****

**Pilot Records Database Final Rule issued by FAA, Includes Corporate Flight Departments**

**James W. Cooling**

On May 26, 2021, the FAA released the [final rule](https://www.faa.gov/news/media/attachments/Pilot_Records_Database_Final_Rule.pdf) with respect to the new Pilot Records Database (PRD). The PRD, which was instigated by the Colgan Air accident in upstate New York, requires that air carriers, specific operators holding out to the public, entities conducting public aircraft operations, air tour operators, fractional ownerships, and corporate flight departments enter relevant data on individuals employed as pilots into the PRD.

The FAA’s goal is to create transparency such that a potential employer has all of the details related to any pilot they may hire, including the details from prior employment. During the rulemaking process, there was some pushback from pilots and operators feeling this is an invasion of privacy and confidential information that goes above and beyond what is needed for the safety of the U.S. airspace. The current system for retaining pilot records is the Pilot Records and Information Act (PRIA), which will be phased out and replaced by the PRD no later than 3 years 90 days from the date of publication of this final rule. However the requirements of PRIA remain in effect until such date.

 Since the PRD final rule has only recently been released, the exact impacts and requirements for air carrier and operators are not fully known. One point that was highly discussed in the rulemaking process was whether the reporting requirements should apply to “corporate flight departments.”

Corporate flight departments are included in the final rule to the extent that a company has “two or more aircraft conducting operations in furtherance of or incidental to a business, solely pursuant to the general operating and flight rules in part 91 or operating aircraft pursuant to a Letter of Deviation Authority issued under § 125.3.” The rule requires corporate flight departments to submit applicable records for each individual employed as a pilot contemporaneously with creation of the record (“contemporaneously” means the time set by the FAA for such record, which is typically within 30 days). The documents that must be submitted contemporaneously include:

* Drug and alcohol testing records under part 120;
* Qualification records;
* Proficiency records;
* Disciplinary action records resulting in permanent or temporary removal of the pilot from aircraft operations;
* Records concerning separation of employment resulting in termination;
* Verification of a motor vehicle driving record search; and
* Other historical records.

As noted above, these records generally must be reported to the PRD within 30 days of the effective date of the record unless it is a disciplinary record or a record related to separation of employment, in which event the record must be reported to the PRD within 30 days of the record becoming final.

Corporate flight departments are also required to maintain the following records, but are not required to submit these records to the PRD unless and until requested by a hiring operator:

* Training records;
* Disciplinary records (not resulting in removal of pilot from aircraft operations); and
* Separation from employment records (not resulting in termination).

Another question that has been raised is whether disciplinary records must be submitted to the PRD when a pilot is temporarily removed. The PRD prohibits the inclusion of any disciplinary action that was subsequently overturned due to the event prompting the action not occurring or the pilot not being at fault. Operators are NOT permitted to report pilot records related to safety events that were already reported as part of the Aviation Safety Action Program (ASAP) or any other approved Voluntary Safety Reporting Program.

Under the PRD, Part 119 certificate holders, fractional ownership programs and persons conducting air tour operations are required to review records prior to allowing an individual to begin service as a pilot. This is not a requirement for corporate flight departments.

 While the final rule has been published, the FAA is still in the process of putting the pieces in place to begin utilization of the PRD. The FAA has provided the following timeline:

|  |  |
| --- | --- |
| **September 8, 2021**(90 Days from Publication) | Submit Application for Database Access. |
| **December 7, 2021**(180 Days from Publication) | Air carriers and operators required to view records must begin use of PRD. |
| **June 10, 2022**(1 Year from Publication) | Begin reporting current pilot records and historical records. |
| **June 12, 2023**(2 Years from Publication) | Complete reporting of historical pilot records dating back to January 1, 2015. |
| **September 9, 2024**(3 Years and 90 days from Publication) | Complete reporting of all historical pilot records; PRIA ends. |

Records must remain in the PRD until the pilot’s death of the pilot reaches age 99. It is the responsibility of pilots to verify that their employment history shown in the PRD is complete and accurate.