, should be accomplished in accordance with SAS DCTs (PRIA and PRD content is currently in SAS Element 2.1.5. NPG determines the minimum frequency of inspections. However, the number and frequency of inspections (surveillance) will vary depending on the need for emphasis and where and when more surveillance might be necessary.

**b. SAS DCT.**

(1) Principal Operations Inspectors (POI) or the assigned resource with oversight of part 121 or 135 CHs must use the applicable SAS DCT. PRIA and PRD content is currently in SAS Element 2.1.5.

(2) If a Custom DCT (C DCT) is used, enter “8000.88” without quotes in the “Local/Divisional/National” field. Select the checkbox for “L/D/N Locked?”.

**c. SAS Activity Recording (AR).** POIs or the assigned resource who oversee 14 CFR parts 91K or 125 operators, air tour (part 91, § 91.147) operators, entities conducting public aircraft operations (PAO), or noncertificated operators (part 91) with two or more type-rated aircraft or turbine-powered rotorcraft will use activity code 1620. Enter the following information in each respective field:

(1) National Use: Select “8000.88” from the drop-down menu.

(2) Noncertificated Part 91: Enter the name of the company exactly as it is listed in the enhanced Vital Information Database (eVID).

(3) Activity Summary—Add New Comment:

(a) Primary Area: “B-General Aviation Operations (parts 91 and 125).”

(b) Keyword: “635 Public Safety.”

(c) Opinion Code: As applicable, “I – Information,” “P – Potential,” or “U – Unacceptable.”

(d) Comment: Answers to specific SAS AR questions 16–27 in the PRIA and PRD Basic Work Guidelines (see Appendix A). Format the answers like this example:<sup>3</sup>

“1. Yes”

“2. No”

“3. Yes”

**d. Compliance, Administrative, and Enforcement Action.** Use the Compliance Program approach for determining the appropriate response to noncompliance with PRD requirements. If

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<sup>3</sup> In order to aid in the analytics of these responses, the Office of Safety Standards (OSS) requests that just the answers be provided, without including the questions in the SAS AR entry.

regulatory noncompliance or other safety issues are discovered, follow the process contained in FAA Order 8900.1, Volume 14, Chapter 1, Section 2, Flight Standards Service Compliance Action Decision Procedure, to determine an appropriate FAA action. Follow Order 8900.1, Volume 11, Chapter 1, Voluntary Disclosure Reporting Program, when determining whether to accept a report submitted under the Voluntary Disclosure Reporting Program (VDRP). See Appendix B, PRD Compliance and Enforcement Guidelines, for detailed guidelines to assist in addressing specific examples of noncompliance. General criteria are as follows:

Category of Noncompliance	General Approach to Known Violators
<p>Not maintaining historical pilot records as required by statute and regulation in accordance with 49 U.S.C. § 44703(i)(4)(B).</p> <p>See Appendix A, question 16.</p>	<p>Follow Compliance Program policy in Order 8900.1, Volume 14, Chapter 1, including the review of all of the specific facts and circumstances, to determine the appropriate action in each case. However, noncompliance is generally considered intentional or reckless when an operator either knew about the PRD requirements or acted with gross disregard for, or with deliberate indifference to, the PRD requirements (i.e., conduct that supports legal enforcement action). Generally, a civil penalty action is appropriate for such conduct.</p>
<p>Not applying for database access (i.e., registering an Authorized Responsible Person (RP)), in accordance with § 111.15.</p> <p>See Appendix A, question 17.</p>	<p>Follow Compliance Program policy in Order 8900.1, Volume 14, Chapter 1, including the review of all of the specific facts and circumstances, to determine the appropriate action in each case.</p>
<p>Not using the PRD for review of FAA records when hiring a pilot as of December 7, 2021, in accordance with § 111.105(b)(1).<sup>4</sup></p> <p>See Appendix A, question 19.</p>	<p>Follow Compliance Program policy in Order 8900.1, Volume 14, Chapter 1, including the review of all of the specific facts and circumstances, to determine the appropriate action in each case. However, noncompliance is generally considered intentional or reckless when an operator knew about the PRD requirements or acted with gross disregard for, or with deliberate indifference to, the PRD requirements (i.e., conduct that supports legal enforcement action). Generally, a civil penalty action is appropriate for such conduct. Operators who had registered an RP and failed to use the PRD as required generally warrant a maximum penalty.</p>

<sup>4</sup> The PAR must be evaluated before the operator can assign the pilot to duty.

Category of Noncompliance	General Approach to Known Violators
Not reporting new pilot records as of June 10, 2022, in accordance with § 111.215(a).  See Appendix A, questions 23 and 24.	Follow Compliance Program policy in Order 8900.1, Volume 14, Chapter 1, including the review of all the specific facts and circumstances, to determine the appropriate action in each case.

**Appendix A. PRIA and PRD Basic Work Guidelines**

Operator: \_\_\_\_\_ Date completed: \_\_\_\_\_

Person completing the compliance checklist: \_\_\_\_\_

General	Applicability	Yes	No
1. Is the operator in possession of the most current PRD/PRIA advisory circular, PRIA Air Carrier Procedures, PRIA and PRD Basic Compliance Checklist, the most current PRIA request forms, and other PRIA resources?	1, 2, 3, 4, 5		
2. Is the operator Authorized Responsible Person (RP) adequately familiar with the PRIA statute, 14 CFR part 111, as well as other requirements of the program and familiar with the official PRD and PRIA websites? ( <a href="https://www.faa.gov/regulations_policies/pilot_records_database">https://www.faa.gov/regulations_policies/pilot_records_database</a> , <a href="https://www.faa.gov/pilots/lic_cert/pria/">https://www.faa.gov/pilots/lic_cert/pria/</a> )	1, 2, 3, 4, 5		
3. Does the operator know how to obtain additional information or assistance from the PRD/PRIA Program Office concerning the PRD or PRIA statutes as well as other aspects of the programs? (PRDSupport@faa.gov)	1, 2, 3, 4, 5		
PRIA Specific Questions <sup>5</sup>	Applicability	Yes	No
4. Has an employee from the operator been assigned to the specific duties of managing the PRIA request process? (49 U.S.C. § 44703(h))	6		
5. Is a written procedure in place to provide for the request and collection of PRIA-related records? (PRIA Air Carrier Procedures; 49 U.S.C. § 44703(h)(1))	6		
6. Is a written procedure in place to provide for the review and evaluation of PRIA-related records by air carrier personnel prior to extending a firm offer of employment to the applicant?	6		
7. Are PRIA-related records being maintained in a separate filing system from the air carrier's operational records or are they easily retrievable from their primary system of records?	6		
8. Are PRIA-related records, as specified in 49 U.S.C. § 44703(h)(1)(B), being maintained for the appropriate period of time? <sup>6</sup> (49 U.S.C. § 44703(h)(4))	6		
9. Is a written procedure in place to provide for pilots to request the review of their PRIA-related records? (49 U.S.C. § 44703(h)(10))	6		
10. Is a written procedure in place to provide for pilots to submit correction(s) to their PRIA-related records? (49 U.S.C. § 44703(h)(9))	6		

<sup>5</sup> PRIA remains in effect until September 9, 2024.<sup>6</sup> If the records are reported to the PRD, they no longer need to be maintained for PRIA reporting purposes, except for the drug and alcohol records that must be retained in accordance with 49 CFR part 40 and 14 CFR part 120.

11. Is a written procedure in place to provide for pilots to request copies of their PRIA-related records? (49 U.S.C. § 44703(h)(6))	6		
12. Is a written procedure in place to provide for the adequate protection of the pilot's right to privacy as well as the privacy of that pilot's PRIA-related records? (49 U.S.C. § 44703(h)(11))	6		
13. Has the air carrier established a written procedure that will allow for the satisfactory resolution for both pilot and air carrier, concerning disputes related to the pilot's PRIA-related records?	6		
14. Has the air carrier established a process to determine a "reasonable charge" for providing PRIA-related records? (49 U.S.C. § 44703(h)(7))	6		
15. Is a written procedure in place to furnish PRIA-related records to another air carrier, who is requesting records on behalf of a pilot making an application of employment to that company?	6		
<b>PRD Specific Questions</b>	<b>Applicability</b>	<b>Yes</b>	<b>No</b>
16. Did the operator maintain historical pilot records as required by statute and regulation in accordance with 49 U.S.C. § 44703(i)(4)(B)?	1, 2		
17. Did the operator submit an application for access to the PRD (register an Authorized RP) by September 8, 2021, or 30 days before they initiated aircraft operations? (§ 111.15(a))	1, 2, 3, 4, 5		
18. Did the operator submit a new RP registration to the PRD in cases where the previous RP's access was canceled or denied? (§ 111.15(d))	1, 2, 3, 4, 5		
19. Did the operator evaluate all relevant information in the PRD before allowing the pilot to begin service as a pilot beginning December 7, 2021? This includes requesting any outstanding pilot records that may not have yet been reported to the PRD. (§ 111.105)	1, 2, 3		
20. Did the operator request and evaluate all relevant information identified through a National Driver Register (NDR) search set forth in 49 U.S.C. Chapter 303 concerning the individual's motor vehicle driving history? (§ 111.110)	1		
21. Did the operator document in the PRD that they complied with question 20? (§ 111.110(b))	1		
22. Did the operator retain the relevant documentation regarding question 20 for 5 years? (§ 111.110(c))	1		
23. Did the operator report the PRD date of hire for each individual employed as a pilot to the PRD? <sup>7</sup> (§ 111.205(b)(3))	1, 2, 3, 4, 5		
24. Did the operator report all records (referred to as new records) described in §§ 111.220 through 111.240 generated on or after June 10, 2022, within 30 days? (§ 111.205(b)(1))	1, 2, 3, 4, 5		

<sup>7</sup> From August 1, 2005, for group 1 *air carriers*. From August 1, 2010, for groups 1 and 2 *non-air carriers*. From June 10, 2022, for groups 3, 4, and 5.

25. Did the operator begin reporting historical records <sup>8</sup> in accordance with § 111.255 on June 10, 2022? (§ 111.205(b)(2))	1, 2		
26. Did the operator complete reporting historical records <sup>9</sup> dated between January 1, 2015, and June 9, 2022, in accordance with § 111.255(d) by June 12, 2023? (§ 111.205(b)(2))	1, 2		
27. Did the operator complete reporting all historical records <sup>10</sup> required by § 111.255(d) by September 9, 2024? (§ 111.205(b)(2))	1, 2		

### Applicability Groups (§ 111.1)

1. Each operator that holds an Air Carrier or Operating Certificate issued in accordance with part 119 and is authorized to conduct operations under part 121, 125, or 135.
2. Each operator that holds management specifications (MSpecs) for a fractional ownership program issued in accordance with part 91K.
3. Each operator that holds a Letter of Authorization (LOA) issued in accordance with § 91.147. Note that this group does not report historical records dated prior to June 10, 2022. This group may elect to maintain reportable records for 5 years and report them upon receiving a request for such records. This report-on-request option does not apply to some types of records. Refer to AC 120-68, Paragraph 2.8.1.6, PAC Operator Reporting Options, and Table 2-1, PRD Overview of Record Reporting by Population.
4. Each operator that operates two or more aircraft described in § 111.1(b)(4)(i) or (ii), in furtherance of or incidental to a business, solely pursuant to the general operating and flight rules in part 91, or that operates aircraft pursuant to a Letter of Deviation Authority (LODA) issued under § 125.3. Note that this group does not report historical records dated prior to June 10, 2022. This group may elect to maintain reportable records for 5 years and report them upon receiving a request for such records. This report-on-request option does not apply to some types of records. Refer to AC 120-68, paragraph 2.8.1.6.
5. Each entity that conducts public aircraft operations (PAO) as defined in 49 U.S.C. § 40102(a)(41) on a flight that meets the qualification criteria for public aircraft status in 49 U.S.C. § 40125, unless the entity is any branch of the U.S. Armed Forces, National Guard, or reserve component of the Armed Forces. Note that this group does not report historical records dated prior to June 10, 2022. This group may elect to maintain reportable records for 5 years and report them upon receiving a request for such records. This report-on-request option does not apply to some types of records. Refer to AC 120-68, paragraph 2.8.1.6.
6. PRIA requirements specifically apply to operators who hold a part 121 or 135 Air Carrier Certificate. Consider also that part 91K operators have requirements to perform a pilot safety background check, in accordance with § 91.1051. While part 91K operators are not included in the PRIA statute, this regulation has essentially the same effect and is similar to PRIA.

<sup>8</sup> From August 1, 2005, for group 1 *air carriers*. From August 1, 2010, for groups 1 and 2 *operators*.

<sup>9</sup> From August 1, 2005, for group 1 *air carriers*. From August 1, 2010, for groups 1 and 2 *operators*.

<sup>10</sup> From August 1, 2005, for group 1 *air carriers*. From August 1, 2010, for groups 1 and 2 *operators*.

## **Appendix B. PRD Compliance and Enforcement Guidelines**

**1. Noncompliance with Pilot Records Database (PRD) Requirements.** The guidelines below provide a streamlined and consistent response to PRD noncompliance. Based on the scope of issues regarding the PRD, the following considerations were developed in accordance with FAA Order 8000.373, Federal Aviation Administration Compliance Program; FAA Order 2150.3, FAA Compliance and Enforcement Program; and the Compliance Action Decision Process (CADP) found in FAA Order 8900.1, Volume 14, Chapter 1, Section 2, Flight Standards Service Compliance Action Decision Procedure.

**2. Pilot's Bill of Rights (PBR) Act and The Privacy Act of 1974 (The Privacy Act).** Since the PRD requirements at issue in this order apply to operators rather than individuals, compliance with the PBR and the Privacy Act are not required in most instances. However, at times, the Privacy Act may apply if the operator is the sole proprietor. In those instances, a Privacy Act Statement should be provided at or near the time that you collect information that will be maintained in a Privacy Act system of records. The appropriate Privacy Act Statement is located in Order 8900.1, Volume 14, Appendix 14-2, Privacy Act Notice. In addition, you may provide a Compliance Program Brochure for informational purposes in accordance with Order 8900.1, Volume 14, Chapter 1, Section 3, Providing Compliance Program Explanation and Pilot's Bill of Rights Written Notification, subparagraph 14-1-3-5B.

**3. Investigative Process.** Use these guidelines in response to PRD noncompliance. In accordance with Order 8900.1, Volume 14, Compliance and Enforcement, the investigative process involves:

- Gathering relevant facts,
- Asking relevant questions,
- Analyzing the facts and circumstances using critical thinking, and
- Applying policy in this order consistently to all applicable operators.

**4. Questions.** When in doubt as to the appropriate course of action or policy to follow, work through your Front Line Manager (FLM) and Office Manager (OM) with the appropriate policy owners for clarification.

**a.** Direct questions about the PRD to the Safety Analysis and Promotion Division (AFS-900) at 9-AMC-AVS-PRDSupport@faa.gov.

**b.** Direct questions regarding accepting and processing Voluntary Disclosure Reports to the Integration and Implementation Group (AFS-260) at 9-AVS-AFS260-VDRP@faa.gov.

**c.** Direct questions about Order 8900.1, Volume 14 and Flight Standards (FS) enforcement policy to the National Program Office Branch (AFS-910) Safety and Compliance Team (SACT) at 9-AVS-AFS-CPFT@faa.gov.

**d.** Direct questions about the PRD compliance for entering drug and alcohol testing information to the Drug Abatement Division (AAM-800) at drugabatement@faa.gov.

## 5. All PRD Noncompliance.

**a. Determine the Appropriate Action.** Use the CADP and this order to determine the appropriate FAA action in response to identified noncompliance. Simple mistakes, lack of understanding, or flawed procedures are generally eligible for compliance action when the operator is willing and able to comply, such as a noncertificated operator that was aware of and had documented procedures to comply with the PRD requirements but had failed to adequately supervise employees or audit their own systems for effectiveness, which resulted in their noncompliance.

**b. Gather and Analyze All Relevant Facts on a Case-By-Case Basis.**

(1) Consider the magnitude of noncompliance (e.g., systemic with all records versus a handful of records or an isolated instance) and reasons for data loss (e.g., knowing deletion versus hardware failure or simple error).

(2) Consider whether the operator has recently been certificated or authorized. Each operator to which Title 14 of the Code of Federal Regulations (14 CFR) part 111 applies that plans to initiate operations after September 8, 2021, must submit the application required by part 111, § 111.15 to the FAA at least 30 days before the operator initiates aircraft operations.

**c. Use of a Letter of Correction (LOC).** If noncompliance with applying for PRD access is being resolved with an LOC, leave the administrative action open in the Enforcement Information System (EIS) until registration is completed or upgraded to legal enforcement action for either the operator's failure to comply with the terms of the LOC or for other part 111 noncompliance requiring legal enforcement action. Only send the LOC after validating that the operator successfully registered (i.e., an acceptable application was submitted in accordance with § 111.15(c) and approved by the FAA) in the PRD. Include the date of registration in the letter. See paragraphs 10b and 11 of this appendix for details on the number and content of letters to be sent.

**d. Intentional or Reckless Violations Require Legal Enforcement Action.** When legal enforcement action is taken, review the paragraphs referenced below from Order 2150.3, FAA Compliance and Enforcement Program, Chapter 9, Legal Enforcement Action Sanction Policy, to make sure all relevant information is obtained and analyzed. Document the analysis in section B of the enforcement investigative report (EIR) under "Factors Affecting Sanction" to aid the Office of the Chief Counsel, Aviation Litigation Division (AGC-300) in selecting the appropriate sanction amount for legal enforcement action cases:

(1) Subparagraph 6a discusses single acts resulting in multiple violations, and sanctions determined on a per day or per flight basis.

(2) Subparagraph 6c discusses severity level.

(3) Subparagraph 6d discusses culpability, including entity culpability.

(4) Subparagraph 6g discusses mitigating and aggravating factors. See additional information in paragraph 9 of this appendix below.



**e. Differences in Response Times Can be Dependent on the Size or Cultural Maturity of the Organization.** We should expect a more thorough and timely response to our findings of noncompliance from larger, more experienced, and/or well-resourced organizations. Smaller organizations with less mature systems or safety cultures may require more time or education to comply. Consider these factors, seek to understand the circumstances of the operator involved, and tailor your actions accordingly.

**f. If the Operator Was Previously Aware of PRD Requirements.** Did the operator intentionally violate, or demonstrate a gross disregard for or deliberate indifference to, PRD requirements? Based on subparagraphs (1) and (2) below, the FAA generally believes that all operators subject to the PRD who did not comply either knew of, or demonstrated a gross disregard for or deliberate indifference to, the PRD requirements.

(1) An existing operator subject to the Pilot Records Improvement Act of 1996 (PRIA) may have received formal notification of new PRD requirements when submitting FAA Form 8060-10, FAA Records Request (PRIA), to AFS-900 under PRIA, or in a communication from the responsible Flight Standards office.

(2) Any person may have become aware of final PRD requirements when:

(a) The PRD requirements were published in the Federal Register (FR) 86 FR 31006, dated June 10, 2021, available at <https://www.federalregister.gov/documents/2021/06/10/2021-11424/pilot-records-database>; <sup>11</sup>

(b) Reviewing part 111;

(c) Reviewing Advisory Circular (AC) 120-68, Pilot Records Database and Pilot Records Improvement Act, dated June 28, 2021; or

(d) Reviewing various other FAA and aviation industry publications or broadcasts discussing the PRD (see Appendix D, Communication History).

**g. If the Operator May Not Have Received Notification of the PRD.** Although an operator's knowledge of the requirements is expected, a new entrant operator or a corporate turbine-powered rotorcraft operator subject to the PRD final rule but not included in the Notice of Proposed Rulemaking (NPRM) may not have received notification of the PRD through the means described in subparagraph 5f above. Small or intermittently operating 14 CFR part 91 or public operators also may not have received notification. For such operators, if the operator is willing and able to comply, compliance action may be used when appropriate. The investigating office should:

(1) Review all facts and circumstances carefully using the CADP for the appropriateness of taking compliance, administrative, or legal enforcement action;

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<sup>11</sup> As a legal matter, persons subject to a regulation in the Code of Federal Regulations (CFR) are considered to be aware of the regulation and, therefore, responsible for compliance as of the date the final rule for that regulation is published in the FR.

(2) Consult with the AFS-910 SACT for policy clarification; and

(3) Thoroughly document action justifications in Safety Assurance System (SAS) to include any deviations from guidance in Order 8900.1, Volume 14 or this order.

**h. If Partial Compliance of the PRD is Determined.** If FS investigative personnel find the operator in compliance with some parts of the PRD requirements, then in general, the FAA will proceed with the understanding that the operator knew about all PRD requirements.

**6. Recordkeeping Requirements Beginning in 2010.** Recordkeeping is the most critical aspect of the PRD.

**a. Maintain the PRD.** A punitive and deterrent sanction is appropriate for failure to maintain the required PRD data.

**b. Recover or Duplicate Missing Records.** If the operator is able to recover or duplicate missing records that they initially failed to keep or lost, that may be a mitigating factor.

**7. Registering an Authorized Responsible Person (RP).** Because our goal is to get all applicable operators registered and in compliance with the PRD, FS has chosen to incentivize registration via LOCs rather than through a punitive or deterrent sanction, if there is no other noncompliance warranting legal enforcement action. Refusal to promptly comply when notified of the noncompliance requires legal enforcement action.

**8. Retrieving and Reviewing PRD Records Before Assigning Pilot to Duty.** If an operator hired and assigned a pilot to duty without meeting applicable part 111 records access and evaluation requirements, the operator is expected to remove the pilot from duty until PRD records are evaluated.

**Note:** Under part 111, we cannot require an operator to take any specific action in response to records on a pilot. We can only require that they access and evaluate the records.

**9. Analysis and Documentation.** In accordance with Order 2150.3, Chapter 9, paragraph 5, investigative personnel provide a detailed analysis for each factor affecting sanction (e.g., severity level, culpability, business size, mitigating factors and aggravating factors) in section B of the EIR with evidentiary support in section C of the EIR.

**a. Compliance is Expected.** Prompt action that simply places the violator in compliance with the statute or regulations is not a mitigating factor. Refer to Order 2150.3, Chapter 4, Subparagraph 11n, Evidence of Corrective Action.

**b. Entity Culpability.** Carefully consider the Order 2150.3, Chapter 9, subparagraph 6d discussion of entity culpability.

**c. Mitigating and Aggravating Factors.** Refer to Order 2150.3, Chapter 9, subparagraph 6g for a list of mitigating and aggravating factors affecting sanction range. An apparent violator has the burden of proving the applicability of any given mitigating factor; the

FAA does not have the burden of proving the nonexistence of a mitigating factor. Consider the following nonexclusive list of aggravating factors for PRD violations:

- (1) An operator was aware of PRD requirements and was maintaining the required records but failed to register or use PRD data when hiring (systemic).
- (2) An operator registered but never used PRD data when hiring (systemic).
- (3) An operator was aware of a PRD requirement but made a purposeful choice not to comply; such action may require certificate action to compel compliance, in addition to or instead of civil penalty.

## **10. Response to Apparent or Actual Noncompliance.**

**a. Goals of Our Response to PRD Noncompliance.** There are three main goals of the surveillance of, and our response to, PRD noncompliance:

- (1) Returning the operator to compliance as quickly as possible;
- (2) Ensuring the operator has a clear understanding of the part 111 PRD requirements, to facilitate future compliance; and
- (3) Ensuring future compliance.

**b. Discussing Findings with the Operator.** FAA findings should be discussed with the operator during or at the end of the investigation. Thus, a Letter of Investigation (LOI) or LOC from the investigating office concerning part 111 requirements should not be a surprise to the operator. When enforcement action is warranted (based on the investigation and analysis of the facts and circumstances per this appendix and the CADP), do the following:

(1) **An Operator Failed to Keep Historical Pilot Records.** If the operator failed to keep any historical pilot records as required by statute or regulation, a civil penalty action is generally warranted. Send the operator an LOI using the template in Figure B-1, Letter of Investigation—Civil Penalty, below. Prepare an EIR for civil penalty action in accordance with this order; Order 8900.1, Volume 14; and Order 2150.3. Send only one LOI relating to the PRD noncompliance, including all information about any other PRD noncompliance by the operator.

(2) **An Operator Has Not Submitted an Application for Database Access.** If the operator has not submitted an application for database access or submitted an application later than required under § 111.15(a), resolve the issue with an LOC if there is no other noncompliance warranting legal enforcement action. Document in SAS the date, time, and name of the operator's management official whom you informed about the noncompliance.

(a) Do not send an LOC if the issue has been addressed through the Aviation Safety Action Program (ASAP), the VDRP, prior FAA compliance or enforcement action, or when compliance action is warranted.

(b) You may send the operator a general correspondence letter or email outlining the verbal agreement to register with the PRD, to include a due date if not already completed. Send an LOC after the operator has submitted the application and you verify with AFS-900 that it was submitted and an RP was registered. Use the LOC template in Figure B-2, Letter of Correction—Failure to Submit Application Only, below. Prepare an EIR for administrative action in accordance with this order; Order 8900.1, Volume 14; and Order 2150.3. The LOC must memorialize the agreement<sup>12</sup> made by the FAA and operator to submit the application.<sup>13</sup>

(c) If the operator fails to submit an application in a reasonable time (at the principal inspector's (PI) discretion, but normally within 10 days of being informed of the requirement), legal enforcement action is warranted. Send the operator an LOI using the template in Figure B-1 below.<sup>14</sup> Prepare an EIR for a civil penalty action in accordance with this order; Order 8900.1, Volume 14; and Order 2150.3. Send only one LOI, including all relevant information regarding PRD noncompliance by the operator.

(3) An Operator Hires a Pilot Without Evaluating All PRD Information. If the operator hired and assigned a pilot to duty without evaluating all relevant information in the PRD, a civil penalty is generally warranted. Send the operator an LOI using the template in Figure B-1 below. Prepare an EIR for a civil penalty action in accordance with this order; Order 8900.1, Volume 14; and Order 2150.3. Send only one LOI, including all information about any other PRD noncompliance. Include relevant information about flights conducted by individuals who began service as a pilot before their records were evaluated.

(4) After the LOI or LOC is Sent. If additional facts are discovered that show new areas of PRD-related noncompliance or the nature of the investigation changes, consult with AGC-300 counsel on how to proceed. If a new LOI is sent, use the template in Figure B-3, Letter of Investigation—New Information, below. For example:

(a) Initially, evidence only supported a failure to submit an application, which was resolved using the LOC. However, evidence is later discovered that a pilot was hired and assigned to duty without evaluating any PRD information. An LOI covering the newly identified noncompliance must be sent. See footnote 13.

(b) An LOI was previously sent for failure to keep historical records. However, evidence is later discovered that a pilot was hired and assigned to duty without evaluating any PRD information. If the EIR was not yet sent to the OSS for review, send an LOI covering the newly identified noncompliance.<sup>15</sup> If the EIR has been sent for review, consult with your OSS reviewer and AGC-300 counsel to determine the next steps.

(5) Send Record Requests Separately from an LOI. Do not include requests for records in an LOI because responding to an LOI is optional for the operator. Send records requests

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<sup>12</sup> Refer to Order 2150.3, Chapter 5, subparagraph 4b(2).

<sup>13</sup> For this reason, the Streamlined No Action and Administrative Action Program (SNAAP) cannot be used.

<sup>14</sup> Only one EIR is needed. Use the same EIR number on the LOC and any LOI(s) and include the LOC as an Item of Proof (IOP) in the legal enforcement action EIR, if one is used for other PRD noncompliance.

<sup>15</sup> Refer to Order 2150.3, Chapter 4, subparagraph 6d.

separately and include the regulation that requires the records to be kept or shown, so it is clear that the operator is required to respond to the request.

**11. Example Letter Paragraphs.** Use these paragraphs in the LOI or LOC (or in the preliminary general letter/email) as noted below and in Figures B-1, B-2, and B-3. Also, send a Warning Notice as described below (see Figure B-4, Warning Notice—Prior Noncompliance). These examples may be edited to fit the specific facts and circumstances. For example, when writing to an entity or trustee, edit the term “operator” and any cited rules where needed so the letter makes sense to the recipient and reflects the language of the applicable section of part 111 or other 14 CFR sections that apply to the entity or trustee.

**a. If the Operator Failed to Keep Historical Pilot Records.** If the operator failed to keep historical pilot records, include this paragraph in the LOI:

“On [enter date of surveillance], during [describe the activity, location, and/or person contacted, such as an inspection of your pilot records system with the chief records clerk], we discovered that you had not kept historical pilot records required to be kept by the PRD, to include [enter factual description of missing records].”

**b. If the Operator Had No Authorized RP with PRD Access by the Required Date.**<sup>16</sup>

(1) If there was no RP registered at the time of the surveillance required by this order:

(a) Include this paragraph in preliminary general letter/email (if one is sent):

“On [enter date of surveillance], during [describe the activity, location, and/or person contacted, such as an FAA review of operators granted access to the PRD], we discovered that you did not have an Authorized Responsible Person (RP) with PRD access. As agreed on [date] with [operator representative’s name], you will submit an application for RP access to the PRD on or before [agreed date]. Please notify me when your application has been submitted. If you register for PRD access by the agreed date, no legal enforcement action will be taken against you for your late registration.”

(b) After verifying with AFS-900 that the operator successfully registered as agreed:

*1.* If a preliminary general letter/email was sent, include this paragraph in the LOC:

“As previously discussed and documented in my [letter or email] dated [enter date], you agreed to submit an application for Authorized Responsible Person (RP) access to the PRD on or before [agreed date]. I have verified that your RP was successfully registered on [date registered]. Therefore, no legal enforcement action will be taken for your late registration under 14 CFR § 111.15(a). This administrative Letter of Correction closes the matter, which

<sup>16</sup> See Chapter 2, subparagraph 5a(2) of this order.

will become a part of your record. Future compliance with applicable rules and statutes is expected.”

2. If a preliminary general letter or email was not sent, include this paragraph in the LOC:

“On [enter date of surveillance], during [describe the activity, location, and/or person contacted, such as an FAA review of operators granted access to the PRD], we discovered that you did not have an Authorized Responsible Person (RP) with PRD access. On [date of agreement], [operator representative’s name] agreed to submit an application for RP access to the PRD on or before [agreed date]. I have verified that your RP was successfully registered on [date registered]. Therefore, no legal enforcement action will be taken for your late registration under 14 CFR § 111.15(a). This administrative Letter of Correction closes the matter, which will become a part of your record. Future compliance with applicable rules and statutes is expected.”

(c) After verifying that registration was not successful, include this paragraph in the LOI:

“On [enter date of surveillance], during [describe the activity, location, and/or person contacted, such as an FAA review of operators granted access to the PRD], we discovered that you did not have an Authorized Responsible Person (RP) with PRD access. On [date], [operator representative’s name], agreed you would submit an application for RP access to the PRD on or before [agreed date]. You did not submit an application as agreed.”

(2) If an RP was registered at the time of the surveillance required by this order, but the registration was determined to be later than required by § 111.15(a):

(a) If the issue was previously addressed to the FAA’s satisfaction (see subparagraphs 10b(2) and 10b(2)(a) of this appendix), do not send an LOC. Document in the SAS surveillance record how the issue was previously addressed to the FAA’s satisfaction.

(b) If the issue was not previously addressed by the FAA, send a Warning Notice using Figure B-4.<sup>17</sup>

**c. If the Operator Hired and Assigned a Pilot to Duty Without First Evaluating Relevant PRD Information.**

(1) If the operator hired and assigned a pilot to duty without first evaluating relevant PRD information, include this paragraph in the LOI:

“On [enter date of surveillance], during [describe the activity, location, and/or person contacted, such as an interview with your Chief Pilot], we discovered that you had

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<sup>17</sup> Sending the Warning Notice is necessary for accountability in a just culture.

hired and assigned to duty new pilot [First and Last Name] in January of 2022 without evaluating relevant PRD data for the pilot.”

**Note:** This information may be generalized and/or summarized for systemic noncompliance, for example, as “...we discovered you had hired 25 new pilots in 2021 without evaluating relevant PRD data for the pilots.”

(2) If the operator conducted flights with a newly hired pilot without first evaluating the relevant PRD data, include this paragraph in the LOI:

“On [enter date of surveillance], during [describe the activity, location, and/or person contacted, such as an inspection of your pilot records system with the Chief Pilot], we discovered that new pilot [First and Last Name] flew [describe the noncompliant flights, such as two air tour flights on February 14, 2022, from the North Las Vegas airport in N12345] without you first evaluating relevant PRD data for the pilot.”

**Note:** This information may be generalized and/or summarized for systemic noncompliance, for example, as “...we discovered you had hired 25 new pilots in 2021 who collectively flew approximately 1,200 flights without you first evaluating relevant PRD data for those pilots.”

**d. If a New LOI is Sent After the First LOI, or After an LOC or Warning Notice.** If this subparagraph applies (i.e., a new LOI is sent after the first LOI or after an LOC or Warning Notice, as discussed in subparagraph 10b(4) of this appendix):

(1) Use the template in Figure B-3 and the example paragraphs above to describe the new noncompliance, edited to fit the facts and circumstances, and edited for input from AGC-300 counsel, if any.

(2) If a preliminary general letter/email was previously sent for an RP registration issue but the LOC to close that issue has not yet been sent, do the following:

(a) If you validate that registration was accomplished in accordance with the preliminary general letter/email:

1. Send the LOC with appropriate text as described above in subparagraph 11b(1)(b) of this appendix.

2. Send the new LOI and include this sentence first before all other selections used from paragraph 11 of this appendix: “No other information or action is required regarding the § 111.15(a) Letter of Correction dated [date of LOC].” The LOC and new LOI may be sent together in the same envelope.

(b) If registration was not accomplished in accordance with the preliminary general letter/email, send the new LOI and include this paragraph with the other selections used from paragraph 11 of this appendix:

“On [enter date of surveillance], during [describe the activity, location, and/or person contacted, such as an FAA review of operators granted access to the PRD], we discovered that you did not have an Authorized Responsible Person (RP) with PRD access by the date required. On [date], [operator representative’s name], agreed you would submit an application for RP access to the PRD on or before [agreed date]. You did not submit an application as agreed.”



**Figure B-1. Letter of Investigation—Civil Penalty**

U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

Aviation Safety

[Investigating Office Name]  
[Address line 1]  
[Address line 2]  
Phone: [number], Fax: [number]

[Date]

**[Certified Mail – Return Receipt Requested or FedEx] and Regular Mail**

RE: [EIR #]

[Name]  
[Street Address]  
[City, State ZIP Code]

Dear [Name],

This letter is to inform you that personnel of the Federal Aviation Administration (FAA) are investigating apparent noncompliance with Pilot Records Database (PRD) requirements as found in Title 14 of the Code of Federal Regulations (14 CFR) part 111 and Title 49 of the United States Code (49 U.S.C.) § 44703.

*[Insert applicable paragraphs from Appendix B, paragraph 11, adding details as required for the specific facts and circumstances.]*

Your apparent noncompliance with these PRD requirements may be contrary to 14 CFR and/or 49 U.S.C. If so, legal enforcement action may be taken against you.

We offer you an opportunity to submit a written statement within ten (10) days of receipt of this letter. Your statement should contain all pertinent facts and any extenuating or mitigating circumstances you believe have a bearing on this matter. If we do not hear from you within the specified time, our report will be forwarded without the benefit of your statement.

Sincerely,

[Inspector Signature]  
[Typed Inspector Name]  
Aviation Safety Inspector

**OFFICIAL FILE COPY:** [Enter office-specific file location. For mailings, do not print footer information.]

**Figure B-2. Letter of Correction—Failure to Submit Application Only**

U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

Aviation Safety

[Investigating Office Name]  
[Address line 1]  
[Address line 2]  
Phone: [number], Fax: [number]

[Date]

**[Certified Mail – Return Receipt Requested or FedEx] and Regular Mail**

RE: [EIR #]

Letter of Correction

[Name]  
[Street Address]  
[City, State ZIP Code]

Dear [Name],

This letter is to inform you that personnel of the Federal Aviation Administration (FAA) are investigating apparent noncompliance with Pilot Records Database (PRD) requirements as found in Title 14 of the Code of Federal Regulations (14 CFR) part 111 and Title 49 of the United States Code (49 U.S.C.) § 44703.

*[Insert applicable paragraphs from Appendix B, subparagraphs 11b(1)(b)1 and 2 only, adding details as required for the specific facts and circumstances.]*

Sincerely,

[Inspector Signature]  
[Typed Inspector Name]  
Aviation Safety Inspector

**OFFICIAL FILE COPY:** [Enter office-specific file location. For mailings, do not print footer information.]

**Figure B-3. Letter of Investigation—New Information**

U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

Aviation Safety

[Investigating Office Name]  
[Address line 1]  
[Address line 2]  
Phone: [number], Fax: [number]

[Date]

**[Certified Mail – Return Receipt Requested or FedEx] and Regular Mail**

RE: [EIR #]

[Name]  
[Street Address]  
[City, State ZIP Code]

Dear [Name],

This letter is to inform you that personnel of the Federal Aviation Administration (FAA) are investigating apparent noncompliance with Pilot Records Database (PRD) requirements as found in Title 14 of the Code of Federal Regulations (14 CFR) part 111 and Title 49 of the United States Code (49 U.S.C.) § 44703.

Additional information has come to our attention since our letter on this matter dated [date of previous LOI, LOC, or general correspondence]:

*[Insert applicable paragraphs for the new information from Appendix B, paragraph 11, adding details as required for the specific facts and circumstances.]*

Your apparent noncompliance with these PRD requirements may be contrary to 14 CFR and/or 49 U.S.C. If so, legal enforcement action may be taken against you.

We offer you an opportunity to submit a written statement within ten (10) days of receipt of this letter. Your statement should contain all pertinent facts and any extenuating or mitigating circumstances you believe have a bearing on this matter. If we do not hear from you within the specified time, our report will be forwarded without the benefit of your statement.

Sincerely,

[Inspector Signature]  
[Typed Inspector Name]  
Aviation Safety Inspector

**OFFICIAL FILE COPY:** [Enter office-specific file location. For mailings, do not printer footer information.]

**Figure B-4. Warning Notice—Prior Noncompliance**

U.S. Department  
of Transportation  
**Federal Aviation  
Administration**

Aviation Safety

[Investigating Office Name]  
[Address line 1]  
[Address line 2]  
Phone: [number], Fax: [number]

[Date]

**[Certified Mail – Return Receipt Requested or FedEx] and Regular Mail**

RE: [EIR #]

[Name]  
[Street Address]  
[City, State ZIP Code]

Dear [Name],

This letter is to inform you that personnel of the Federal Aviation Administration (FAA) are investigating apparent noncompliance with Pilot Records Database (PRD) requirements as found in Title 14 of the Code of Federal Regulations (14 CFR) part 111 and Title 49 of the United States Code (49 U.S.C.) § 44703.

On [date of surveillance], during [describe the activity, location, and/or person contacted, such as an FAA review of operators granted access to the PRD], we discovered that you did not register an Authorized Responsible Person (RP) for PRD access by the date required under 14 CFR § 111.15(a). I have verified that your RP was registered late, on [date registered]. No legal enforcement action will be taken for your late registration. This administrative Warning Notice closes the matter, which will become a part of your record. Future compliance with applicable rules and statutes is expected.

Sincerely,

[Inspector Signature]  
[Typed Inspector Name]  
Aviation Safety Inspector

**OFFICIAL FILE COPY:** [Enter office-specific file location. For mailings, do not print footer information.]

## Appendix C. Reports

The Safety Analysis and Promotion Division (AFS-900) has provided two reports which may be used by aviation safety inspectors (ASI) to assist when providing oversight regarding Title 14 of the Code of Federal Regulations (14 CFR) part 111.

**1. PRD Registration Report.** This report can be used to help determine if an operator has registered an Authorized RP in the PRD. The report is updated weekly and can be viewed at <https://my.faa.gov/org/linebusiness/avs/offices/afx/divisions/afs/afs620>. It is important to understand the limitations of the report. False positives or negatives are possible. Contact [PRDSupport@faa.gov](mailto:PRDSupport@faa.gov) for assistance.

**2. PRD PAR Access Activity Report.** This report indicates if the operator has actually used the PRD to view pilot records. If the operator has hired pilots after December 7, 2021, you can expect to see via this report that the operator has viewed pilot records. Pilot records in the PRD are referred to as PRD Airman Records (PAR). The report is updated weekly and can be viewed at <https://my.faa.gov/org/linebusiness/avs/offices/afx/divisions/afs/afs620>.

## Appendix D. Communication History

**August 2010:** Public Law (PL) 111-216, Airline Safety and Federal Aviation Administration Extension Act of 2010, 124 Stat. 2348, codified at Title 49 of the United States Code (49 U.S.C.) § 44703(i), (the PRD Act) was signed into law. The PRD Act amended the Pilot Records Improvement Act of 1996 (PRIA) by requiring the FAA to create a Pilot Records Database (PRD) that contains various types of pilot records. Compliance with the PRD Act requires air carriers and other persons to provide records maintained by them in accordance with PRIA as of August 1, 2010, which includes historical records going back 5 years prior to that date (i.e., 2005) under the requirements of PRIA. This is in addition to any records air carriers or other persons have created since August 1, 2010, that the PRD Act requires for the PRD.

**August 2011:** Information for Operators (InFO) 11014, Title 14 of the Code of Federal Regulations (14 CFR) Parts 91, 121, 125 and 135 Retention of Pilot Records for the Pilot Records Database (PRD), was issued.

**March 2014:** InFO 14005, Pilot Records Database (PRD)–Status Update, was issued. This InFO provided an update to 14 CFR parts 121, 125, and 135 certificate holders (CH) and pilots on the progress of PRD rulemaking and database development efforts.

**December 2014:** Notice N 8900.279, Pilot Record Retention Responsibilities Related to the Airline Safety and Federal Aviation Administration Extension Act of 2010, was published. This notice discussed the pilot record retention requirements of the PRD Act and the related requirements of PRIA. The statute requires 14 CFR part 119 CHs (all air carrier and operating CHs conducting operations under parts 121, 125, and 135) to retain certain pilot training records and other records for entry into the PRD. Principal Operations Inspectors (POI) had to review and evaluate their assigned part 119 CH's records to ensure that the appropriate records were being retained.

**December 2017:** InFO 17019, Beta Release of the Pilot Records Database (PRD), was issued. This InFO provided an update to part 119 CHs conducting operations in accordance with parts 121, 125, and 135 as well as fractional ownership program managers conducting operations in accordance with part 91 subpart K (part 91K) on the availability of the PRD under a beta release. Additionally, this InFO provides information on eligibility requirements for individuals to access the PRD, records provided through the PRD, and continued inspections to fulfill PRIA.

**May 2018:** InFo 18005, Expanded Beta Release of the Pilot Records Database (PRD), was issued. This InFO announced the expansion of the PRD beta release. Voluntary participation in the beta release is now open to part 135 operators.

**August 2018:** Every FAA Form 8060-10, FAA Records Request (PRIA), response began to include information about the availability of the PRD system and how to obtain assistance.

**March 2020:** Part 111 Notice of Proposed Rulemaking (NPRM) (85 FR 17660) was published in the Federal Register (FR).

**June 10, 2021:** Part 111 Final Rule (86 FR 31006) was published in the FR.

**June 28, 2021:** Advisory Circular (AC) 120-68, Pilot Records Database and Pilot Records Improvement Act, was published.

**June 2021:** Messaged PRD subscribers via GovDelivery about the upcoming regulatory deadlines related to part 111.

**July 2021:** Messaged PRD subscribers via GovDelivery about publication of AC 120-68.

**September 2021:** Messaged registered Authorized RPs and Proxy RPs via email about the December 2021 requirements to use PRD for FAA records and to encourage voluntary use before the deadline.

**November 2021:** Messaged air carrier and operator known contacts via email to remind them of regulatory deadlines established by part 111.

**November 2021:** Flight Standards District Offices (FSDO) and certificate management offices (CMO) were provided a memo compelling Safety Assurance office personnel to send letters to air carriers and operators, included in the applicability of part 111, to remind them of required actions and deadlines.

**December 2021:** Messaged PRD subscribers via GovDelivery about the changing process for obtaining FAA records via the PRD.

**December 2021:** Messaged all Operations aviation safety inspectors (ASI) via email to provide awareness of the changes related to the PRD and part 111.

**December 2021:** Updated all PRD- and PRIA-related FAA websites to remind visitors of process changes related to requesting FAA records and part 111.

### Directive Feedback Information

Please submit any written comments or recommendation for improving this directive, or suggest new items or subjects to be added to it. Also, if you find an error, please tell us about it.

Subject: FAA Order 8000.88A, PRIA and PRD Guidance for FAA Inspectors

To: Flight Standards Directive Management Officer, AFB-120 Directives Mailbox  
(9-AWA-AFB-120-Directives@faa.gov)

*(Please check all appropriate line items)*

An error (procedural or typographical) has been noted in paragraph \_\_\_\_\_ on page \_\_\_\_\_ .

Recommend paragraph \_\_\_\_\_ on page \_\_\_\_\_ be changed as follows: *(attach separate sheet if necessary)*

In a future change to this order, please cover the following subject:  
*(briefly describe what you want added)*

Other comments:

I would like to discuss the above. Please contact me.

Submitted by: \_\_\_\_\_ Date: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Routing Symbol: \_\_\_\_\_