



**U.S. DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION**

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**SUBJ: PRIA Guidance for FAA Inspectors**

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The Pilot Records Improvement Act of 1996 (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 specified in the Act.

This order for FAA inspectors is supplemented by other related guidance such as Advisory Circular (AC) 120-68, Pilot Records Improvement Act, as amended, and numerous other documents found on the official PRIA Web site. These guidance and informational documents should help inspectors and certificate holders implement the requirements of PRIA.

The Flight Standards Service is committed to a customer-driven system of operation that will deliver FAA records and assistance when necessary to all parties subject to PRIA.

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## CHAPTER 1. GENERAL INFORMATION

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

**NOTE: PRIA enhances SAFETY.** Congress 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 done because the past failures were catastrophic.

**1-2. 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, and Aviation Standards National Field Office; to the branch level in the regional Flight Standards Divisions; to all Flight Standards District Offices; and to the Drug Abatement Division, Office of Aerospace Medicine.

**NOTE: This order is for distribution to all FAA inspectors, but specifically relates to principal operations inspectors (POI) responsible for air carriers operating under Title 14 of the Code of Federal Regulations (14 CFR) part 121 or 135, and air operators operating under 14 CFR part 125.**

### 1-3. BACKGROUND.

**a.** PRIA requires the gathering and sharing 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, the statute prescribes what is to be done without the need for the FAA to issue additional regulations.

**c.** This order covers the more prominent aspects of the PRIA law. Advisory Circular (AC) 120-68, Pilot Records Improvement Act of 1996, As Amended, provides further guidance on PRIA. Consult 49 U.S.C. § 44703(h)–(j) for the text of PRIA.

**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.** Since its enactment in 1996, PRIA has required part 121 and 135 air carriers and 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. A pilot may begin training with an air carrier before the PRIA background check has been completed. However, all PRIA background checks must be completed and evaluated before the applicant can begin service as a pilot for the air carrier.

**1-4. POI RESPONSIBILITIES.** The primary responsibilities of the POI are to:

- a.** Be knowledgeable concerning PRIA.
- b.** Promote the assigned air carrier's awareness of and compliance with PRIA.
- c.** Conduct regularly scheduled reviews of the assigned air carrier's PRIA records.
- d.** Be prepared to conduct an investigation upon receipt of a report indicating that the air carrier is not complying with the PRIA law.
- e.** Contact the Drug Abatement Division, AAM-800, if it appears that there may be violations of PRIA regarding drug or alcohol testing records, 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. Only the Drug Abatement Division will perform inspection responsibilities regarding enforcement concerns on the drug and alcohol records.

**1-5. 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 that is hiring an individual to be a pilot.
- (2)** An air carrier or other person that has employed an individual as a pilot of a civil or public aircraft at any time during the 5-year period preceding the date of the individual's employment application.

**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 14 CFR part 91 operator that has employed the applicant as a pilot within the previous 5-year period is considered a “person” and must furnish any PRIA requested records that it has created concerning the applicant (see paragraph 1-5b(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 at any time during the 5-year period preceding the date of the employment application.

**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).

(2) In addition, PRIA’s requirement to request records does not apply to several other groups of operators: for example, 14 CFR part 133 external load operators, 14 CFR part 137 agricultural operations, and part 91, subparts F and K. However, even though these operations are not required to request records under PRIA, if they *receive* a request under PRIA they are required to furnish any records that they may have accumulated concerning the applicant.

(3) If a certificate holder (air carrier) finds it necessary, it may contact the PRIA program office or its POI to request a determination concerning the applicability of the PRIA request process for any specific operation(s) not listed above.

**1-6. 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 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 company training, 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 and received the required records, unless a good faith exception applies.

## **1-7. AUTHORITY.**

**a.** 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(i), Limitation on Liability; Preemption of State Law.

(3) Section 44703(j), Limitation on Statutory Construction.

**b.** PRIA has been effective since February 6, 1997. The PRIA statute contains the legal provisions to be enforced. This statute is self-executing, which means that the FAA did not need to make separate regulations. FAA will enforce the actual statute without any further implementing regulations. Therefore, the authority for PRIA is found in the above 49 U.S.C. references, and is not contained in 14 CFR. The applicable statutes are reprinted in appendix 1 of AC 120-68.

## **1-8. ADDITIONAL PRIA RESOURCES.**

**a.** The Aviation Data Systems Branch, AFS-620, has developed numerous resources that will assist the FAA inspector for initial familiarization, general assistance to the air carrier, operational use, or other applications. These and other PRIA resources are available on the official PRIA Web site at [http://www.faa.gov/pilots/lic\\_cert/pria/](http://www.faa.gov/pilots/lic_cert/pria/) or may be requested from AFS-620 and delivered by e-mail. Some of these PRIA resources are:

(1) Introducing PRIA (PowerPoint presentation).

(2) The PRIA Process Overview.

(3) PRIA Management by a Major Holding Company.

(4) Information Provided by PRIA, FOIA, and the Privacy Act.

(5) PRIA Questions and Answers.

(6) PRIA Instructions for Third Party Agents.

(7) National Driver Registry Checks.

(8) PRIA Office Procedure for the Air Carrier (Flyaway International Airlines).

(9) Air Carrier Compliance Checklist.

**b.** PRIA request or production inquiries may be directed to AFS-620's PRIA administrative staff at (405) 954-1220/9700.

**c.** PRIA policy or compliance inquiries may be directed to AFS-620's PRIA program manager at (405) 954-6367.

**d.** Inquiries or requests may be faxed to AFS-620 at (405) 954-4655, ATTN: PRIA.

**1-9. A COMPLETED PRIA REQUEST.**

**a.** The pilot may be released for service to pilot a commercial aircraft that transports passengers, cargo, or mail only after the following requests are made and records are received and reviewed:

**(1) Request for FAA Records.** From the previous 5-year period, backdated from the date on the PRIA application, the request will furnish:

**(a)** Verification of a pilot's medical certification, including date of issue, class, and any limitations.

**(b)** Verification of a pilot's airman certification, including date of issue, category, class, type ratings, and any limitations.

**(c)** Any closed enforcement actions within the previous 5-year period from the date on the application, which resulted in a finding that was not subsequently overturned.

**(d)** Any certificate revocation.

**(2) Request for Previous Air Carrier Employment Records.** From the previous 5-year period, dated back from the date on the applicant's PRIA application, the request will furnish:

**(a)** Records pertaining to the individual, such as drug and alcohol test reports, and followup tests, if applicable.

**(b)** Records pertaining to the "individual's performance as a pilot," such as proficiency and route checks, and airplane qualification.

**NOTE: AC 120-68 contains a complete list of all records described by 49 U.S.C. § 44703(h)(1)(A) and (B) plus references listed in parts 121, 125, and 135, fully describing all records required by PRIA. Also see paragraph 1-10.**

**(3) Request for National Driver Register (NDR) Records.** From the previous 5-year period, backdated from the date on the applicant's PRIA application, the request will furnish:

**(a)** Current status of the pilot's state driver's license.

**(b)** Record of any suspension or revocation, if applicable.

**(c)** Convictions of driving under the influence of alcohol, if applicable.

**b.** Before a PRIA background check can be considered complete, all of the above three components must have been received from the respondents and evaluated by the air carrier.

**c. Good Faith Exception.** Under 49 U.S.C. § 44703(h)(14)(B), PRIA recognizes certain circumstances in which an air carrier has made a "good faith" effort to obtain the PRIA-required

documents but cannot obtain the records from a foreign government or an air carrier that has gone out of business. When the requirements of the good faith exception are met, the pilot may then begin service for the air carrier 30 days after the air carrier has attempted to obtain the PRIA-required records. To meet the good faith exception, the operator must first make and document the attempt to obtain the information required under PRIA, which would include proof that the air carrier:

(1) Prepared and forwarded the following forms:

- FAA Form 8060-10, FAA Records Request (PRIA)
- FAA Form 8060-10A, Airman Notice and Right to Receive Copy – FAA Records (PRIA)
- FAA Form 8060-13, National Driver Register Request (PRIA), or other form acceptable to the hiring air carrier's State Department of Motor Vehicles (or other appropriate form)

(2) Prepared the following forms and mailed them (certified, return receipt) to the last known address of the previous employer:

- FAA Form 8060-11, Air Carrier and Other Records Request (PRIA)
- FAA Form 8060-11A, Airman Notice and Right to Receive Copy – Air Carrier and Other Records (PRIA)
- 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

(3) Kept the returned receipt indicating the mail was returned as undeliverable. The receipt should be kept in the pilot's PRIA-related records file to document the good faith attempt.

(4) Documented that the air carrier or person who would be required to provide the information no longer exists; or that a foreign government or foreign entity holds the required information.

**d. Exception for Pilots of Certain Small Aircraft.** Before receiving the records pertaining to a PRIA request, an air carrier may allow an individual to begin service for a period *not to exceed* 90 days if one or more of the following conditions are met. (See 49 U.S.C. § 44703(h)(14)(A).)

(1) The aircraft used has a maximum payload capacity of 7,500 pounds or less, or is a helicopter.

(2) The flight is not a scheduled operation.

(3) The air carrier obtains and evaluates the PRIA-related records before the end of the 90-day period.

(4) The contract between pilot and air carrier contains a condition that makes the continued employment of the pilot dependent upon the successful completion of the receipt, collection, and evaluation of all PRIA-related records.

(5) However, the drug and alcohol testing records must be received by the hiring air carrier within 30 days after the pilot begins service, or the pilot must cease performing. See Title 49 of the Code of Federal Regulations (49 CFR) part 40, § 40.25(d).

## **1-10. REGULATORY REFERENCES FOR PRIA-RELATED PILOT RECORDS.**

a. Records pertaining to the individual that are maintained by an air operator or air carrier (other than records relating to flight time, duty time, or rest time) are set forth in the following regulations:

(1) Part 121, § 121.683 and appendixes I and J, including, but not limited to:

- Proficiency and route checks
- Airplane and route qualifications
- Training
- Any required physical examinations
- Records of each action taken concerning the release from employment, or physical or professional disqualification of the flight crewmember that was not subsequently overturned
- Records of drug and alcohol testing required and maintained under part 121, appendixes I and J

(2) Part 125, § 125.401, including, but not limited to:

- Proficiency checks
- Airplane qualifications
- Any required physical examinations
- Records of each action taken concerning the release from employment, or physical or professional disqualification of the flight crewmember that was not subsequently overturned

(3) Part 135, § 135.63(a)(4), including, but not limited to:

- Full name of the pilot

- Pilot certificate (by type and number) and ratings held
- Aeronautical experience
- Current duties and the date of assignment to those duties
- Effective date and class of the medical certificate held
- Date and result of each of the initial and recurrent competency tests and proficiency and route checks required by part 135 and the type of aircraft flown during that test or check
- Check pilot authorization, if any
- Release from employment for physical or professional disqualification that was not subsequently overturned
- Date of the completion of the initial phase and each recurrent phase of the training required by part 135
- Part 135, §§ 135.251(b) and 135.255(b)—records that pertain to part 121, appendixes I and J, and maintained in accordance with 49 CFR part 40, § 40.333

**b.** Other records pertaining to the individual's performance as a pilot that are maintained by an air carrier:

(1) Training records, including initial and recurrent training records;

(2) Qualifications, proficiency, or professional competence of the individual, including comments and evaluations made by a check airman designated under §§ 121.411, 125.295, or 135.337. Examples include:

- Documents that show the individual's qualifications as instructor/evaluator, check airman, or examiner
- Records of the individual's proficiency checks, recurring checks for captain, first officer, or line checks

(3) Records of any disciplinary action(s) taken with respect to the individual that was not subsequently overturned, if these disciplinary actions pertained to the individual's performance as a pilot; and

(4) Any release from employment or resignation, termination, or disqualification of the individual with respect to employment.

**1-11. MAINTENANCE OF PRIA-RELATED AIR CARRIER RECORDS.**

- a.** 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.** 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.** 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.** 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.

**1-12. LOST OR DESTROYED PRIA RECORDS.**

- a.** When PRIA-related 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.
  - (1)** The requesting air carrier prepares FAA Forms 8060-11, 8060-11A, and 8060-12 as usual, and forwards the package to the air carrier who would be furnishing the records. An initial phone call by the requestor to coordinate the action would be helpful.
  - (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 drug and alcohol testing is conducted by a service agent, 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.

**(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-related records file for future reference and/or inspection by FAA.

**b.** 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.

## CHAPTER 2. PRIA PROCEDURES

**2-1. PRIA REQUEST PROCESS.** The following is an overview of the entire PRIA request process completed by the air carrier, which is also presented in flowchart format in Figure 2-1, PRIA Request Process.

**a. The Hiring Air Carrier Initiates the PRIA Records Request Process.** The process is completed by the hiring air carrier or is assigned to a “third party agent” for completion. We have created the forms specified below to assist the air carrier with these record requests. The hiring air carrier or third party agent requests PRIA-related records from:

- (1) **FAA, AFS-620.** We recommend using Form 8060-10.
- (2) **Any Previous Employer(s).** We recommend using Forms 8060-11 and 8060-12.
- (3) **National Driver Registry (NDR).** We recommend using Form 8060-13 or other form acceptable to the hiring air carrier’s state.

**b. The Pilot Applicant Completes the Forms.**

(1) All pilot applicants must provide written consent for the release of their PRIA-related records. Forms 8060-10, 8060-11, 8060-12, and 8060-13 provide space for the pilot applicant to sign in order to provide written consent. If using these forms, the hiring air carrier must obtain the pilot applicant’s signature on each form before the hiring air carrier can send the records requests forward. See paragraph 2-5.

(2) Each pilot applicant has the opportunity to request a copy of the records that are being furnished by completing Forms 8060-10A, 8060-11A, 8060-12, and 8060-13.

**c. The Hiring Air Carrier Forwards the Records Requests.** Upon completion of all forms, the hiring air carrier:

- (1) Forwards Form 8060-10 to the FAA, AFS-620.
- (2) Retains the original Form 8060-10A in the applicant’s PRIA-related records file after a completed copy has been provided to the pilot.
- (3) Forwards the following to previous employer(s) (air carrier or person) that used the applicant as a pilot within the last 5 years:
  - Form 8060-11
  - Form 8060-11A
  - Form 8060-12
- (4) Forwards Form 8060-13 (or other official request form acceptable to the state) to the state department of motor vehicles of the state in which the air carrier is located.

**d. The FAA, Previous Employer(s), and NDR Respond to the Records Requests.**

(1) Within 30 days, the FAA (AFS-620) forwards the requested records to the requestor and sends an identical copy to *all* pilot applicants. For security purposes, the applicant will receive the records at his or her existing home address as maintained in FAA records. All pilots should ensure that their current home address has been reported to the FAA, Airmen Certification Branch (AFS-760), toll-free at (866) 878-2498 or online at <http://registry.faa.gov/>.

(2) Within 30 days, the previous employer sends the requested records to the hiring air carrier. If requested, the previous employer then sends an identical copy of the records to the applicant. The previous employer “may establish a reasonable charge for the cost of processing the request and furnishing copies of the requested records.” (See 49 U.S.C. § 44703(h)(7).)

(3) Within 30 days, the NDR sends the applicable driving records to the hiring air carrier. If the applicant has requested a copy of these records, the hiring air carrier must provide copies for the applicant after receipt from the NDR.

(4) Copies of records furnished to the applicant within 20 days of receipt of the request, require no additional notification. Records furnished to the applicant after 20 days, but not later than 30 days, require a separate written notification in accordance with 49 U.S.C. § 44703(h)(6)(A) and (B).

**e. The Pilot Applicant May Review His or Her Records.** Each pilot applicant has the right to review these records and, if necessary, to submit “written comments to correct any inaccuracies contained in the records before . . . [the hiring air carrier makes] a final hiring decision with respect to the individual” per 49 U.S.C. § 44703(h)(9) and (10).

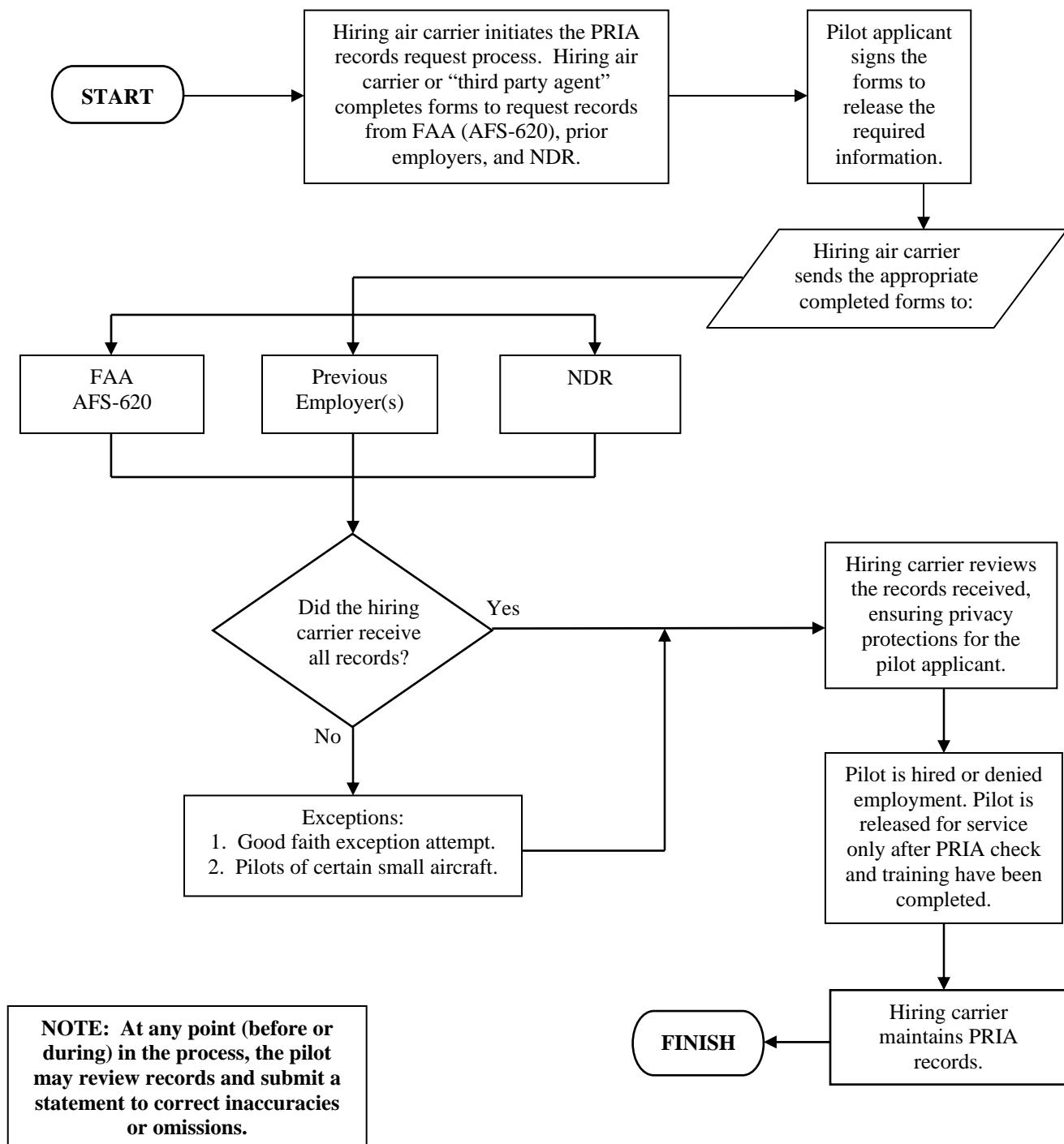
**NOTE: The hired pilot is released for service only after the PRIA check and required training have been completed. See paragraphs 1-9c and 1-9d for exceptions granted to pilots of “good faith” exceptions and “certain small aircraft.”**

**f. The Hiring Air Carrier Maintains All PRIA Records for Air Carrier and FAA Evaluation and Compliance Determination.**

(1) Records pertaining to drug and alcohol testing *must* be maintained in an area that ensures their confidentiality; they cannot be contained in the company’s primary system of records. To facilitate company review or records review by the FAA, the other records required under PRIA *should* be maintained in an area separate from other company pilot records, or be easily retrievable from the company’s primary system of records.

(2) Records *shall* be maintained for a period of at least 5 years.

(3) For historical accuracy, we recommend that the air carrier maintain records for the duration of the pilot’s employment with the air carrier and an additional period of 5 years after the termination of said employment.

**FIGURE 2-1. PRIA REQUEST PROCESS**

## **2-2. FORMS TO HELP AIR CARRIERS COMPLY WITH PRIA.**

**a.** AFS-620 has developed the following PRIA request forms:

(1) For a request of the FAA records:

- FAA Form 8060-10, FAA Records Request (PRIA)
- FAA Form 8060-10A, Airman Notice and Right to Receive Copy—FAA Records (PRIA)

(2) For a request of an air carrier's records:

- FAA Form 8060-11, Air Carrier and Other Records Request (PRIA)
- FAA Form 8060-11A, Airman Notice and Right to Receive Copy—Air Carrier and Other Records (PRIA)

(3) For the release of Department of Transportation (DOT) drug/alcohol records:

- 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

**NOTE: When completed, Form 8060-12 is to be included with Forms 8060-11 and 8060-11A when preparing an air carrier request.**

(4) For a records request of the NDR:

- FAA Form 8060-13, National Driver Register Request (PRIA), or other form(s) acceptable to the hiring air carrier's state department of motor vehicles.

**b.** The most current versions of the official PRIA request forms may be found on the FAA Web site at <http://forms.faa.gov/>. These forms should be used instead of previous versions or other forms that may have been self-designed by industry. Self-designed versions of PRIA forms do not always guarantee that the regulatory intent of the statutes have been or will be followed. The official PRIA forms have been carefully designed and should ensure a timely and accurate response for all requests, and should also ensure regulatory compliance by the respondent.

**c.** A detailed instruction page is attached to each individual form. In addition, the Web site <http://forms.faa.gov/> contains a “Form Information and Processing Information” page after opening each form (e.g., type 8060-10 in the “Open Form” field, which shows the processing instructions in the browser and opens that form in a separate window). This instruction page is also available when using the “Search For” function (e.g., type 8060 in the “in Form Number” box of the “Search for” field, then click on the blue “i” icon that is next to each of the forms to view their processing instructions).

**2-3. COMPLETING A PRIA REQUEST.** All forms (or equivalent request document) listed in paragraph 2-2a must be completed, signed, and dated before submission. Applicants should then be furnished with signed and legible copies of each form for their personal file. Instructions for completing a PRIA request can be found in the instruction page attached to each form or the PRIA Office Procedures for the Air Carrier. Original signatures are not required since the requests may be submitted by fax.

**NOTE: A PRIA request cannot be considered complete until all components of the request have been returned from all respondents, have been assembled, and prepared for evaluation by the hiring air carrier.**

**a. FAA Request.** Forms 8060-10 and 8060-10A or equivalent request documents are to be sent to the FAA (AFS-620) for processing. A completed and signed copy of Form 8060-10A serves as a written notification to the airman in accordance with 49 U.S.C. § 44703(h)(6). If the applicant receives initial notification of a records request from the hiring air carrier via a copy of Form 8060-10A, further distribution of Form 8060-10A is not required. Only Form 8060-10 needs to be forwarded to the FAA to request records. Then the hiring air carrier files and maintains the original Form 8060-10A in the applicant's PRIA-related records file, for future reference and inspection by the FAA.

(1) Regardless of whether applicants indicated a preference to receive a copy of their records, they will be provided with a courtesy copy of their PRIA Pilot Profile Letter that is maintained by the FAA and furnished, as requested, to the hiring air carrier. For security purposes, all FAA records will be mailed to the applicant's existing address as maintained in FAA records.

(2) Under 49 U.S.C. § 44703(h)(6)(A) and (B), the FAA (AFS-620), as the "person receiving a request," must:

(a) Complete the request and provide the *applicant* with a copy of the applicant's FAA pilot records on or before 20 days after receiving the request, as prescribed by 49 U.S.C. § 44703(h)(6).

(b) Provide a written notification to the applicant to satisfy the statute, if the processing time will exceed 20 days. (In other words, an additional document is required to provide written notification if the response time will be over 20 days.)

(c) Provide the records to the *requestor* no later than 30 days after receiving the request, as prescribed by 49 U.S.C. § 44703(h)(5).

(3) As a result, the receipt of a PRIA Pilot Profile Letter by the applicant serves a dual purpose by providing the applicant with:

(a) Confirmation of his/her "airman notice and right to receive a copy" as specified in 49 U.S.C. § 44703(h)(6)(A); and

(b) Receipt of the records as specified in 49 U.S.C. § 44703(h)(6)(B).

(4) The hiring air carrier and the applicant will receive an individual Pilot Profile Letter From the FAA records request that contains the following information from the previous 5-year period:

(a) Medical certificate verification, including issue date, class, and any limitations. (Medical waivers are not included.)

(b) Airman certificate verification, including issue date, level, category, class, and type ratings.

(c) Summaries of closed FAA enforcement actions, resulting in a finding by the Administrator of a violation that was not subsequently overturned.

(d) Any certificate revocation, which will be reported for an indefinite period of time.

**b. Air Carrier Request.**

(1) Forms 8060-11 and 8060-11A are to be sent to each of the applicant's previous employers that used the applicant as a pilot during the previous 5-year period. Unlike Form 8060-10A, use of Form 8060-11A is *mandatory*. If the applicant wishes to receive a copy of all air carrier records and has checked the "yes" box on Form 8060-11A, the previous air carrier furnishing the records must provide two sets—one for the PRIA report and one for the applicant. Then the air carrier that is furnishing the records may send a statement for a reasonable charge incurred by the expense of providing these copies to both the hiring air carrier and the applicant (see 49 U.S.C. § 44703(h)(7)).

(2) Under 49 U.S.C. § 44703(h)(6)(A) and (B), the previous air carrier, as the "person receiving a request," must:

(a) Complete the request and provide the *applicant* with a copy of the PRIA Pilot Profile Letter on or before 20 days after receiving the request, as prescribed by 49 U.S.C. § 44703(h)(6).

(b) Provide a written notification to the applicant to satisfy the statute, if the processing time will exceed 20 days. (In other words, an additional document is required to provide written notification if the response time will be over 20 days.)

(c) Provide the records to the *requestor* no later than 30 days after receiving the request, as prescribed by 49 U.S.C. § 44703(h)(5).

(3) When the applicant receives the requested records, the following requirements are met:

(a) Confirmation of his or her "airman notice and right to receive a copy" as specified in 49 U.S.C. § 44703(h)(6)(A); and

(b) Receipt of the records as specified in 49 U.S.C. § 44703(h)(6)(B).

(4) Under PRIA, the hiring air carrier and the applicant will receive records from the previous 5-year period pertaining to:

- (a) The individual, including drug and alcohol information, if applicable; and
- (b) The individual's professional performance as a pilot.

**c. Authorization for Release of DOT Drug and Alcohol Testing Records Under PRIA and Maintained Under 49 CFR Part 40.**

(1) Form 8060-12 includes a request for the release of the appropriate drug and alcohol testing records. This form is to be completed by the hiring air carrier, signed by the pilot applicant, and included with Forms 8060-11 and 8060-11A before transmitting them to the previous employer(s). A list of the items to be furnished through this release is in Part I of Form 8060-12.

(2) A "No" response in Part II of Form 8060-12 still requires the previous employer(s) to furnish a copy of the appropriate negative drug or alcohol testing results for that respective question. To further clarify, 49 U.S.C. § 44703(h)(1)(B) requires records to be furnished when appropriately requested by a hiring air carrier. This includes records of positive as well as negative results of the applicant's drug and/or alcohol test records.

(3) In addition to obtaining records from previous employers, the hiring air carrier must ask pilot applicants about their drug and alcohol testing history under DOT-agency testing rules, to satisfy 49 CFR § 40.25(j). Unlike the time period required under PRIA, the testing history obtained under § 40.25(j) covers a period of only 2 years. The "employer-to-employee" verbal questioning referred to in this section is unrelated to and separate from the "employer-to-employer" questions in Part II of Form 8060-12.

(4) PRIA drug and alcohol records are not limited to the document retention requirement in 49 CFR § 40.333. All PRIA records, including drug and alcohol testing records, are required by 49 U.S.C. § 44703(h)(4) to be maintained for a period of at least 5 years.

**d. NDR Request.**

(1) Form 8060-13 is to be sent to the state in which the hiring air carrier is located. Before beginning the NDR request process, the hiring air carrier should refer to the NDR instructions on the official PRIA Web site, in addition to the instructions on Form 8060-13.

(a) The hiring air carrier should contact the state in which it is located to confirm, request, and receive the proper NDR request form (identified as "NDR-EMP") if Form 8060-13 is not accepted by that state.

(b) The hiring air carrier should complete and send the form(s) to its state motor vehicle agency. If that state is unable to complete the request, the air carrier should forward the NDR request form to either Texas or Florida. If neither Texas nor Florida can complete the request, the air carrier should contact the PRIA program manager for assistance.

- (2) From the NDR request, the hiring air carrier should receive:
  - (a) Current status of the pilot's state driver's license.
  - (b) Record of any suspension or revocation from the previous 5-year period.
  - (c) Convictions of driving under the influence of alcohol, if applicable.

**NOTE: For all requests to a department of motor vehicles or to the NDR, disclosure of the applicant's date of birth is mandatory. This is for identification purposes and most requests without the date of birth will be returned without action.**

#### **2-4. PRIVACY REQUIREMENTS FOR ALL PRIA-RELATED RECORDS.**

a. At the beginning of each PRIA request process, all pilot applicants must first provide consent for the release of all PRIA-related records. This includes the release of the following specific groups of records:

- (1) FAA records.
- (2) Previous air carrier employment records.
- (3) Previous air carrier records from FAA-required drug and alcohol testing.
- (4) Records from the NDR.

b. PRIA then requires that the privacy of the individual who is the subject of the records request, as well as the confidentiality of his or her records, be protected in the following manner:

- (1) An air carrier receiving records of an individual may use such records only to assess the qualifications of that individual in deciding whether or not to hire that individual as a pilot.
- (2) Only the personnel directly involved in the hiring process of the air carrier may view the records.

**NOTE: FAA inspectors are permitted access to all PRIA-related records. (See Chapter 3, paragraph 3-5c).**

(3) Once an air carrier starts to accumulate PRIA-related records, those records should be maintained in a separate filing system from the active personnel/pilot records, *or* be easily retrievable from the primary system of records. This is to assist the air carrier and FAA in verifying compliance with 49 U.S.C. § 44703(h)(4).

#### **2-5. APPLICANT'S WRITTEN CONSENT AND RELEASE FROM LIABILITY.**

a. Each pilot applicant must be notified in writing that a request for his or her PRIA-related records will be made. This is accomplished when the applicant completes and signs the

applicable sections of Forms 8060-10A, 8060-11A, 8060-12, and 8060-13, and is provided with a copy of each form by the hiring air carrier. (See 49 U.S.C. § 44703(h)(2)(A).)

**b.** Each pilot applicant has the opportunity to request a copy of the records furnished in response to Forms 8060-10A, 8060-11A, 8060-12, and 8060-13. Once completed, Form 8060-10A is not forwarded to the FAA. The original is maintained in the pilot's PRIA-related records file. (See the note below.)

**c.** The FAA does not require air carriers to use the release forms FAA has developed. Any release form that is approved by that air carrier can be used. (See 49 U.S.C. § 44703(h)(2)(B).)

**NOTE: The hiring air carrier does not forward Form 8060-10A to the FAA.**

**Nonetheless, all applicants, regardless of whether they have indicated a preference for the receipt of a copy of their records, will be provided with a courtesy copy of their PRIA Pilot Profile Letter that is maintained by the FAA and furnished, as requested, to the hiring air carrier. If requested, each previous air carrier employer will also provide a copy of PRIA-related records to the pilot applicant.**

## **2-6. FIVE-YEAR REPORTING AND MAINTENANCE PERIOD.**

**a.** An air carrier providing records must not furnish a record if the record was entered more than 5 years before the date of the applicant's PRIA request, unless the information includes an action such as the revocation or suspension of an airman certificate or motor vehicle license. Records dating more than 5 years before the date of the PRIA request can also be released if the pilot has triggered the terms of the permanent prohibition of service as a result of drug- or alcohol-related conduct. (See 49 U.S.C. § 44703(h)(3) for the PRIA requirements and 49 U.S.C. § 45103.)

**b.** The FAA (AFS-620) must maintain its PRIA historical records for a period of 5 years after the date of processing. (See 49 U.S.C. § 44703(h)(4).)

**c.** An air carrier must maintain its PRIA records for a period of at least 5 years. At their own discretion, however, many air carriers maintain records for a much longer period of time, even indefinitely, for historical accuracy. (See 49 U.S.C. § 44703(h)(4).)

**d.** See also paragraph 1-11 concerning the maintenance of records and under what conditions those records are to be maintained.

**2-7. PRIA PROCEDURES FOR THE AIR CARRIER.** Air carriers should periodically check the PRIA Web site to ensure that they have the latest version of PRIA resources offered by FAA. All Web site documents contain a version number and the date of approval in the footer. This ensures an easy and quick method to identify the current version of all PRIA products. Once a current PRIA document or other resource has been prepared for use, the old version should immediately be discarded.

**a.** PRIA does not require any air carrier to establish and maintain a written procedure concerning the completion of its PRIA request process. However, it is a good business practice for an air carrier to have written procedures for complying with PRIA.

(1) A written procedure should provide a standardization of the process, as well as an efficient and effective means for training new company personnel assigned to the duties of PRIA.

(2) When used properly, a written procedure can be an excellent tool for streamlining the following:

- (a) Consistent completion of all elements of a PRIA request.
- (b) Consistent completion of all additional requirements by the air carrier.
- (c) Completion of requests for records to be furnished to other air carriers.
- (d) Guidance for current employees as they establish a routine workflow.
- (e) Guidance for new employees as they are assigned to PRIA duties.

**b.** A generic PRIA office procedure for use by any air carrier to streamline its PRIA request process has been developed by AFS-620 and is found on the official PRIA Web site.

(1) This generic office procedure is furnished in Microsoft Word format so the air carrier may tailor the procedure to the specific operation(s) of its company with little effort. For example, the generic name of "Fly-Away International Airlines" in the sample office procedure would be replaced by the name of the actual air carrier using the document.

(2) If the air carrier chooses to use the PRIA Office Procedure for the Air Carrier and the PRIA Compliance Checklist, the files may be retrieved from the PRIA Web site by placing the cursor over the file name, then right clicking, selecting "Save Target As," and saving to the air carrier's preferred file destination. The generic name may then be replaced with the name of the air carrier on the title page and throughout the document. The air carrier will then have a written procedure that will assist with its PRIA request and FAA inspection processes.

## CHAPTER 3. PRIA SURVEILLANCE AND ENFORCEMENT

### 3-1. REFERENCES FOR USE IN INSPECTIONS, INVESTIGATIONS, AND SURVEILLANCE.

- a. The frequency of PRIA records inspections must be in accordance with and meet the requirements of the current versions of FAA Order 1800.56, National Flight Standards Work Program Guidelines, current edition, and FAA Order 8400.10, Air Transportation Operations Inspector's Handbook. The specific Program Tracking and Reporting Subsystem (PTRS) activity code for PRIA surveillance or enforcement activity is "1620."
- b. 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 the current versions of AC 120-68, the PRIA Office Procedures and Compliance Checklist for the Air Carrier, and other available resources from AFS-620. FAA inspectors should then use the current edition of FAA Order 2150.3, Compliance and Enforcement Program, before beginning any surveillance or enforcement actions concerning an air carrier assigned to their supervision.

**3-2. 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:

- a. Conduct scheduled inspections of PRIA-related records.
- b. 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.
- c. Be prepared to initiate an enforcement action as the result of a noncompliance with the PRIA law.

**3-3. DRUG AND ALCOHOL TESTING RECORDS.** FAA inspectors should check to ensure that the air carrier is requesting, receiving, and maintaining records related to drug and alcohol testing. However, if an FAA inspector finds that an air carrier has obtained pilot records under PRIA that indicate a positive drug test result, a breath alcohol test result of 0.04 breath alcohol concentration or greater, a refusal to test, or if the air carrier is not using Form 8060-12, the inspector must contact the Special Investigations and Enforcement Branch, AAM-830, at (202) 267-8442. While an air carrier is not required to use 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.

**3-4. ENFORCEMENT CONSIDERATIONS.** AC 120-68 describes the reportable legal actions on PRIA requests as “summaries of FAA legal enforcement actions resulting in a finding by the Administrator of a violation that was not subsequently overturned,” within the previous 5-year period.

**a. FAA Actions Reported Under PRIA.**

(1) The term “resulting in a finding” is interpreted as being a fully adjudicated and closed enforcement case. A finding is required to be reported when a PRIA request has been received for FAA records, if it occurred within the previous 5-year period before the date on the pilot’s application for employment.

(2) Examples that could be reported for a 5-year period of time would be a civil penalty or a certificate suspension.

(3) The revocation of an airman certificate is of a more serious nature, and will continue to be reported on PRIA Pilot Profile Letters indefinitely.

**b. FAA Actions Not Reported Under PRIA.**

(1) The FAA is not required to report enforcement information pertaining to no actions or administrative actions.

(2) The FAA is not required to report pending, reopened, or appealed civil penalty actions or certificate actions. This is because open cases pending before the FAA, the National Transportation Safety Board (NTSB), or a U.S. Court of Appeals are not final actions. The outcome of these actions could change, depending on the decision.

(3) The FAA is not required to report information concerning accidents and incidents because the report may not involve pilot error, and therefore may not necessarily reflect on the airmanship and professional competency of the pilot involved. If the FAA decides to issue a finding against the pilot involved in the accident or incident reports, there will be a separate enforcement document to support the finding. This document would be subject to release as provided above.

**c. Expunction.** Once an enforcement record has met the requirements for expunction, and the information has actually been removed from the pilot’s record, it will no longer be reported under PRIA. As stated before, however, a revocation will remain a matter of record and will be reported under PRIA indefinitely.

**3-5. 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 additional information, see paragraph 1-11.**

**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. Then it will be a quick and simple matter for the air carrier's management personnel or the POI assigned to that air carrier to inspect the records that PRIA requires to be maintained.

**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; part 119, § 119.59; and 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 operating certificate or operating specifications, in accordance with § 119.59(e).

### **3-6. 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.*

### **3-7. VIOLATIONS AND INVESTIGATIONS.**

**a.** PRIA is not found in the CFRs. To allege a violation under PRIA, cite the actual statutory section you believe was violated. (See Appendix 2.)

**b.** Once a "noncompliance" with the PRIA law has been identified, the FAA inspector must use the guidelines of the current edition of Order 2150.3 to perform and complete any investigation of a an alleged violation. This is done regardless of whether the discovery was by routine inspection or a suspected violation as reported by another person.

### **3-8. ALLEGED VIOLATIONS REPORTED TO AFS-620.**

**a.** When a report of a possible violation is received at AFS-620, the PRIA program manager will gather all available information concerning the alleged violation and then report the situation to the POI responsible for the air carrier involved. If the violations involve the drug and/or alcohol testing records required to be exchanged under PRIA, AFS-620 will contact AAM-800 for further investigation.

**b.** Regardless of the discovery source, the safety of commercial aviation, as well as that of the general public, always demands that information of this nature be reported for investigation as soon as possible. As stated earlier, compliance with PRIA is a matter of aviation safety. Failure to check a pilot's records before hiring the pilot has proven to be catastrophic in the past.

**c.** Since investigation and enforcement authority rests with the FAA inspector, usually the assigned POI, AFS-620 can only gather and report the initial information of this nature. AFS-620 does not conduct the investigation itself, but is available to confer with the POI on any PRIA-related questions. In addition, AFS-620 can provide additional reports from the PRIA historical files that can confirm or dispute the findings of the investigation, which can be used as evidence in court.

### **3-9. FAA INSPECTOR'S BASIC COMPLIANCE JOB AID (APPENDIX 1).**

**a.** To assist in the efficient inspection process of an air carrier's compliance with PRIA, a job aid has been included in Appendix 1. The job aid, PRIA Air Carrier Basic Compliance Checklist, is also available on the official PRIA Web site at [http://www.faa.gov/pilots/lic\\_cert/pria/](http://www.faa.gov/pilots/lic_cert/pria/). It touches on most of the basic areas that will present the inspector with a reliable indication of PRIA compliance.

**b.** The job aid in Appendix 1 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.** 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.

### **3-10. PRIA SANCTIONS AND SUGGESTED CIVIL PENALTIES (APPENDIX 2).**

**a.** To help determine the appropriate sanction when it is discovered that an air carrier has violated the PRIA law, Appendix 2 has a list of PRIA sanctions, the regulatory references, and the suggested penalty for each violation.

**b.** The inspector must use the current version of 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.



## APPENDIX 1. PRIA AIR CARRIER BASIC COMPLIANCE CHECKLIST

**Air Carrier:**

**Date completed:**

**Person completing the compliance checklist:**

	Yes	No
1. Has an employee from the air carrier been assigned to the specific duties of managing the PRIA request process? (49 USC § 44703 (h))		
2. Is the air carrier in possession of the most current PRIA advisory circular, PRIA Air Carrier Procedures, PRIA Basic Compliance Checklist, the most current PRIA request forms, and other PRIA resources?		
3. Is the air carrier representative adequately familiar with the PRIA statute as well as other requirements of the program, and is familiar with the official PRIA website? <a href="http://www.faa.gov/pilots/lic_cert/pria/">http://www.faa.gov/pilots/lic_cert/pria/</a>		
4. Is a written procedure in place to provide for the request and collection of PRIA-related records? (PRIA Air Carrier Procedure) (49 USC § 44703 (h) (1))		
5. 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. Are PRIA-related records being maintained in a separate filing system from the air carrier's operational records or are easily retrievable from the companies primary system of records?		
7. Are PRIA-related records, as specified in 49 USC § 44703 (h) (1) (b), being maintained for the appropriate period of time? (49 USC § 44703 (h) (4))		
8. Is a written procedure in place to provide for pilots to request the review of their PRIA-related records? (49 USC § 44703 (h) (10))		
9. Is a written procedure in place to provide for pilots to submit corrections(s) to their PRIA-related records? (49 USC § 44703 (h) (9))		
10. Is a written procedure in place to provide for pilots to request copies of their PRIA-related records? (49 USC § 44703 (h) (6))		
11. 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 USC § 44703 (h) (11))		
12. 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?		
13. Has the air carrier established a process to determine a 'reasonable charge' for providing PRIA-related records? (49 USC § 44703 (h) (7))		
14. 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?		
15. Does the air carrier know how to obtain additional information or assistance from the PRIA Program Office concerning the PRIA statutes as well as other aspects of the request process? (405-954-6367)		



**APPENDIX 2. PRIA SANCTIONS AND SUGGESTED PENALTIES**

- 1. Permitting a person to begin service as a pilot prior to requesting, receiving, and evaluating records pursuant to the provisions of PRIA.**  
REFERENCE: Title 49 of the United States Code (49 U.S.C.) § 44703(h)(1).  
SUGGESTED PENALTY: Maximum Civil Penalty.
- 2. Failing to obtain a written release (consent) from the subject of the request for records under PRIA.**  
REFERENCE: Title 49 U.S.C. § 44703(h)(2).  
SUGGESTED PENALTY: Moderate to Maximum Civil Penalty.
- 3. Furnishing records, in accordance with a request under PRIA, that have been maintained for more than 5 years before the date of the request when those records do not relate to a revocation or suspension of an airman certificate or motor vehicle license that was in effect at the time of the request.**  
REFERENCE: Title 49 U.S.C. § 44703(h)(3).  
SUGGESTED PENALTY: Moderate Civil Penalty.
- 4. Failing to maintain PRIA-related records for a period of 5 years.**  
REFERENCE: Title 49 U.S.C. § 44703(h)(4).  
SUGGESTED PENALTY: Moderate to Maximum Civil Penalty.
- 5. Furnishing records, in accordance with a request under PRIA, before receiving of a copy of the written consent of the individual who is the subject of the request.**  
REFERENCE: Title 49 U.S.C. § 44703(h)(5).  
SUGGESTED PENALTY: Moderate to Maximum Civil Penalty.
- 6. Failing to furnish a copy of all records, in accordance with a request under PRIA, within 30 days of the date the request is received.**  
REFERENCE: Title 49 U.S.C. § 44703(h)(5).  
SUGGESTED PENALTY: Moderate to Maximum Civil Penalty.
- 7. Failing to provide to the individual, who is the subject of a request under PRIA, with written notice of the request and of the individual's right to receive a copy of such records on or before the 20th day following the date of the receipt of such a request.**  
REFERENCE: Title 49 U.S.C. § 44703(h)(6)(A).  
SUGGESTED PENALTY: Maximum Civil Penalty.
- 8. Failing, upon a request from an individual who is the subject of a request under PRIA, to provide a copy of records to the individual.**  
REFERENCE: Title 49 U.S.C. § 44703(h)(6)(B).  
SUGGESTED PENALTY: Maximum Civil Penalty.

**9. Failing to permit the subject of a request for records under PRIA to submit written comments to correct any inaccuracies in those records before making a final hiring decision.**

REFERENCE: Title 49 U.S.C. § 44703(h)(9).

SUGGESTED PENALTY: Maximum Civil Penalty.

**10. Failing, upon a written request from a pilot who is or has been employed by an air carrier, to make available for review within 30 days, any and all records referred to in 49 U.S.C. § 44703(h)(1)(B)(i) or (ii) pertaining to the employment of that pilot.**

REFERENCE: Title 49 U.S.C. § 44703(h)(10).

SUGGESTED PENALTY: Maximum Civil Penalty.

**11. Use of records received in accordance with PRIA for reasons other than assessing the qualification of the individual in deciding whether or not to hire the individual as a pilot.**

REFERENCE: Title 49 U.S.C. § 44703(h)(11).

SUGGESTED PENALTY: Maximum Civil Penalty.

**12. Failing to protect the privacy of the pilot and the confidentiality of the records received, when making a request under PRIA.**

REFERENCE: Title 49 U.S.C. § 44703(h)(11).

SUGGESTED PENALTY: Maximum Civil Penalty

**13. Divulging the contents of records received, in accordance with PRIA, to individuals not directly involved in the hiring decision.**

REFERENCE: Title 49 U.S.C. § 44703(h)(11).

SUGGESTED PENALTY: Minimum to Moderate Civil Penalty.

**14. For air carriers who operate aircraft with a maximum load capacity of 7,500 lbs. or less or operate a helicopter on a flight that is not a scheduled operation—**

- a. Permitting a pilot to continue in service longer than 90 days without requesting, receiving, and evaluating PRIA-related records.

REFERENCE: Title 49 U.S.C. § 44703(h)(14)(A).

SUGGESTED PENALTY: Maximum Civil Penalty.

- b. Failing to provide contractual notification to the individual that continuation of the individual's employment, after the 90-day period, is subject to a satisfactory evaluation of PRIA-related records.

REFERENCE: Title 49 U.S.C. § 44703(h)(14)(A).

SUGGESTED PENALTY: Moderate Civil Penalty.

**15. Under the good faith exception—**

- a. Failing to obtain information about an individual under 49 U.S.C. § 44703(h)(1)(B) from an air carrier or other person that no longer exists or from a foreign government or entity that employed the individual as a pilot.

REFERENCE: Title 49 U.S.C. § 44703(h)(14)(B).

SUGGESTED PENALTY: Maximum Civil Penalty.

**b. Permitting a pilot to continue in service past the request period, without requesting, receiving, and evaluating PRIA-related records.**

REFERENCE: Title 49 U.S.C. § 44703(h)(14)(B).

SUGGESTED PENALTY: Maximum Civil Penalty.

**16. Knowingly furnishing, in response to a request under PRIA, false records or other information.**

REFERENCE: Title 49 U.S.C. § 44703(i)(3)(A).

SUGGESTED PENALTY: Certificate holders: Revocation.

Non-certificate holders: Maximum Civil Penalty.

**17. Furnishing, in response to a request under PRIA, records or information that were maintained in violation of a criminal statute of the United States.**

REFERENCE: Title 49 U.S.C. § 44703(i)(3)(B).

SUGGESTED PENALTY: Maximum Civil Penalty.