

NOTICE

U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION

N 8900.653

National Policy

Effective Date:
3/16/23

Cancellation Date:
3/16/24

SUBJ: Pilot Records Database Compliance Oversight

1. Purpose of This Notice. This notice provides standardized surveillance, compliance, and enforcement criteria for aviation safety inspectors (ASI) to perform oversight of the regulatory requirements of Title 14 of the Code of Federal Regulations (14 CFR) Part 111, Pilot Records Database. This notice will ensure the required entities are inspected and findings of noncompliance are addressed in a consistent manner.

2. Audience. The primary audience for this notice is Air Carrier and General Aviation Safety Assurance offices with oversight responsibility for operators under 14 CFR parts 121, 125, 135, and 91 subpart K (part 91K); entities conducting air tour operations under part 91, § 91.147; entities conducting public aircraft operations (PAO); and noncertificated part 91 (i.e., “corporate”) operators with two or more aircraft that are either standard airworthiness airplanes that require a type rating or turbine-powered rotorcraft.¹ Those operators, entities, and trustees (where applicable as described in part 111) are collectively referred to in this notice as “operators.” The secondary audience includes the Safety Standards and Foundational Business offices.

3. Where You Can Find This Notice. You can find this notice on the MyFAA employee website at 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 notice on the Federal Aviation Administration’s (FAA) website at https://www.faa.gov/regulations_policies/orders_notices and DRS.

4. Background. 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 Pilot Records Database (PRD) and transition the FAA and industry from the Pilot Records Improvement Act of 1996 (PRIA) to the PRD. The PRD Act requires the PRD to contain pilot records existing as of August 1, 2010, for FAA certification events, enforcement actions, pilot employment history, training data, and drug and alcohol testing records. The PRD Act also requires that the PRD

¹ The noncertificated “corporate” operations must be in furtherance of or incidental to a business, solely pursuant to the general operating and flight rules in part 91, or operated pursuant to a Letter of Deviation Authority (LODA) issued under part 125, § 125.3.

replace PRIA after a period of transition. To effectuate the requirements of the PRD Act, the FAA promulgated part 111, which implements the PRD.²

5. Discussion. 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 entered into the PRD. For further guidance regarding how to navigate the transition period, please refer to Advisory Circular (AC) 120-68, Pilot Records Database and Pilot Records Improvement Act.

a. Compliance Dates and Requirements. Continued noncompliance with subparagraphs (1)(a) through (1)(d) jeopardizes the ability of an operator to comply with subparagraphs (2)(a) and (2)(b).

(1) Compliance Deadlines and Requirements in Effect:

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

(b) September 8, 2021. Current operators (as of 9/8/21) are to submit an application for database access in accordance with part 111, § 111.15(a); after this date, application for access must be submitted at least 30 days before an operator initiates aircraft operations.

(c) December 7, 2021. The use of PRD for review of FAA records when hiring pilots is mandatory in accordance with § 111.105(b)(1).³

(d) June 10, 2022. Mandatory record reporting to PRD begins, in accordance with part 111 subpart B.⁴

(2) Upcoming Compliance Deadlines and Requirements:

(a) June 12, 2023. Operators must complete reporting historical pilot records dated between January 1, 2015, and June 9, 2022, to the PRD in accordance with § 111.255(d).

(b) September 9, 2024. Operators must complete reporting historical pilot records dated before January 1, 2015, to the PRD in accordance with § 111.255(d).

² 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 Advisory Circular (AC) 120-68, paragraph 2.5.2.5 available at https://www.faa.gov/regulations_policies/advisory_circulars/index.cfm/go/document.information/documentID/1039941.

³ Refer to the PRD final rule 86 FR 31006, Pilot Records Database, dated June 10, 2021.

⁴ Refer to 86 FR 31006.

b. Potential Findings.

(1) Noncompliance with the recordkeeping requirements for historical records in the PRD Act makes compliance with the future reporting requirements under PRD improbable.

(2) Many operators, particularly non-part 121 operators, did not submit an application for database access by September 8, 2021.⁵

Note: The latest PRD Registration Report can be found here: <https://my.faa.gov/content/myfaa/en/org/linebusiness/avs/offices/afx/divisions/afs/afs620.html>. This file should be accessible by all Aviation Safety (AVS) and Flight Standards Service (FS) employees automatically. If access is denied for a specific user, they can request access via the web form displayed with the denial message.

(3) Operators may have hired pilots without reviewing the FAA records in the PRD in accordance with § 111.105. PRD access activity data shows that some of the part 121 operators have not accessed any pilot records as of December 7, 2021, when they were required to start using the PRD for such information.

Note: The latest PRD Airman Record (PAR) Access Activity Report can be found on the PRD Internal Resources web page: <https://my.faa.gov/content/myfaa/en/org/linebusiness/avs/offices/afx/divisions/afs/afs620.html>. This report should be accessible by all AVS and FS employees automatically. If access is denied for a specific user, they can request access via the web form displayed with the denial message.

(4) Operators may not be reporting new pilot records to the PRD within 30 days of the record's effective date for records dated on or after June 10, 2022, as required by § 111.215(a). AC 120-68 provides guidance on what records must be reported in accordance with § 111.215(a). Some operators have the option to delay reporting certain new pilot records until a request is received for them as provided by § 111.215(b). In those cases, the operator must retain the pilot records for 5 years for the purpose of reporting the records on request unless the records have been reported to the PRD. This provision does not apply to certificated operators. Refer to AC 120-68 for details regarding the report-on-request provision.

Note: In limited situations, operators may not be able to report pilot records to the PRD for individuals who recently received an initial FAA-issued certificate and do not yet have a pilot certificate number. This may be the case for certain foreign license holders or military pilots who are eligible for a commercial or airline transport pilot (ATP) certificate. The airman is issued a temporary FAA certificate based on the foreign/military license, but it does not have a certificate number when issued as a temporary certificate. The number is a necessary field used to identify relevant records in the PRD. The FAA pilot certificate number will not be available until the application is processed by the Airmen Certification Branch (AFB-720) and the branch populates the PRD with the certificate number. This can take up to 120 days in some cases and may prevent the operator from

⁵ Specifically, means to establish an Authorized Responsible Person (RP) role in the PRD.

reporting the required records to the PRD within the 30-day period prescribed under § 111.215(a). In these limited cases, the FAA considers the 30-day reporting period to start when the airman receives their new FAA certificate number. The operator is expected to report the records to the PRD within 30 days of the airman's receipt of the new FAA certificate number, which is normally accomplished within 120 days of the application being submitted to AFB-720. An operator still must review the pilot records in the PRD in accordance with § 111.105(a) before permitting an individual to begin service as a pilot.

6. Action. Safety Assurance offices will initiate surveillance for PRD compliance and document results via the Safety Assurance System (SAS) within the timeframes in subparagraph 6a. Documentation must be accomplished using applicable National/Divisional Custom Data Collection Tools (ND C DCT) or SAS Activity Recording (AR), as described in subparagraphs 6b and 6c. Due to critical safety impacts, as well as high external stakeholder interest regarding both the PRD and the PRA, do not close any surveillance required by this notice as "Resource Not Available." For certificate holders (CH) with both part 121 and part 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 part 135 and part 91K operating authority, 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. Complete Applicable Data Collection or SAS AR Documentation:

- (1) For part 121 operators, by March 31, 2023.
- (2) For part 135 operators, by March 31, 2023.
- (3) For part 125 operators, by June 30, 2023.
- (4) For part 91K operators, by June 30, 2023.
- (5) For § 91.147 air tour operators, by August 31, 2024.⁶
- (6) For corporate operators, by August 31, 2024.
- (7) For those conducting PAO, by August 31, 2024.

⁶ This surveillance should be completed concurrently with other surveillance requirements as outlined in FAA Order 1800.56, National Flight Standards Work Program Guidelines.

b. ND C DCT.

(1) Principal Operations Inspectors (POI) or the assigned resource with oversight of part 121 or 135 CHs must use the applicable ND C DCTs (Design Assessment (DA) and Performance Assessment (PA)) to document surveillance.

(a) For part 121:

1. Part 121 - Pilot Records Database (DA).
2. Part 121 - Pilot Records Database (PA).

(b) For part 135:

1. Part 135 - Pilot Records Database (DA).
2. Part 135 - Pilot Records Database (PA).

(2) For tracking purposes, enter “N8900.PRDCO” without quotes in the “Local/Divisional/National” field. Select the checkbox for “L/D/N Locked?”. For assistance in loading the ND C DCT, refer to SAS Q Card “Custom DCT: Using a National/Divisional Template (Q3-10)” which can be found in the SAS Resource Guide, under Quick Links.

c. SAS AR. POIs or the assigned resource who will oversee part 91K operators, § 91.147 air tour operators, entities conducting PAO, or corporate operators as defined in paragraph 2 will use one record per operator with activity code 1620. Enter the following information in each respective field:

(1) National Use: Select “N8900.PRDCO” 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 – Unsatisfactory.” If “P – Potential” or “U – Unsatisfactory” are used, provide additional comment details below the required questions that describe the identified issue/concern. If all three questions are answered “Yes” and there are no issues/concerns, use Opinion Code “I – Information.”

(d) Comment: Answers to specific SAS AR questions (see Appendix A, SAS AR Surveillance Questions). Format the answers like this example:⁷

- “1. Yes”
- “2. Yes”
- “3. No”

(e) Trigger or link/associate any related records (followup surveillance, compliance action, or enforcement action, and their associated tasks) to this record and to each other using SAS automation or the linking instructions in FAA Order 8900.1, Volume 14, Chapter 1, Section 2, Flight Standards Service Compliance Action Decision Procedure, Subparagraph 14-1-2-9D, Multiple Records Requirement.

d. Part 91 Noncertificated Corporate Operators. Responsible offices will conduct surveillance on a minimum of 25% of their corporate operators, as described in paragraph 2 above and defined in part 111.

(1) Use Risk-Based Decision Making (RBDM) to determine which 25% of the office’s part 91 noncertificated operators should be surveilled. Some example criteria include but are not limited to:

- Operators known to not be in compliance with part 111;
- Operators with known high pilot turnover rates;
- Operators that are not associated with some type of air carrier Operating Certificate; and
- Operators with accidents, incidents, occurrences, or pilot deviations within the last 5 years.

(2) In addition to determining compliance with part 111, the results of the surveillance are intended to inform the office’s leadership if it is appropriate to increase the sample size of the surveillance. For example, if the surveillance indicates a high rate of noncompliance (defined as greater than 5%), the office should increase the sample size of the surveillance.

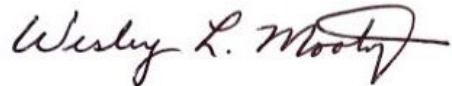
e. Potential Responses by the FAA. Use the Compliance Program approach for determining the appropriate response to noncompliance with PRD requirements. Ensure that any noncompliance is documented in accordance with Notice N 8900.628, How to Document Regulatory Compliance Actions and Enforcement Actions in SAS, dated June 3, 2022. 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 address noncompliance. General criteria are as follows:

⁷ 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.

Category of Noncompliance	General Approach to Known Violators
Not maintaining historical pilot records as required by statute and regulation in accordance with 49 U.S.C. § 44703(i)(4)(B).	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.
Not applying for database access (i.e., registering an Authorized Responsible Person (RP)), in accordance with § 111.15.	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.
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). ⁸	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.
Not reporting new pilot records as of June 10, 2022, in accordance with § 111.215(a).	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. See the Note in subparagraph 5b above regarding special circumstances where reporting within 30 days is outside the operator's control due to a delay in the processing of newly issued FAA pilot certificates.

⁸ The PAR must be evaluated before the operator can assign the pilot to duty.

7. Disposition. We will incorporate the information in this notice into FAA Order 8000.88, PRIA Guidance for FAA Inspectors, before this notice expires. The PRD and related resources can be found at https://www.faa.gov/regulations_policies/pilot_records_database. Direct questions or comments concerning the information in this notice to the Aviation Data Systems Branch (AFS-620) at prdsupport@faa.gov.



Wesley L. Mooty
Acting Deputy Executive Director, Flight Standards Service

Appendix A. SAS AR Surveillance Questions

Question	Reference
<p>1. Are historical records, as specified in Title 49 of the United States Code (49 U.S.C.) § 44703(i)(4)(B), being maintained for the appropriate period for reporting to the Pilot Records Database (PRD)?</p> <p>(For Title 14 of the Code of Federal Regulations (14 CFR) part 91 subpart K (part 91K) and part 125 operators, records dating from 8/1/2010 through 6/10/2022.)</p> <p>(For part 91, § 91.147 air tour and applicable corporate and public aircraft operators, records created beginning 6/10/2022.)</p>	<p>Advisory Circular (AC) 120-68, Table 2-1, PRD Overview of Record Reporting by Population</p> <p>14 CFR part 111, § 111.255</p> <p>49 U.S.C. § 44703(i)(4)(B)</p>
<p>2. Did the operator register an Authorized Responsible Person (RP) in the PRD as required by 14 CFR § 111.15(a)?</p>	<p>AC 120-68</p> <p>Order 8900.1, Volume 3, Chapter 18, Section 3 (A006)</p> <p>14 CFR part 111, §§ 111.15(a) and 111.15(d); part 119, §§ 119.65(a) and 119.69(a)</p>
<p>3. Beginning December 7, 2021, has the part 91K, part 125, or § 91.147 air tour operator used the PRD to access and evaluate FAA pilot records before permitting the individual to begin service as a pilot?</p>	<p>AC 120-68</p> <p>14 CFR §§ 111.100, 111.105, 111.110, and 111.135</p>
<p>4a. Beginning June 10, 2022, have the § 91.147 air tour and applicable corporate and public aircraft operators begun reporting new pilot records in accordance with § 111.215(a)?</p> <p>4b. These operators may elect to report certain records on request instead of reporting the records contemporaneously. In these cases, has the operator retained the records for at least 5 years for the purpose of reporting on request (unless the records have been reported to the PRD)?</p>	<p>AC 120-68</p> <p>14 CFR §§ 111.105 and 111.205</p>

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 notice 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, the investigative process involves:

- a. Gathering relevant facts,
- b. Asking relevant questions,
- c. Analyzing the facts and circumstances using critical thinking, and
- d. Applying policy in this notice 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 Aviation Data Systems Branch (AFS-620) at prdsupport@faa.gov.

b. Direct questions regarding accepting and processing Voluntary Disclosure Reports to the Implementation and Integration Group (AFS-260) at 9-avs-afs260-vdrp@faa.gov.

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

5. All PRD Noncompliance.

a. Determine the Appropriate Action. Use the CADP and this notice 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 had 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 has 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 below 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, 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 of or deliberate indifference to, 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-620 under the 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 86 FR 31006, dated June 10, 2021, available at <https://www.federalregister.gov/documents/2021/06/10/2021-11424/pilot-records-database>;⁹

(b) Reviewing part 111;

(c) Reviewing Advisory Circular (AC) 120-68J, 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 of this appendix. 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;

⁹ 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 Federal Register (FR).

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

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

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

b. If the operator is able to recover or duplicate missing records that they initially failed to keep or they 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 and 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 a 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 a civil penalty action in accordance with this notice, 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 part 111, § 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 Voluntary Disclosure Reporting Program (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-620 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 notice, Order 8900.1 Volume 14, and Order 2150.3. The LOC must memorialize the agreement¹⁰ made by the FAA and operator to submit the application.¹¹

(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.¹² Prepare an EIR for a civil penalty action in accordance with this notice, Volume 14, and Order 2150.3. Send only one LOI, including all relevant information regarding all 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 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 notice, 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 11.

(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 Office of Safety Standards (OSS) for review, send an LOI covering the newly identified noncompliance.¹³ 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

¹⁰ Refer to Order 2150.3, chapter 5, subparagraph 4b2).

¹¹ For this reason, the Streamlined No Action and Administrative Action Process (SNAAP) cannot be used.

¹² 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.

¹³ Refer to Order 2150.3, chapter 4.

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 Figure B-1, Figure B-2, and Figure 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.¹⁴

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

(a) Include this paragraph in the 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 an 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-620 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

¹⁴ See subparagraph 5a(1)(b) of this notice.

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

2. If a preliminary general letter/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 an 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 acceptable 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 notice, 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-4.¹⁵

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

¹⁵ 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: “...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: “...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).

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 acceptable 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 print 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 Aviation Data Systems Branch (AFS-620) 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.

- **PRD Registration Report:** This report can be used to help determine if an operator has registered an RP in the PRD. The report is updated weekly and can be viewed at: <https://my.faa.gov/content/myfaa/en/org/linebusiness/avs/offices/afx/divisions/afs/afs620.html>. It is important to understand the limitations of the report. False positives or negatives are possible. See the tab labeled “About this information” in the report or contact prdsupport@faa.gov for assistance.
- **PRD Airman Record (PAR) Access Activity:** 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/content/myfaa/en/org/linebusiness/avs/offices/afx/divisions/afs/afs620.html>.

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) containing 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 PRD Act 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 provided 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 was opened 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) 120-68J, 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 120-68J.

September 2021: Messaged registered 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 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.