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LEGAL UPDATES

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FAA Implements Section 803's Data Privacy Provisions

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DAVID C. AGEE
SPRINGFIELD:
417.268.4066
ST. LOUIS:
314.345.6406
DAVID.AGEE@
HUSCHBLACKWELL.COM

CHRIS C. SUNDBERG
OAKLAND:
510.768.0650
CHRIS.SUNDBERG@
HUSCHBLACKWELL.COM

ETHAN SCHROEDER
ST. LOUIS:
314.345.6058
ETHAN.SCHROEDER@
HUSCHBLACKWELL.COM

As required by the Federal Aviation Administration (FAA) Reauthorization Act of 2024, codified at 49 U.S.C. § 44114(b), the FAA implemented Section 803 Data Privacy (and issued a notice describing such implementation) on March 28, 2025. Section 803 allows private aircraft owners to submit a request to keep certain ownership information, including name and mailing address, private and not publicly available on FAA websites. Private aircraft owners wishing to take advantage of these new privacy protections must electronically submit a request via the Civil Aviation Registry Electronic Services (CARES) system to keep such ownership information private.

While maintaining data privacy for certain personally identifiable information continues to be a significant concern for many, the implementation of Section 803 does not come without drawbacks for many in the aviation industry. The FAA Aircraft Registry serves a significant role in any aircraft transaction as a depository for recording conveyance documents such as bills of sale, security agreements, and lease agreements, or other legal interests in an aircraft. It remains to be seen whether these recent changes to the FAA's privacy protections will create barriers with respect to an aircraft owner's, purchaser's, lessor's, lessee's, or lender's use of the FAA Aircraft Registry to identify ownership and other interests in an aircraft for purposes of facilitating an aircraft purchase, financing, and/or leasing transaction.

Aviation industry stakeholders will be afforded the opportunity to provide input on the implementation of Section 803 when the FAA publishes a request for public comment. Public feedback on the impact and implementation of Section 803 will likely also center on resolving numerous questions, including whether:

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companies, in addition to individuals, may take advantage of the Section 803 protections

third parties may file a privacy request through CARES on behalf of a private aircraft owner

information can be made public on short notice

operators of an aircraft are afforded the same privacy protections as the owner of that aircraft

Husch Blackwell will continue to monitor the latest developments regarding the implementation of Section 803's data privacy protections and the potential impacts those increased privacy protections for private aircraft owners may have on aviation transactions and aircraft ownership.

Contact us

If you or your company have any questions regarding how these recent changes to the FAA's data privacy policies may impact your business or aviation transaction, we encourage you to reach out to David Agee, Michael Cosby, Chris Sundberg, Lana Yaghi, or Ethan Schroeder for the latest developments.

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