U.S. Department of Transportation
Federal Aviation Administration

Advisory Circular

Subject: Pilot Records Improvement Act of 1996

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The Pilot Records Improvement Act of 1996 (PRIA), as amended, was enacted to ensure that air carriers and air operators adequately investigate a pilot's background before allowing that pilot to conduct commercial air carrier flights. Under PRIA, a hiring employer cannot place a pilot into service until he or she obtains and reviews the last 5 years of the pilot's background and other safety-related records as specified in PRIA.

This advisory circular (AC) is supplemented by the current edition of Federal Aviation Administration (FAA) Order 8000.88, PRIA Guidance for FAA Inspectors, and numerous other documents available on the PRIA Web site at http://www.faa.gov/pilots/lic_cert/pria. These sources of detailed information related to PRIA provide invaluable assistance to the certificate holder or others concerning the PRIA records request process as well as other compliance issues.

A new application called the Pilot Records Database (PRD), currently under development, will soon begin to replace PRIA and provide electronic responses within a fraction of the time that the current process requires. The PRD will be used to facilitate the gathering and sharing of pilot records among the FAA and air carriers in a clearinghouse managed by the FAA.

Air carriers and operators will have direct, uninterrupted access to pilot records in order to make a more informed hiring decision through PRD rather than submitting multiple requests and waiting for the return of those records from multiple sources. The PRD will be deployed in multiple phases with availability for voluntary use in its initial stage (see paragraph 1.5.4).

The Flight Standards Service (AFS) is committed to a stakeholder-driven system of operation that will deliver FAA records and assistance to all parties subject to PRIA, and eventually PRD, when necessary.

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/s/ John Barbagallo
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CHAPTER 1. GENERAL INFORMATION

1.1 **Purpose.** This advisory circular (AC) provides information that may be used to comply with the provisions of Title 49 of the United States Code (49 U.S.C.) § 44703(h), (i), and (j). This law is commonly referred to as the Pilot Records Improvement Act of 1996 (PRIA). PRIA requires the gathering and sharing of information relating to a pilot/applicant's qualification and safety background. An air carrier or air operator is required to request those records so it can make an informed decision before an individual is placed into service as a pilot. PRIA applies to any hiring air carrier or air operator, whether they hire pilots directly or by contract (see paragraph 1.4).

1.2 **Cancellation.** This AC cancels AC 120-68F, Pilot Records Improvement Act of 1996, dated May 31, 2012.

1.3 **How to Use This AC.** The Federal Aviation Administration (FAA) wrote this AC with three audiences in mind: the pilot/applicant, hiring employers that must request PRIA records, and former employers that must respond to PRIA records requests. You do not have to read the entire document to find the information you need. Everyone should read this chapter to determine if PRIA affects them. Pilots applying for a job with an air carrier or air operator that will have to request PRIA records should read Chapter 2. Hiring employers should read Chapter 3 and 5, and those employers responding to PRIA records requests should read Chapter 4. Chapter 6 is for everyone, as it contains definitions, resources, and PRIA contact information.

1.4 **Applicability.** See paragraph 1.6 for a discussion that defines company records as opposed to PRIA records.

1.4.1 Affected Party. PRIA specifically applies to the following:

1.4.1.1 Any U.S. air carrier operating under Title 14 of the Code of Federal Regulations (14 CFR) part 121 or 135, or any U.S. air operator under 14 CFR part 125 for the purpose of requesting records.

1.4.1.2 Any U.S. air carrier operating under part 121 or 135, any U.S. air operator operating under part 125, other person, or trustee in bankruptcy for an operator that employed the individual as the pilot of a civil or public aircraft at any time during the 5-year period before the date of the individual's employment application for the purpose of furnishing records.

1.4.1.3 Any individual who is applying for a position as a pilot with a U.S. air carrier or operator, and has been employed as a pilot of a civil or public aircraft at any time during the 5-year period before the date of the individual's employment application for the purpose of employment.

Note: If you are a single pilot operator, you are still subject to the provisions of PRIA. Complete the PRIA forms as both the air carrier representative and the pilot (as subject of the request). In the margin

of the request, enter the statement "SINGLE PILOT OPERATOR" in large letters to identify yourself as such.

1.4.2 Determining if PRIA Applies to You When Hiring a Pilot. Use the following checklist to determine if PRIA requires you to request records for a pilot (see the definitions in Chapter 6). When hiring a pilot, PRIA applies, and you must request records concerning a pilot/applicant if you answer "yes" to either of the two questions below.

1.4.2.1 Are you an air carrier operator conducting operations in accordance with 14 CFR part 91 subpart K (part 91K), 121, 125, or 135?

1.4.2.2 Do you engage in air transportation, as defined in 49 U.S.C. § 40102(a)(5)? You engage in air transportation if you provide:

- Foreign air transportation (flag operation),
- Air transportation on an interstate basis, or
- Transportation of U.S. mail.

Note: Notwithstanding the above comments, all operators should consider voluntarily requesting PRIA records and any other records that may be available (see Appendix I).

1.4.3 Contract and/or Shared Pilots Concerning PRIA. Before allowing an individual to begin service as a pilot, an air carrier or air operator must request and receive PRIA-related records, regardless of whether they hire the pilot directly or by contract. In all cases, the PRIA burden is on the air carrier or air operator, not the company providing the pilot under a contract, or the individual pilot. In other words, if an air carrier or air operator is going to utilize the temporary services of a contract or shared pilot provided by a staffing-type agency or other concern, the burden remains with the utilizing air carrier or air operator to comply with the PRIA statutes.

1.4.4 PRIA Participation by Part 91 Operators. If you are a part 91, § 91.147 operator (formerly a part 135, § 135.1(c) operator), you must request drug and alcohol testing records when hiring a pilot/applicant for your air tour operation. Other part 91 operators are not required to request records when hiring a pilot/applicant because they do not meet the definition of an air carrier (see the definitions in Chapter 6). However, if you operate under part 91 and you receive a request for records under the authority of PRIA, you should respond because you meet the definition of "person." Thus, you should furnish any PRIA-related records you accumulated on an individual you employed as a pilot within the previous 5 years, or if there are no records to forward, simply state that there are none and return the request. This will enable the requestor to close out and complete their PRIA checks and then proceed with their hiring process. If you operate as a fractional ownership under part 91K (refer to § 91.1051), you are required to request and evaluate records in accordance with PRIA.

1.4.5 Other Exceptions from PRIA When Hiring Pilots. If you are hiring a pilot, PRIA does not apply if you (1) conduct your operations on an intrastate basis only and are not operating air tours under § 91.147; and (2) you do not transport U.S. mail even if you carry passengers and cargo, and even if you use common carriage, adhere to a schedule, and operate under an air carrier certificate. In other words, the definition of air transportation must be fulfilled before PRIA will apply to your operation. However, we strongly encourage those that are not required to comply with PRIA to voluntarily request PRIA records. Other exceptions include:

1.4.5.1 Flights or other operations not operating under part 91K, 121, 125 or 135, or § 91.147.

1.4.5.2 Other operators would include 14 CFR part 133 external load operators, 14 CFR part 137 agricultural operations, part 91 subpart F (part 91F) and part 91K, or other unique part 91 operations. Air agencies include aviation-related companies operated in private industry but certificated by the FAA, including the following types of operations:

- Domestic satellite repair station,
- Parachute loft,
- Domestic repair station,
- Aviation maintenance technical schools,
- Training centers,
- Foreign repair station, and
- Foreign satellite repair stations.

1.4.5.3 If you are a pilot that has been continuously employed by the same air carrier or air operator with no break in service since the initiation of PRIA on February 6, 1997, you are not required to comply with the provisions of PRIA or to have a PRIA Background Report on file.

Note: Even if you meet one of the above exceptions and are not required to request records when hiring pilots for your operation, if you receive a request for PRIA-related records, you should respond by forwarding such records that you may have accumulated concerning the pilot/applicant within the previous 5-year period or a statement to the effect that there are no records available to be forwarded.

1.5 Background.

1.5.1 Act Approval. On October 9, 1996, the President approved the Federal Aviation Reauthorization Act of 1996 (the Act). The Act amended 49 U.S.C. to reauthorize programs of the FAA and to effect certain changes, including pilot records. The law is commonly referred to as PRIA and is contained in Section 502 of Public Law (PL) 104-264. PRIA was enacted primarily as a result of certain airline accidents attributable to pilot error. In some of those cases, the subsequent employer found that the pilots had previous histories of poor performance, but the background of these pilots had

not been checked.[1] PRIA was amended to make clarifications and relieve air carriers of unnecessary burdens. These amendments to PRIA are in 49 U.S.C. § 44703(h), (i), and (j), which are reprinted in Appendix A.

1.5.2 PRIA Statute. The PRIA statute is unusual because it is a self-executing statute. That is, the statute prescribes what to complete without the need for the FAA to issue regulations.

1.5.3 Background Checks. Since its enactment in 1996, PRIA has required air carriers under parts 121 and 135 and air operators under part 125 to request, receive, and evaluate specific background safety information for any pilot/applicant before allowing that applicant to begin service as a pilot. A pilot may begin training with the new employer before the PRIA background check has been completed. However, all PRIA background checks must be completed, evaluated, and approved before the individual can begin service as a pilot for that hiring employer.

1.5.4 Pilot Records Database (PRD). The Airline Safety and Federal Aviation Administration Extension Act of 2010 (the Act) amends PRIA by requiring the FAA to create the PRD that will contain pilot records. The PRD is required to contain pilot records dating from August 1, 2005, for FAA certification events, enforcement records, air carrier employment history, training data, and drug and alcohol testing records. Once developed, the PRD will eventually replace the system implemented by PRIA. Until implementation of the PRD, PRIA and the current edition of AC 120-68 remain in effect. Therefore, air carriers and other operators who employ pilots must continue to provide pilot records to an air carrier seeking information on an individual pilot in accordance with PRIA. As established through PRIA, air carriers are required to evaluate all available pilot records prior to making a hiring decision.

Note: All air carriers and operators must continue to generate and maintain pilot records as of August 1, 2005, through present.

1.6 Company Records Versus PRIA Records. Air carriers typically maintain records that exceed the scope of PRIA. Such records are referred to as "company records," whereas the records maintained and provided by air carriers in accordance with PRIA are referred to as "PRIA records." The difference between the record types can easily create confusion among those involved during review.

1. Company records are events or actions memorialized by an air carrier or operator to document compliance with a statute or regulation or those maintained through a company's own initiative. These records typically comprise of documented training and qualification events, performance, and employment-related activities during the period that an individual is employed by a company as a pilot. Many company records exceed the scope of PRIA.
2. PRIA records are a collection of company records memorialized by a current or former employer during the previous 5 years from the date of the request

[1] United States Congress, House of Representatives Committee Report - House Rpt. 104-684, H.R. 3536, Airline Pilot Hiring and Safety Act of 1996, p. 6. 1996.

that meet the policy outlined in the guidance of this AC. These records are used to assist an air carrier in making a hiring determination. PRIA records are not forwarded from a receiving air carrier to another requesting air carrier through a future PRIA records request.

3. This is how the system is supposed to work: The company, throughout a pilot's tenure with them, generates and then maintains active records concerning that pilot's training, performance, and qualifications as a pilot. We refer to these documents as active company records. Then at some point, if the pilot decides to apply elsewhere for employment as a pilot, the new potential carrier will send a PRIA records request to the former company for records concerning that pilot's history. Once the PRIA records request has been received, the current or former carrier will then select the appropriate documents from their company records and forward them to the requesting carrier.

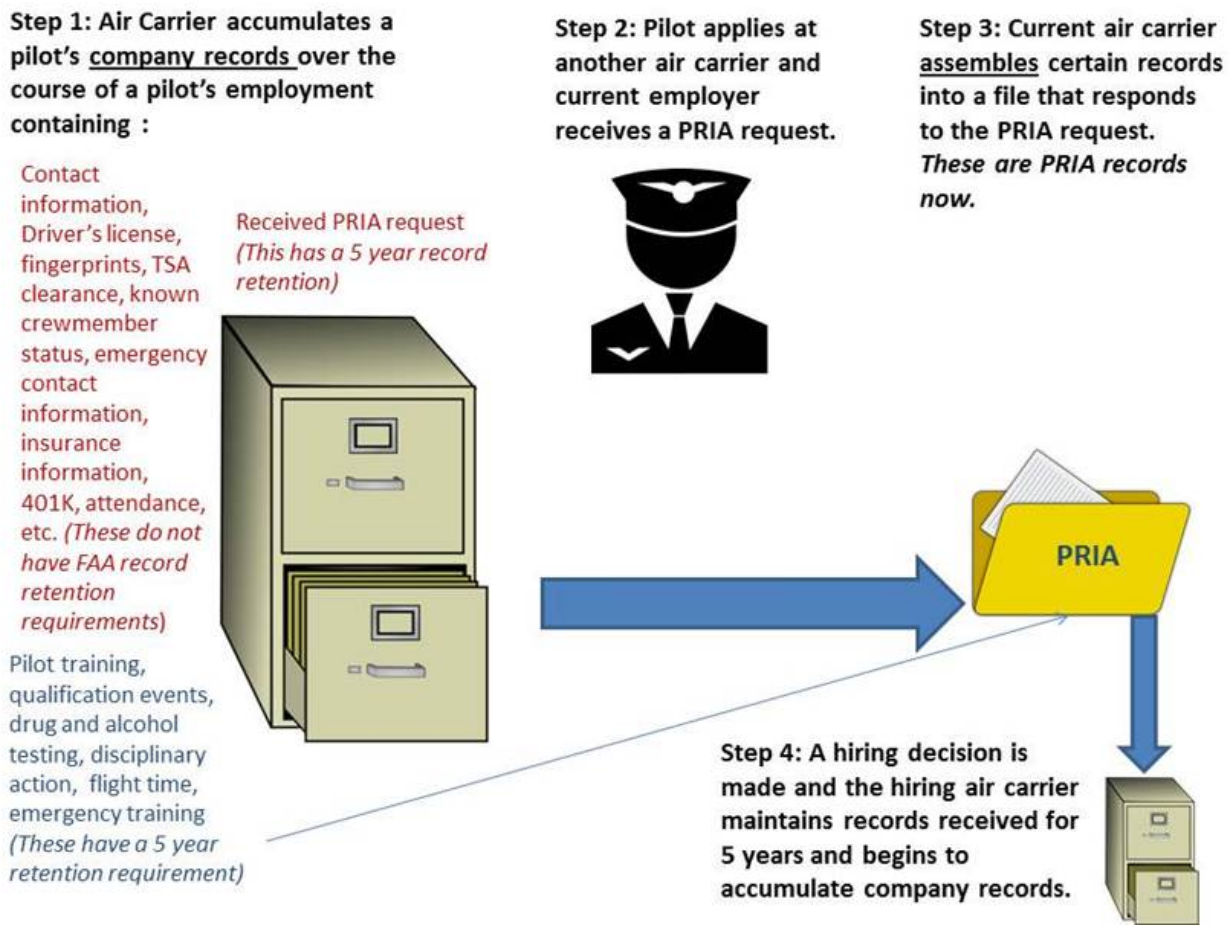
4. Once the company records have been assembled to meet the policy of this AC by the current and/or former employers of the pilot applicant, at that point, that subset of company records become PRIA records and will serve only one purpose: that of assisting the potential carrier in making a more informed hiring decision concerning the applicant.

5. Those PRIA records will be archived and maintained completely separate from the hiring air carrier's company records. PRIA records received through a PRIA records request should never be actively used again, other than for inspection and review by that company's principal operations inspector (POI).

6. PRIA records are never to be considered as an air carrier's own company records when a PRIA records request has been received. The company holding the PRIA records must respond to a PRIA records request only from their company records and never forward existing PRIA records as part of the records sharing process. The cycle of requesting and receiving records then begins again.

7. Figure 1-1, PRIA Records Request and Maintenance Process, describes the current PRIA records request and maintenance process.

Figure 1-1. PRIA Records Request and Maintenance Process



1.7 The Request Process. The following is a brief overview of the entire PRIA process (see Appendix B). Subsequent chapters detail the roles and responsibilities for the pilot/applicant, the hiring employer, and the current or former employer.

1.7.1 Initiation. The hiring employer initiates the process.

1.7.2 PRIA Records Request. Both the pilot/applicant and the hiring employer complete the PRIA records request forms.

1.7.3 Employer. The hiring employer sends the request forms to the:

- FAA,
- National Driver Register (NDR), and
- Current and previous employers.

1.7.4 Response. Respondents answer the PRIA records requests.

1.7.5 Review. All pilots/applicants may review records submitted about them to the FAA, NDR, and current and previous employers.

1.7.6 Evaluation. The hiring employer reviews and evaluates the results.

1.7.7 Records Maintenance. The hiring employer maintains all PRIA-related records.

1.7.8 Designated Agent (DA). A requesting air carrier has the option of employing a "third-party processor," commonly known as a DA, to complete all of their PRIA checks.

1.8 Best Practices. The FAA has an expectation that pilots, hiring air carriers, and air operators, as well as past employers, will use these best practices to ensure they are operating to the highest level of safety.

1.8.1 PRIA Records Request. The FAA expects all hiring air carriers and air operators to request all FAA records of proficiency/competency and airmen certification practical test results. This will require a release from the applicant (see Appendix I).

1.8.2 Release Form. The FAA expects that no hiring air carriers and air operators will consider an applicant for employment if that applicant will not sign the release for the additional FAA records in paragraph 1.8.1.

1.8.3 Disclosure. The FAA expects a pilot applicant to disclose all pilot testing failures to any potential aviation employer.

1.8.4 Related Records. The FAA expects all hiring air carriers and air operators to request all pilot training records from 14 CFR part 141 pilots schools and 14 CFR part 142 training centers.

CHAPTER 2. INFORMATION FOR THE PILOT/APPLICANT

2.1 Pilot/Applicant's Tasks During PRIA Records Request Process. If you are an individual who is applying for a job as a pilot, your hiring employer will initiate the PRIA records request process. Per the PRIA statute, the hiring employer must first notify you in writing that it will request records about you, and obtain your written consent by signature.

2.1.1 Complete PRIA Records Request Forms. The hiring employer or a Designated Agent (DA) will provide several forms to request PRIA-related records from the previous 5 years only. You need to complete/sign these forms to grant your consent for the FAA, your previous employer(s), and the National Driver Registry (NDR) to release your records.

2.1.1.1 The Aviation Data Systems Branch (AFS-620) will provide information concerning your current airman medical certificate. It will also give information on your current Airman Certificates indicating level, category, class, and associated type ratings, including any limitations to those certificates and ratings. From the previous 5-year period, the FAA will also summarize any closed legal enforcement actions against you that resulted in findings of violations that were not subsequently overturned. However, the FAA will report any formal closed certificate actions on file, such as suspensions, civil penalties, or revocations indefinitely.

2.1.1.2 The hiring employer will ask your previous employer(s) to provide records pertaining to you, except for those related to flight time, duty time, or rest time. They will provide records on your performance as a pilot concerning your training, qualifications, proficiency, and professional competence, including any comments or evaluations by check airmen; any disciplinary actions that the previous employer did not overturn; and any release from employment or resignation, termination, or disqualification from employment (see paragraph 4.5). Additionally, under PRIA, your former Department of Transportation (DOT)-regulated employer(s) will provide records of drug and alcohol tests performed under Title 49 of the Code of Federal Regulations (49 CFR) part 40, even if the employers were not aviation entities.

2.1.1.2.1 If this is your first job as a pilot, but you had previously driven a commercial vehicle and were subject to DOT-regulated testing, your hiring employer must request your drug and alcohol test results from your previous employer.

2.1.1.2.2 If this is your first job as a pilot, but you had previously served in another safety-sensitive function, such as flight attendant (F/A) or maintenance duties, your hiring employer must request your drug and alcohol test results from your previous employer.

2.1.1.3 The NDR will furnish your applicable motor vehicle driving records.

2.1.2 Request Copies of Records.

2.1.2.1 **Records from the FAA.** AFS-620 will automatically send you an identical copy of the PRIA verification letter that it furnishes to the hiring employer. As a security measure, AFS-620 will send this report to your home address, as shown in the records maintained by the Airmen Certification Branch (AFS-760). Ensure that AFS-760 has your current home address by updating it online at http://registry.faa.gov or by calling toll free at 866-878-2498. In addition, the hiring employer may, at its discretion, request a record of your Notices of Disapproval. For additional information, see paragraph 3.8.1.

2.1.2.2 **Records from Previous Employers and the NDR.** If desired, you can request copies of records that your previous employer(s) maintained, including those from the NDR. If the hiring employer uses the recommended FAA forms to request records, then FAA Form 8060-11A, Airman Notice and Right to Receive Copy – Air Carrier and Other Records (PRIA), is the proper form to use when requesting copies of your pilot and drug and alcohol testing records from your previous employer(s). If you requested a copy of your current NDR records, the hiring employer should furnish them to you after receiving them from the NDR.

Note: By law, PRIA respondents are allowed to charge a reasonable fee in a "statement of payment" to recoup the cost of furnishing records to you.

2.1.3 Review Records and Submit Corrections. You may review the records received and, if necessary, submit a written statement to correct any inaccuracy or omission in your records. The hiring employer should include your statement in the PRIA-related records file that it compiles on you to represent your viewpoint concerning those records or entries. It is recommended that you ensure that the hiring employer has a copy of any such corrections.

2.1.4 Sign Release of Liability. Hiring employers or former employers may require you to sign a release from liability for records other than the drug and alcohol testing records. The release from liability can state that you will not make any claim against them for requesting or furnishing PRIA records, but would not apply if an employer furnishes information known to be false or maintained it in violation of a criminal statute. Under 49 CFR part 40, § 40.27, an employer must not ask an employee to sign a consent, release, waiver of liability, or indemnification agreement with respect to any part of the drug or alcohol testing process.

2.2 **Your Right to Receive Copies of Records.** Within 20 calendar-days of receiving a PRIA records request, the FAA and your former employer(s) are required to give you written notice of the request and notice of your right to receive copies of the records.

2.2.1 PRIA Records Request. If you have requested a copy of your records, these respondents (FAA or former employer) can fulfill this requirement by providing the records to you within 20 calendar-days.

2.2.2 Notification. If the processing time will exceed 20 calendar-days, the respondent must send you written notification (e.g., postcard or letter) to this effect. You must receive the records, however, no later than 30 calendar-days after they received your request.

2.3 A Pilot's Expectations and Protections Under PRIA. All professional pilots that a hiring employer is considering for employment have certain protections concerning the request, transfer, receipt, evaluation, and maintenance of their records.

2.3.1 What You Should Expect. Aside from those protections specified in the PRIA statute, you should expect fair and timely treatment from the FAA, NDR, and past, present, and potential future employers concerning the process for the request, transfer, receipt, evaluation, and maintenance of the appropriate PRIA-related records.

2.3.2 PRIA Statutory Provisions. According to the PRIA statutory provisions, the hiring employer must provide you with the following:

1. Written notification that they will make a request for your PRIA-related records.
2. A consent form to sign for the release of those records.
3. An opportunity to request a copy of those records if so desired.

Note: Use of the FAA forms can fulfill the three requirements stated above.

4. An opportunity to submit a written comment or memorandum to a former or potential employer when you believe there are inaccuracies in your PRIA-related records. This written comment should be submitted to the previous employer for entry into your records maintained by the previous employer; however, it is recommended that you also ensure that the hiring employer has received a copy of the document as well. If not, be prepared to provide them with one when you review those records.
5. An opportunity to review and comment on your PRIA-related records. The air carrier or air operator should also make available a copy of the requested records within a reasonable period of time, but not later than 30 calendar-days after the date of your written request. This is especially true when distance prohibits you from reviewing your records in person.

Note: We recommend that you review your PRIA-related records, if possible, before applying for a new job. This can help you ensure that your records are in order and that you address all problem areas in advance.

2.3.3 Your Privacy Protections under PRIA. The confidentiality of your PRIA records will be protected in the following manner:

2.3.3.1 A hiring employer receiving your PRIA records may use them only to assess your qualifications in deciding whether to hire you as a pilot.

2.3.3.2 Only company personnel directly involved in the hiring process may view and evaluate the records.

2.3.3.3 The air carrier or air operator should maintain PRIA-related records for the duration of your employment with them and also for a suggested period of 5 years after the termination of that employment. Anyone possessing PRIA-related records must ensure that individuals not involved in the hiring process do not view or have access to your records. The one exception is the FAA inspector, who cannot be denied access to a PRIA-related system of records when conducting surveillance or inspection of those records. However, when viewing such records, the FAA inspector must also make every effort to protect your privacy and the confidentiality of your PRIA-related records.

2.3.4 Records Concerning Disciplinary Actions. See paragraphs 4.5.1 and 4.5.2 for an indepth discussion of records to be furnished concerning disciplinary actions regarding an individual's performance and competence as a pilot.

2.4 **Pilots Formerly Employed by Government Agencies.** If a governmental agency (Federal, state, or local) employed you as a pilot, the hiring employer must contact the agency for your records. You should provide a brief statement and a signature consenting to the release of background information concerning your flight training, experience and qualifications, proficiency, other related safety history, drug and alcohol testing records, and any subsequent actions taken as a result of those tests. Send this request to the governmental agency where you worked as a pilot.

2.5 **Previous Employers are to be Reported.** All pilots/applicants should ensure that all previous employers where the applicant was employed as a pilot within the past 5-year period are reported to the hiring air carrier. Only in this way can the full purpose and mission of PRIA be fulfilled and the pilot avoid the possibility of falsification of FAA Form 8060-11, Air Carrier and Other Records Request (PRIA).

2.6 **Additional PRIA Resources for Pilots.** For additional resources and information, visit the PRIA Web site at http://www.faa.gov/pilots/lic_cert/pria. Direct any questions to the Regulatory Support Division (AFS-600) at 405-954-4431.

CHAPTER 3. INFORMATION FOR THE HIRING EMPLOYER ON PRIA PROCEDURAL CONSIDERATIONS

3.1 Initiate the PRIA Records Request Process. If you are an air carrier or air operator hiring a pilot, you (or your Designated Agent (DA)) will initiate the PRIA records request. Using the forms available from the FAA will help you comply with the statutory requirements of PRIA. You can obtain the forms and information about filling out these forms from the PRIA Web site at http://www.faa.gov/pilots/lic_cert/pria/forms_docs and from the FAA Web Site at http://www.faa.gov/forms. See Appendices C through H for guidance concerning the overview and use of these forms. We recommend that you use these current FAA forms instead of old versions or self-designed forms because those forms may not produce the results required by statute. The forms are:

- FAA Form 8060-10, FAA Records Request (PRIA).
- FAA Form 8060-10A, Airman Notice and Right to Receive Copy – FAA Records (PRIA).
- FAA Form 8060-11, 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.
- FAA Form 8060-13, National Driver Register Records Request (PRIA).

3.2 Using a DA to Respond to PRIA Records Requests. You may contract with a DA to process PRIA records requests and furnish records to hiring employers and pilots/applicants. Although you may delegate this work to a DA, you are ultimately responsible for fulfilling the requirements. Also note that, since a DA cannot retain PRIA records in a records system of its own, you are responsible for maintaining PRIA records. The release of the documents must specify exactly who is to receive the documents, and a blanket release to provide the documents to a category of parties is prohibited under 49 CFR §§ 40.321(b) and 40.351(d) of the drug and alcohol testing regulations. A guidance document titled "PRIA Instructions for the Designated Agent (DA)" is available on the PRIA Web site at http://www.faa.gov/pilots/lic_cert/pria/requesting.

3.3 The Hiring Employer's Role During the PRIA Records Request Process.

3.3.1 Obtain Consent and Notify Pilots/Applicants of Their Right to Receive Copies. PRIA requires you to notify all pilots/applicants in writing that you will be requesting their records, obtaining their written consent to release the records, and informing them of their right to receive copies. You can fulfill these requirements by using the FAA forms.

3.3.2 Complete PRIA Records Request Forms. Fill out the applicable sections of each form, then have the pilot/applicant complete the forms.

Note: Provided there are no other provisions of law or agreement to the contrary, you can require the pilot/applicant to execute a release from liability against any claim he or she may make from your use of PRIA records other than the drug and alcohol testing records. Release from liability can state that the applicant will not make any claim against entities who request or respond to PRIA records requests.

3.3.3 Send Forms to the Appropriate Recipients. Mail, fax, or email your scanned applications to the recipients and retain documentation of when the recipient received them (e.g., fax confirmation page). If mailing, we recommend that you send forms through the United States Postal Service (USPS) (certified, return receipt requested) or a private mail carrier that documents the date of delivery.

3.3.4 Forward FAA Form 8060-10 to AFS-620. You can fax your completed PRIA records request(s) for FAA records to AFS-620 at 405-954-4655, ATTN: PRIA, or email them to 9-amc-afs620-pria@faa.gov. You can also mail your completed PRIA records request(s) for FAA records to:

1. Via Regular Mail:
   Federal Aviation Administration
   ATTN: Aviation Data Systems Branch, AFS-620 (PRIA)
   P.O. Box 25082
   Oklahoma City, OK 73125-0082
2. Via Expedited Mail:
   Federal Aviation Administration
   ATTN: Aviation Data Systems Branch, AFS-620 (PRIA)
   6500 South MacArthur Blvd., ARB Building, Room 313
   Oklahoma City, OK 73169

3.3.4.1 Retain the original FAA Form 8060-10A in your PRIA-related records file after giving the pilot/applicant a signed and completed copy of the form.

Note: Do not forward FAA Form 8060-10A to the FAA. AFS-620 will automatically mail to the pilot/applicant a courtesy copy of the PRIA Verification Letter that it furnishes to you.

3.3.4.2 Send FAA Forms 8060-11, 8060-11A, and 8060-12 to all previous employers who employed the individual as a pilot within the previous 5-year period. If the individual was not employed as a pilot before, you must request the testing records from those previous employers and you must ask the question required by 49 CFR part 40, § 40.25(j). Examples of previous employment that would trigger this requirement are work in another FAA-regulated safety-sensitive function, such as F/A or maintenance duties, or work in another DOT-regulated industry where he or she was subjected to drug and alcohol testing under 49 CFR part 40.

3.3.4.3 Send a completed NDR application form to the state Department of Motor Vehicles (DMV) that issued the driver's license to request the appropriate

NDR-related records. Many state DMVs will require the original form, so you might have to mail the request instead of faxing it. We recommend that you call the state DMV to confirm whether it needs the original form and if any fees apply.

Note: Send your NDR request to the resident state of your pilot/applicant. As you are preparing your NDR request we suggest that you use that state's own application form rather than FAA Form 8060-13 since most states are not familiar with FAA Form 8060-13 and may not process it. You should be able to make an online query to find that state's particular application form for a third party and also what the cost will be per request.

3.3.5 Part 91 Requests. If you are a part 121 or 135 air carrier or a part 125 air operator who is preparing to hire a pilot whose previous experience is only with part 91 operators, you should still send a PRIA records request to these companies for any training or safety-related information that they may have. You should recognize that most part 91 operators do not establish or maintain the pilot records required by PRIA (except part 91K fractional ownerships) and are not required to do so. However, since the definition of "person" includes a part 91 operator, you should still send a PRIA records request and the company should respond to that request. If the company has no information, they should indicate to you that no information is available.

Note: If the pilot you are preparing to hire only worked privately as an individual 14 CFR part 61 flight instructor, there is no need to prepare and send a PRIA records request because there is no company to request records from.

3.4 **Process Responses.** Within 30 calendar-days after receiving your request, the FAA, previous employer(s), and NDR must provide copies of all the required records to you. Under no circumstances should you accept PRIA records that a pilot/applicant hand-delivers or personally generates. If the records are not received from the requested entity, the FAA recommends a request to be reinitialized to avoid reviewing records that could possibly be flawed or have been tampered with through any changes in the chain of custody.

3.4.1 Protect Confidentiality of Pilot/Applicant's Records. Only your company personnel directly involved in the hiring process may view and evaluate the PRIA records. Ensure that other individuals uninvolved in the hiring process do not view or have access to the records.

3.4.2 Process Requests for Payment. The previous employer may include a "statement for payment" to you to recoup the cost of furnishing the records. The PRIA statute allows the former employer to establish a reasonable charge, but does not specifically define this term, so the definition of "reasonable" from Webster's dictionary should apply: "Within the bounds of common sense; not extreme or excessive; fair."

3.4.3 Make Additional NDR Requests. If the NDR returned a positive pointer report (showing a driver's license suspension or revocation, or a driving under the influence (DUI) conviction), you should send a second NDR request to the state identified in the first report to obtain the full details.

3.4.4 Document "Good Faith" Attempts to Obtain Records. If a pilot/applicant's former employer has not responded after 30 calendar-days, document your attempts to obtain the PRIA records from them and contact the PRIA program manager to determine its status (see paragraph 3.5.2). If the nonresponding employer is bankrupt, out of business, or is a foreign entity, your documented attempts to contact that employer fulfill your obligation under PRIA.

3.4.5 Provide Records to the Applicant. If the pilot/applicant requested it, provide the individual with a copy of the NDR records. This is generally done by the hiring air carrier after those records have been requested and received.

3.4.6 Allow Pilots/Applicants an Opportunity to Respond. Before making a final hiring decision, you must provide the pilot/applicant with a reasonable opportunity to submit written comments to correct any inaccuracies contained in the records. Retain such statements in the PRIA file for the individual. These comments may be included in the records from the previous employer; however, the pilot may forward these comments to you at some point during the interview or records review process.

3.5 Exceptions and Special Rules Regarding Certain Pilots.

3.5.1 Pilots of Certain Small Aircraft. Before receiving the required records from the pilot/applicant's former employer(s), you may allow a fully qualified individual to begin service for a period not to exceed 90 calendar-days as the pilot of an aircraft having a maximum payload capacity of 7,500 pounds or less (as defined in 14 CFR part 110, § 110.2) or a helicopter, provided the following requirements are adhered to and documented:

- The flight is not a scheduled operation (as defined in § 110.2).
- You obtain and evaluate the PRIA records from the former employer(s) before the end of the 90-day period.
- You obtain and evaluate DOT-related drug and alcohol testing records. In accordance with 49 CFR § 40.25(d), unless you have received and evaluated these records within 30 calendar-days of the initial request, you must not allow the individual to continue to perform as a pilot. In other words, failure to obtain the required DOT-related drug and alcohol testing records within 30 calendar-days of the request will invalidate the option of this provision that allows the pilot to work for the initial 90-calendar-day period. The only exception would be if you made a documented good faith effort to obtain those records (see paragraph 3.5.2).
- The agreement between you and the pilot/applicant states that a favorable decision concerning the continued employment of the individual depends on the satisfactory evaluation of all PRIA records by company management.

3.5.2 Good Faith Exception. You may allow an individual to begin service as a pilot 30 calendar-days after submitting the request without first obtaining information from a previous employer that has gone out of business, is in bankruptcy, or is a foreign government or operator that employed the individual if you make a documented attempt to obtain such information.

3.5.2.1 Send the PRIA records request (FAA Forms 8060-11, 8060-11A, and 8060-12) to the former employer as usual. We recommend that you send it through USPS (certified, return receipt requested) or a private mail carrier that documents the date of delivery.

3.5.2.2 If USPS returns the receipt and/or the envelope as undeliverable, keep these in the individual's PRIA-related records file to document the attempt. You should attempt to follow up to determine if you can obtain a current address. If you don't receive any response after the 30-calendar-day processing period, you are responsible for learning why the former employer did not comply with the PRIA records request and determine a satisfactory resolution. For drug and alcohol testing records, three attempts to obtain the records within a 30-calendar-day period would be considered a reasonable attempt to obtain the records. You may report a nonresponse to the AFS-620 PRIA program manager, who will attempt to determine if the former employer is still in business.

3.5.2.3 If a foreign air carrier never returns the records or it refuses to acknowledge or comply with the request, you may follow the provisions of the good faith exception and then either hire or decline to hire the pilot/applicant 30 calendar-days after submitting the request.

3.5.2.4 You must document that the air carrier or air operator who would be required to provide the information no longer exists, or that a foreign government or foreign entity holds the required information. Then, you can proceed with the hiring process 30 calendar-days after submitting the request to the former employer if you received all other components of the PRIA records request and deemed them acceptable.

3.6 **Pilots Seeking Employment After Completing Military Duty.** PRIA does not require the hiring employer to request or provide prior employment records for a pilot who has been an active member of any branch of the U.S. Armed Forces, the National Guard, or a reserve component of the U.S. Armed Forces for all or part of the previous 5-year period. You must still, however, query the FAA, NDR, and former employers other than the military. The suggested primary document to receive from the applicant to verify his or her previous military service is the Department of Defense (DOD) Form DD-214, Certificate of Release or Discharge from Active Duty.

3.7 **Pilots Formerly Employed by a Government Agency.** If the pilot/applicant was previously employed by a government agency (Federal, state, or local), you must query that agency for records. Do not use FAA Forms 8060-11 and 8060-11A, as these methods

are inappropriate for querying a government agency. Instead, send a letter requesting the appropriate pilot safety-related records, including any available drug and alcohol testing records. Have the pilot/applicant provide a brief statement and a signature consenting to the release of this information, either with the letter or as a separate attachment (see paragraph 5.8).

3.8 **Review and Evaluate the Records.** Only your personnel directly involved in the hiring decision are allowed to view the PRIA records. You may use such records only to assess the qualifications of a pilot/applicant in deciding whether to hire the individual as a pilot. Company personnel must take whatever actions are necessary to protect the privacy of the pilot and the confidentiality of the records, and ensure that the information contained in those records are not divulged to anyone not directly involved in the hiring decision, with the exception of an FAA inspector. Remember that your agent is prohibited from creating their own recordkeeping system or database containing the information they receive in response to the PRIA records requests. You should receive the following records:

3.8.1 Records from the FAA. AFS-620 will provide the following:

- Current Airman Certificates with associated type ratings and limitations;
- Current Airman Medical Certificate, including any limitations; and
- Summaries of FAA legal enforcement actions resulting in a finding by the Administrator of a violation that was not subsequently overturned. PRIA reports closed certificate suspensions, civil penalties, and revocations indefinitely.

Note: Hiring employers may use a Freedom of Information Act (FOIA) request with a signed consent by the pilot/applicant to authorize the FAA to release records of Notices of Disapproval for flight checks for certificates and ratings to an air carrier making such a request (see Appendix I). Air carrier representatives involved in the pre-employment screening process may find this additional information helpful in evaluating the pilot/applicant. These requests, however, are not an integral part of the standard PRIA records request process. Consult the PRIA program manager for details or see Appendix I.

3.8.2 Records Provided by Previous Employers. Previous employers will provide records pertaining to the pilot/applicant's performance as a pilot, disciplinary actions, and release from employment. If the previous employer did not employ the individual as a pilot, but did conduct drug and alcohol testing under 49 CFR part 40, the previous employer will provide the necessary test results but may not have a full 5 years of results because other recordkeeping provisions apply for non-pilots. See Chapter 4 for the specific documents and information that those records will include.

3.8.3 Records Provided by the NDR. You should receive a report on the status of the pilot's current state driver's license from the chief driver licensing official of a state. A negative report (one with no action taken against the driver's license) is considered a clean report. For a positive report (see below), you must send an additional NDR request directly

to the state identified in the report; when that state responds, the NDR process is complete for the purpose of PRIA. A positive report would include:

- A record of any suspension or revocation of the pilot's driver's license from the previous 5-year period, including the state where the offense occurred; and/or
- A record of any convictions of a DUI from the previous 5-year period, including the state where the offense occurred.

3.9 Maintain All PRIA-Related Records. Records received as the result of a PRIA records request must be maintained for a period of 5 years past the date on the original PRIA application.

3.9.1 PRIA Records. File PRIA-related records separately from other company pilot records, or ensure they are easily retrievable from your primary system of records, to facilitate an internal review or FAA record surveillance. You must ensure that individuals uninvolved in the hiring process do not view or have access to PRIA-related records. The one exception is the FAA inspector, who cannot be denied access to a PRIA-related system of records when conducting surveillance or inspection of those records.

3.9.2 Holding Records. If you initially considered hiring a pilot/applicant but ultimately did not, and did not request or receive PRIA-related records, then there are no PRIA records to maintain. You need to retain only those records that you requested and received under PRIA, regardless of whether the pilot/applicant was hired or completed training.

3.10 PRIA Records After Cessation of Business, Liquidation, or Bankruptcy.

3.10.1 Cessation of Business. If an air carrier ceases business and/or surrenders its 14 CFR part 119 certificate for any reason, there may be no company at all to maintain records, as specified in 49 U.S.C. § 44703(h)(4), and therefore, no one to fulfill a PRIA records request after the date of cessation. In these cases, the requesting air carrier should follow the provisions of the good faith exception of PRIA that is described in paragraph 3.5.2.

3.10.1.1 One option that an air carrier in this situation does have, in order to extend the best opportunity for employment to their former pilots, would be for the air carrier to maintain/hire one of their employees or another person to remain behind for a specified period of time for the purpose of receiving PRIA records requests and furnishing PRIA-related records. This would be an excellent service for those pilots who are continuing to pursue employment as a professional pilot, but would be an option only and is not a requirement of the statute.

3.10.2 Liquidation or Bankruptcy. If a commercial air carrier ceases business and goes into liquidation or bankruptcy, a trustee is generally assigned for the protection of the property and disbursement of certain assets according to the orders of the court, usually for a period of time that will be required for the completion toward that end. This would include all PRIA-related records that the air carrier had maintained according to PRIA.

3.10.2.1 Even though the PRIA-related records may not be obtainable, action is required on the part of the person making the request to show evidence that an effort to obtain those records has been made. This is accomplished through the good faith exception.

3.10.2.2 A person making a request for PRIA-related records to an air carrier that is currently being liquidated or known to be in bankruptcy should direct their request to the trustee of that company. For this reason, the requestor must be prepared to document their request with the good faith exception.

CHAPTER 4. INFORMATION FOR PREVIOUS EMPLOYERS RESPONDING TO PRIA RECORDS REQUESTS

4.1 Role of Former Employers Responding to a PRIA Records Request. If you are an air carrier, air operator, or person (see definitions in paragraph 6.2) receiving a PRIA records request for records concerning a former employee (i.e., pilot/applicant), you are required to furnish the appropriate records from the previous 5 years to the requestor no later than 30 calendar-days after receiving the request.

Note: The 30-day period is 30 calendar-days, not 30 business days. You are required to provide records pertaining to your former employee, that individual's performance as a pilot, disciplinary actions (see paragraph 4.5), and release from employment.

4.2 Records You Must Maintain and How to Maintain Them. If you are required to maintain PRIA records, you should do so for a period specified in the statute as 5 years from the date on the application. It is suggested that PRIA records be maintained for the duration of a pilot's employment with your company plus 5 years (see paragraph 3.9). You only need to retain those records that you requested and received under PRIA, regardless of whether the pilot/applicant was hired or completed training. You should file PRIA-related records separately from other company pilot records, or ensure they are easily retrievable from your primary system of records. Ensure that individuals uninvolved in the hiring process do not view or have access to PRIA-related records. The one exception is the FAA inspector, who cannot be denied access to a PRIA-related system of records when conducting surveillance or inspection of those records.

Note: The 5-year period required by PRIA supersedes other references to records maintenance time periods in part 121, 125, or 135.

4.3 Documents You Should Receive from the Requestor.

4.3.1 Consent Release. You must not furnish any records to the requestor unless you have received a copy of the pilot/applicant's written consent for you to release such information (e.g., FAA Form 8060-11).

4.3.2 The Pilot/Applicant's Request for a Copy of the Pilot/Applicant's Records. Pilots/applicants will use FAA Form 8060-11A to designate whether or not they want a copy of their records. If you receive a request without this form, consider it an incomplete request and return it for correction.

4.4 What You Must Provide to the Pilot/Applicant. Within 20 calendar-days of receiving a PRIA records request, you must provide the pilot/applicant with written notification (e.g., postcard or letter) of the request and of the individual's right to receive a copy of such records. You can also fulfill this requirement by providing a copy of the records to the individual within 20 calendar-days. However, you must provide the records no later than 30 calendar-days after receiving the request.

4.5 Specific Records You Must Furnish. Only furnish records from the past 5 years; you must not furnish a record entered more than 5 years before the date of the PRIA records request unless the information concerns a revocation or suspension of an Airman Certificate or motor vehicle license and the revocation or suspension is in effect on the date of the request. You must respond to the requestor (the hiring employer) within 30 calendar-days of receiving the PRIA records request, and provide records regarding:

4.5.1 Records Concerning Pilot Performance. Consistent with the statutory language and legislative history and intent of PRIA, records related to pilot performance encompass those records of an activity or event specifically related to an individual's completion of the core duties and responsibilities of a pilot, as assigned by the employer and established by the FAA, to maintain safe aircraft operations.

4.5.1.1 What Is Pilot Performance? Pilot performance includes those aeronautical actions a pilot must take while in command of an aircraft in the air and on the ground to an acceptable level of competence. Specifically, this includes the manipulation of the controls along with all other related systems to safely and efficiently transport people and/or property by air from one location to another. This must be accomplished within the framework of FAA regulation and also established company policy.

4.5.1.2 Records Related to Pilot Performance. These records are not limited solely to events arising out of the pilot's demonstration of proficient flying skills and the demonstration of compliance with FAA regulatory requirements. A pilot's duties and responsibilities to ensure safe aircraft operations also include demonstrating adherence to certain established company procedures during all aspects of an aircraft operation. This includes the procedural requirements for all phases of flight.

4.5.1.3 Records of Relevant Events. These records include certain events that occurred while on the ground during the preflight or postflight activities in connection with a flight operation. Moreover, the duty to maintain a safe aircraft operation includes ensuring the safety of other crewmembers, passengers, cargo, the aircraft, the operating environment, and others operating within that environment.

4.5.2 Defining Disciplinary Records that are Required to be Reported. Applying the meaning of "records related to pilot performance" in the context of disciplinary records that are maintained by an air carrier, these records include those of any relevant disciplinary action as a result of an incident or other event that may have occurred in an operation under any part of 14 CFR, provided that operation was conducted by a pilot as part of that pilot's duties for their employer and was thus responsible for safe aircraft operations.

4.5.2.1 Application of This Definition. All disciplinary records meeting this definition and adhering to the concept of paragraphs 4.5.1 and 4.5.2 that may bring into question the pilot's professional aeronautical competence must

be reported in accordance with the statutory requirements found in 49 U.S.C § 44703(h)(1)(B)(ii).

4.5.2.2 **Disciplinary Records Not Required to be Reported.** Records of disciplinary actions not involving the Code of Federal Regulations (CFR), yet arising out of the pilot's noncompliance with company policies unrelated to safe aircraft operations, are not the type contemplated by PRIA, and therefore, are not required to be reported. Examples might include:

- A poor record of attendance,
- A disregard for company dress codes,
- An unfriendly or argumentative interaction with other company employees or the public, or
- Other morality- or behavior-based action unrelated to pilot performance.

4.6 **Charging a Fee for Records That You Provide.** If desired, you may establish a reasonable fee for the cost of processing the request and furnishing copies of the records.

4.6.1 Providing Records. While you may charge a reasonable sum for furnishing records, you must not withhold records until the hiring employer makes the payment. You must provide records within 30 calendar-days of receiving the request.

4.6.2 Using PRIA. Employers should never use the PRIA statute as an instrument to:

- Inflict excessive charges on another air carrier or air operator that is requesting records in accordance with PRIA,
- Excessively attempt to profit from the transaction, or
- Discourage another air carrier or air operator from submitting a request for pilot information related to PRIA.

4.7 **Request the Pilot/Applicant to Sign a Limitation on Liability Release.** Even though a limitation on liability already exists in the PRIA statute, if you wish, you can present a liability release for the pilot/applicant to sign. Such a release would limit the individual from seeking legal action against you for furnishing PRIA records or for information you entered in that individual's records. A pilot/applicant must sign and return the release. However, you cannot withhold the requested records past the 30-calendar-day period allowed by statute while waiting for an individual to return the release. This limitation on liability does not apply if you knowingly furnish false information or information maintained in violation of a criminal statute of the United States.

4.8 **Records You Must Furnish if You Are a Part 91 Operator.** If you operate solely under part 91, and are not conducting air tours under § 91.147, then you do not have to request PRIA records when hiring pilots. Remember, operators under § 91.147 were required to request records under PRIA when they were considered to be sightseers under

§ 135.1(c) but are still required to request drug and alcohol testing records under PRIA. We recognize that most part 91 operators, other than § 91.147 operators and part 91K fractional ownerships, are not required to establish or maintain pilot records under PRIA. However, you should respond to a PRIA records request regarding a former employee by providing any documents you accumulated over the past 5 years that would provide relevant and useful background information concerning the pilot's experience, proficiency, and safety history. If you have no information at all concerning the individual, you should send a brief response to the records requestor stating so.

4.9 Records You Must Furnish if You Are a Part 121 Air Carrier. In response to a PRIA records request, you must furnish records pertaining to the individual (other than those relating to flight time, duty time, or rest time), including:

4.9.1 Compliance. Records that show whether the crewmember complied with the applicable subsections of § 121.683(a), including:

1. Proficiency and route checks.
2. Airplane and route qualifications.
3. Training.
4. Records of each action taken concerning the release from employment or physical or professional disqualification of the flightcrew member that the employer did not subsequently overturn.

4.9.2 Drug Testing. Records pertaining to the drug testing and alcohol misuse programs described in 14 CFR part 120, and maintained in accordance with 49 CFR § 40.333:

1. Confirmed alcohol test results indicating an alcohol concentration of 0.04 or greater.
2. Verified positive drug test results.
3. Documentation of refusals to take required alcohol and/or drug tests (including substituted or adulterated test results).
4. Documentation of other violations of Department of Transportation (DOT) agency drug and alcohol testing regulations.
5. Substance Abuse Professional (SAP) reports.
6. All follow-up test results and schedules for follow-up tests, including documentation of the return-to-duty test.
7. Information obtained from previous employers under 49 CFR § 40.25 concerning drug and/or alcohol violations.
8. Records of negative and canceled drug test results, and confirmed alcohol test results with an alcohol concentration of less than 0.039.

4.10 Records You Must Furnish if You Are a Part 125 Air Operator. In response to a PRIA records request, you must furnish records pertaining to the individual (other than those relating to flight time, duty time, or rest time), including records that show whether the crewmember complied with the applicable subsections of § 125.401(a). This includes:

- Checks: proficiency and route checks.
- Qualifications: airplane qualifications.
- Disqualification: records of each action taken concerning the release from employment or physical or professional disqualification of the flightcrew member that the employer did not subsequently overturn.

4.11 Records You Must Furnish if You Are a Part 135 Air Carrier. In response to a PRIA records request, you must furnish records pertaining to the individual (other than those relating to flight time, duty time, or rest time), including:

4.11.1 Compliance. Records that show whether the pilot complied with the applicable subsections of § 135.63(a)(4), including:

1. Full name.
2. Pilot certificate (by type and number) and ratings held.
3. Aeronautical experience.
4. Current duties and the date of assignment to those duties.
5. 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.
6. Check pilot authorization, if any.
7. Release from employment for physical or professional disqualification that the employer did not subsequently overturn.
8. Date of the completion of the initial phase and each recurrent phase of the training required by part 135.

4.11.2 Drug Testing. Records pertaining to drug and alcohol testing described in part 120 and maintained in accordance with 49 CFR § 40.333, including:

1. Confirmed alcohol test results indicating an alcohol concentration of 0.04 or greater.
2. Verified positive drug test results.
3. Documentation of refusals to take required alcohol and/or drug tests (including substituted or adulterated test results).
4. Documentation of other violations of DOT agency drug and alcohol testing regulations.

5. SAP reports.
6. All follow-up test results and schedules for follow-up tests, including documentation of the return-to-duty test.
7. Information obtained from previous employers under 49 CFR § 40.25 concerning drug and/or alcohol violations.
8. Records of negative and cancelled drug test results, and confirmed alcohol test results with an alcohol concentration of less than 0.039.

4.12 Lost or Destroyed PRIA Records. If your PRIA-related records have been legitimately lost or destroyed (e.g., from a flood, hurricane, or fire), you must still respond to a PRIA records request.

4.12.1 Record Availability. First, verify whether any records are available, perhaps maintained at another location or by another service agent (e.g., a drug and alcohol testing agent). Then, prepare a statement declaring that the requested records have been legitimately lost or destroyed, and are not available for forwarding per the request. The person preparing this statement should verify the loss by signature.

4.12.2 Deadline. Return this statement and any records you were able to recover to the requestor within 30 calendar-days from when you received the request to fulfill your responsibility.

Note: If providing a statement that your records have been lost or destroyed, you must ensure that this is actually the case. You cannot use this provision as an excuse to avoid providing the requested records.

CHAPTER 5. PRIA OPERATIONAL CONSIDERATIONS FOR THE HIRING EMPLOYER

5.1 PRIA Office Procedures and Compliance Checklist. While PRIA does not require you to establish and maintain a written office procedure for completing the PRIA records request process, we recommend that you establish one. You can obtain a generic office procedure and compliance checklist that you can customize from the PRIA Web site at http://www.faa.gov/pilots/lic_cert/pria/requesting.

5.2 Assign PRIA Duties to a Designated Agent (DA). You can hire a DA to conduct the task of requesting records under PRIA (see paragraph 3.2).

5.2.1 DA. A DA cannot retain any of these records in their own system. They must forward to you any records they receive within the required period of time, using appropriate measures to ensure the privacy and security of those records.

5.2.2 DA Responsibilities. Unless your company PRIA representative signs all of the completed request forms, he or she must prepare and sign a designation letter that verifies the DA's responsibility over the PRIA records request process. The DA must include this letter in its request for FAA records (FAA Form 8060-10). On FAA Form 8060-12, the contracting company must specifically name the DA as the recipient of the documents. Under 49 CFR §§ 40.321(b) and 40.351(d), the contracting company must name the DA as the recipient of the documents, and blanket releases are explicitly prohibited. A designation letter is not required for requests to a previous employer or to the National Driver Registry (NDR). Designation letters are a specific requirement for requests to the FAA only.

5.2.3 Former Employer. If a former employer does not provide records after 30 calendar-days, the DA must immediately notify you. You are responsible for determining why the former employer did not comply with the PRIA records request and determine a satisfactory resolution, unless you designate this responsibility to the DA.

Note: A guidance document titled: "PRIA Instructions for the Designated Agent (DA)" is available on the PRIA Web site at http://www.faa.gov/pilots/lic_cert/pria/.

5.3 Resolve Noncompliances to Your PRIA Records Requests. If a pilot/applicant's former employer fails to respond within 30 calendar-days of receiving your PRIA records request, you must take immediate follow-up action to determine why this noncompliance has occurred. If you used a DA to conduct your PRIA records requests, the DA will notify you of the noncompliance when the 30-day period ends. You are responsible for determining why the former employer did not comply with the PRIA records request and determine a satisfactory resolution, unless you designate this responsibility to the DA. We suggest that you (or the DA):

1. Contact the nonresponsive previous employer to determine if it actually received the request and if it was the company that should have received the request, since many companies have similar names.

2. Check whether the correct fax number and/or address was used.
3. Contact the pilot/applicant to verify that the information he or she provided concerning the previous employer was correct.
4. Determine the status of the former employer (i.e., whether it is still in business or has ceased operations, is in bankruptcy, or if its operating certificate is still current). If you cannot determine the company's status, contact the PRIA program manager for assistance. If the former employer is out of business or in bankruptcy, follow the provisions of the good faith exception (see Chapter 3). After completing the request, file the results in the pilot/applicant's PRIA records file.
5. If the respondent is still operational and you have verified all items in paragraphs 5.3.1 through 5.3.4, you can report the noncompliance to the PRIA program manager for limited assistance. Contact the Aviation Data Systems Branch (AFS-620) at 405-954-6367.

5.4 Actions to Take if a Former Employer Reports Lost or Destroyed PRIA Records. When PRIA-related records have been legitimately lost or destroyed, follow the intent of the good faith exception as described in paragraph 3.5.2. Sometimes a previous employer is unable to comply with a PRIA records request because the records no longer exist (e.g., from a flood, hurricane, or fire).

5.4.1 Respondent Statement. You should receive a statement from the respondent declaring that the requested records have been legitimately lost or destroyed, and are not available for the former employer to forward per the request. This former employer should send the statement within 30 calendar-days of receiving your request.

5.4.2 Good Faith Exception. You may then follow the intent of the good faith exception. After receiving this notification and fulfilling all of your other PRIA responsibilities, you are free to either hire or decline to hire the pilot.

5.4.3 Filing. File the respondent's statement in the pilot/applicant's PRIA-related records file for future reference and inspection by the FAA.

5.5 PRIA Obligations for Pilot Furloughs and Leaves of Absence.

5.5.1 Initial Check. PRIA only requires you to complete an initial records check for a new-hire pilot. If a pilot returns to work after a furlough or extended period of personal leave, military leave, medical leave, or other authorized absence, PRIA does not require or provide authority for you to perform any type of recurrent background check on that pilot. For the purposes of 49 CFR § 40.25, whether you must request additional drug and alcohol testing records for a pilot returning to work from a furlough or other extended leave of absence depends on your understanding of that absence.

5.5.1.1 If the pilot was terminated, you should consider the returning individual as a newly hired employee and initiate a completely new PRIA records request. Request drug and alcohol records in accordance with 49 CFR § 40.25 using FAA Form 8060-12.

5.5.1.2 If the pilot was furloughed or on other extended leave, you can consider the individual as having been in a "non-paid" status and, therefore, not a newly hired employee. In this case, requesting drug and alcohol testing records would be at your discretion. Because PRIA (and the use of FAA Form 8060-12) is only for initial requests for newly hired employees, a PRIA records request for drug and alcohol testing records would be inappropriate.

5.5.2 Certificates. If your company policy requires a confirmation that the pilot still holds a current Medical and Airman Certificate, do not submit a PRIA records request to AFS-620; you should instead send a request to AFS-620 under the authority of the Privacy Act or the Freedom of Information Act (FOIA) to determine the status of those certificates. Instructions on preparing and submitting an FOIA or Privacy Act request are available on the PRIA Web site at http://www.faa.gov/pilots/lic_cert/pria/guidance.

Note: Keep in mind the distinction between return-to-duty from furlough or extended leave, and return-to-duty as stated in part 120.

5.6 PRIA Management by a Major Holding Company. PRIA gives the certificate holder the primary responsibility for completing PRIA records requests. A major holding company is not authorized to complete PRIA records requests. However, at your discretion, you can request that your holding company act as your DA to complete all PRIA paperwork and maintain all original PRIA records at the holding company's location.

5.6.1 Holding Company. The holding company, as with a DA, can maintain any or all of the following PRIA records in its human resources office:

- All company personnel records.
- Original PRIA reports.
- Other appropriate employment records.

5.6.2 Records. You can maintain any or all of the following PRIA records at your office:

- Training and other required records.
- Copies of PRIA reports.

Note: If you, not your holding company, complete your PRIA records requests, maintain all of the original records at your location and provide copies to your holding company.

5.6.3 Transfer. If a pilot transfers to your company from another air carrier or air operator, and you are both owned by the same major holding company but you are each assigned a different and unique certificate number, you must conduct a PRIA records request before that pilot transfers. If the pilot has worked for other employers during the previous 5-year period as well, you must also contact those former employers for PRIA records.

Note: Paragraph 5.6.3 may also apply to an employer that is not, in and of itself, an air carrier, but serves as a company that provides contract pilot services to other air carriers, including foreign entities. The process of providing the services of contract pilots may differ slightly from that of a major holding company, but as long as the primary employer or the holding company has accomplished all PRIA background checks and the records have been maintained, the intent of the PRIA statutes will have been satisfied.

5.6.4 Checks. PRIA checks for bought or merged companies.

5.6.4.1 As one air carrier acquires another, the new company is accepting responsibility for the pilots of the air carrier being acquired, and should exercise prudent judgment to ensure that either a current PRIA records request has been completed, or that new PRIA records requests are submitted for the new pilots.

5.6.4.2 More specifically, if one air carrier acquires another by sale or merger, the acquired company remains intact with no change in the air carrier certificate number, and the pilots continue to work for the acquiring air carrier, the current PRIA file should be sufficient. The acquiring air carrier, however, must inspect company records to verify that all pilots have current PRIA checks.

5.6.4.3 If, however, in the process of the sale or merger, the air carrier certificate number changes, the acquiring company must complete new PRIA checks. A pilot cannot transfer their current PRIA file from one air carrier to another (i.e., you cannot take it with you). In addition, a PRIA file will lose its validity if the chain of custody of the records, between one air carrier and another, is broken.

5.6.5 Foreign Testing. Foreign air carriers do not conduct drug and alcohol testing under the FAA's regulations. Therefore, they will not have the drug and alcohol testing records normally required by PRIA and 49 CFR § 40.25.

5.7 Use of Foreign Pilots.

5.7.1 PRIA Check. If you want to hire a pilot/applicant who has worked as a pilot for a foreign air carrier, you should request that individual's PRIA records from the foreign carrier. In some cases, the foreign pilot may not have a U.S. driver's license, so make a note of that in his or her file. If the foreign pilot does hold a U.S. driver's license, you must query the NDR. Use of foreign pilots may vary from permanent employees to seasonal work in which the foreign pilots return to their own country during the off season. This could also include U.S. pilots who previously worked for a foreign air carrier(s).

5.7.2 Certificates. To participate in any U.S. commercial operation, a foreign pilot must hold both U.S. Medical and Airman Certificates. Send your PRIA records request to AFS-620, and it will verify those certificates.

5.7.3 Foreign Employer. Notwithstanding paragraph 5.7.1, you should also query the foreign employer according to the best practices found in paragraph 1.8. Forward the request certified, return receipt requested, or other similar instrument that will document the date of delivery. If the foreign employer never returns the records or if it refuses to acknowledge or comply with the request, you may follow the provisions of the good faith exception (see paragraph 3.5.2) and then either hire or decline to hire the foreign pilot.

5.8 **Pilots Formerly Employed by a Government Agency.** If the pilot/applicant previously worked for a government agency (Federal, state, or local), you must query that agency for PRIA records even though it is not a standardized PRIA records request (company to company). However, do not use FAA Forms 8060-11 and 8060-11A because these methods are inappropriate for querying a government agency. Instead, send a letter requesting the appropriate pilot safety-related records, including any available drug and alcohol testing records.

5.8.1 Foreign Agency. Forward the letter of request to the most recent flight operations manager of the appropriate agency, region, and/or office that employed the pilot/applicant. Obtain the address of the agency that employed the pilot/applicant, since there is no central office for the processing of these requests. If these records have already been retired and subsequently sent to a records-holding area, personnel, or a human resources department, the government agency should forward the request accordingly.

5.8.2 Background Information. In the letter, ask for records that would provide any appropriate background information concerning the pilot's flight training, experience and qualifications, proficiency, other related safety history, and drug and alcohol testing records, and any subsequent actions taken as a result of those tests.

5.8.3 Release. Have the pilot/applicant provide a brief statement and a signature consenting to the release of this information, either contained within the letter of request or as a separate attachment to the letter.

5.8.4 Testing. Government agencies do not conduct drug and alcohol testing under the FAA's regulations. Therefore, they will not have the drug and alcohol testing records normally required by PRIA and 49 CFR § 40.25.

5.8.5 Forms. You must also request records from the FAA and NDR using FAA Forms 8060-10 and 8060-13 in the usual manner.

5.9 **Failure to Pay for Records Requested Through PRIA.** A pilot/applicant's former employer can bill you for the cost of processing the PRIA records request and furnishing copies of the records. However, that employer must still furnish PRIA records to you no later than 30 calendar-days after receiving the request; it cannot withhold the records pending your payment. Any dispute between you and that company regarding payment for the PRIA records would have to take place in civil court if you are unable to resolve the issue yourselves.

5.10 Access of PRIA-Related Records to FAA Inspectors.

5.10.1 Employer. A hiring air carrier or air operator cannot use 49 U.S.C. § 44703(h)(11) to deny an FAA inspector access to PRIA-related records for audit or surveillance.

5.10.2 U.S. Code. CFR §§ 119.59 and 135.73, as well as 49 U.S.C. § 41709, clearly indicate that the FAA inspector assigned to that company is authorized to see those records. As a result, the inspector must always have free and unlimited access to a company's PRIA-related records at any time during the course of that inspector's normal surveillance or inspection duties.

5.10.3 Record Denial. Refusal to provide access to PRIA-related records when requested by the FAA for their review or inspection could result in the suspension of all or any part of the certificate holder's operating certificate or operations specifications (OpSpecs) in accordance with § 119.59(e).

5.10.4 Privacy. Each FAA inspector, however, having viewed such records, also becomes subject to the privacy protection conditions as outlined in 49 U.S.C. § 44703(h)(11). Therefore, the FAA inspector must make every effort to protect the privacy of the pilot and the confidentiality of the PRIA-related records of that pilot.

CHAPTER 6. ADMINISTRATIVE INFORMATION

6.1 Related Regulations.

- Title 14 of the Code of Federal Regulations (14 CFR) Parts 121, 125, and 135.
- Title 49 of the United States Code (49 U.S.C.) §§ 40102(a)(2), 40102(a)(5), 40102(a)(25), 40102(a)(27), 40102(a)(37), and 44703(h)(1)(B).
- Certain U.S. transportation laws in 49 U.S.C.

6.2 Definitions. The following definitions are relevant to PRIA.

6.2.1 Terms Related to Commercial Air Transportation.

1. Air Carrier. "A citizen of the United States undertaking by any means, directly or indirectly, to provide air transportation." This includes operations using common carriage or holding out to the general public and being willing to furnish such air transportation for compensation (refer to 49 U.S.C. § 40102(a)(2)).
2. Air Operator. A person operating or intending to operate a civil aircraft when common carriage is not involved in a noncommercial operation (refer to part 125).
3. Air Transportation. "Foreign air transportation, interstate air transportation, or the transportation of mail by aircraft." (Refer to 49 U.S.C. § 40102(a)(5).)
4. Common Carriage. For the purpose of this advisory circular (AC), common carriage means any operation for compensation or hire in which an operator holds itself out (by advertising or any other means) as willing to furnish transportation for any member of the public who seeks the services that the operator is offering.
5. Interstate Air Transportation. "The transportation of passengers or property by aircraft as a common carrier for compensation, or the transportation of mail by aircraft, or the operation of aircraft in furthering a business or vocation—

   (A) between a place in—

   (i) a state, territory, or possession of the United States and a place in the District of Columbia or another state, territory, or possession of the United States; outside Hawaii;

   (ii) Hawaii and another place in Hawaii through the airspace over a place;

   (iii) the District of Columbia and another place in the District of Columbia; or

   (iv) a territory or possession of the United States and another place in the same territory or possession; and

   (B) when any part of the transportation is by aircraft."
   (Refer to 49 U.S.C. § 40102(a)(25).)

6. Intrastate Air Transportation. "The transportation by a common carrier of passengers or property for compensation, entirely in the same state, by turbojet-powered aircraft capable of carrying at least 30 passengers." (Refer to 49 U.S.C. § 40102(a)(27).)

7. Person. A person includes "corporations, companies, associations, firms, partnerships, societies, and joint stock companies, as well as individuals." (Refer to Title 1 of the United States Code (1 U.S.C.) § 1.) In addition, a person includes "a government authority and a trustee, receiver, assignee, and other similar representative." (Refer to 49 U.S.C. § 40102(a)(37).)

6.2.2 Terms Related to a Professional Pilot's Employment.

1. Hired and Employed. The point when a pilot has been offered, and has accepted, a position as a pilot with an operator. Under the drug and alcohol testing regulations, "hire" is defined as "retaining an individual for a safety-sensitive function as a paid employee, as a volunteer, or through barter or other form of compensation." (Refer to 14 CFR part 120.)

2. Pilot Training Records. Records pertaining to the individual, to the individual's performance as a pilot, disciplinary actions, and release from former employment. For a complete listing and description of pilot training records, see Chapter 4.

3. 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 employer has requested, received, and evaluated the required records requested under PRIA, unless a good faith or other exception applies.

4. Records. As used in this AC, records mean the individual's pilot records that are maintained by an air carrier, air operator, or person to meet the statutory requirements of 49 U.S.C. § 44703(h)(1)(B), as well as the individual's pilot records that the air carrier or operator maintains to meet the regulatory requirements of the 14 CFR authority under which it operates.

6.2.3 Commonly Used Acronyms and Abbreviations.

1. Title 14 CFR—Title 14 of the Code of Federal Regulations.
2. Title 49 CFR—Title 49 of the Code of Federal Regulations.
3. Title 49 U.S.C.—Title 49 of the United States Code.
4. AC—Advisory Circular.
5. AFS-620—Aviation Data Systems Branch.
6. DA—Designated Agent.
7. DMV—Department of Motor Vehicles.

8. DOT—Department of Transportation.
9. FAA—Federal Aviation Administration.
10. NDR—National Driver Registry.
11. NTSB—National Transportation Safety Board.
12. POI—Principal Operations Inspector.
13. PRIA—Pilot Records Improvement Act of 1996.

6.3 Other PRIA Resources. AFS-620 has developed numerous resources that will provide the air carrier or other customer with general assistance concerning initial familiarization, operational use, or other applications of PRIA. These and other PRIA resources are available on the PRIA Web site at http://www.faa.gov/pilots/lic_cert/pria/guidance.

6.4 PRIA Contact Information. Direct PRIA records request or production inquiries to AFS-620's PRIA production staff at 9-amc-afs620-pria@faa.gov. Direct PRIA policy or compliance inquiries to AFS-620's PRIA program manager at 405-954-6367.

6.5 AC Feedback Form. For your convenience, the AC Feedback Form is the last page of this AC. Note any deficiencies found, clarifications needed, or suggested improvements regarding the contents of this AC on the Feedback Form.

APPENDIX A. PILOT RECORDS IMPROVEMENT ACT OF 1996

Public Law 104-264, Section 502, October 9, 1996 (effective 02/06/97),
as amended by:
Public Law 105-142 (effective 12/05/97),
Public Law 106-181 (effective 04/05/00),
Public Law 107-71 (effective 11/19/01), and

Title 49 of the United States Code (49 U.S.C.) § 44703, as amended:

(h) RECORDS OF EMPLOYMENT OF PILOTS/APPLICANTS.

(1) IN GENERAL. Subject to paragraph (14), before allowing an individual to begin service as a pilot, an air carrier shall request and receive the following information:

(A) FAA RECORDS. From the Administrator of the Federal Aviation Administration, records pertaining to the individual that are maintained by the Administrator concerning—

(i) Current airman certificates (including airman medical certificates) and associated type ratings, including any limitations to those certificates and ratings; and

(ii) Summaries of legal enforcement actions resulting in a finding by the Administrator of a violation of this title or a regulation prescribed or order issued under this title that was not subsequently overturned.

(B) AIR CARRIER AND OTHER RECORDS. From any air carrier or other person, except a branch of the United States Armed Forces, the National Guard, or a reserve component of the United States Armed Forces, that has employed the individual as a pilot of a civil or public aircraft at any time during the 5-year period preceding the date of the employment application of the individual, or from the trustee in bankruptcy for such air carrier or person—

(i) Records pertaining to the individual are maintained by an air carrier (other than records relating to flight time, duty, or rest time) under regulations set forth in;

(I) section 121.683 of title 14, Code of Federal Regulations;

(II) paragraph (A) of section VI, appendix I, part 121 of such title;

(III) paragraph (A) of section IV, appendix J, part 121 of such title;

(IV) section 125.401 of such title; and

(V) section 135.63(a)(4) of such title; and

(ii) other records pertaining to the individual's performance as a pilot that are maintained by the air carrier or person concerning—

(I) the training, qualifications, proficiency, or professional competence of the individual, including comments and evaluations made by a check airman designated in accordance with section 121.411, 125.295, or 135.337 of such title;

(II) any disciplinary action taken with respect to the individual that was not subsequently overturned; and

(III) any release from employment or resignation, termination, or disqualification with respect to employment.

(C) NATIONAL DRIVER REGISTER RECORDS. In accordance with section 30305(b)(8) of this title, from the chief driver licensing official of a State, information concerning the motor vehicle driving record of the individual.

(2) WRITTEN CONSENT; RELEASE FROM LIABILITY. An air carrier making a request for records under paragraph (1)—

(A) shall be required to obtain written consent to the release of those records from the individual that is the subject of the records requested; and

(B) may, notwithstanding any other provision of law or agreement to the contrary, require the individual who is the subject of the records request to execute a release from liability for any claim arising from the furnishing of such records to or the use of such records by such air carrier (other than a claim arising from furnishing information known to be false and maintained in violation of a criminal statute).

(3) 5-YEAR REPORTING PERIOD. A person shall not furnish a record in response to a request made under paragraph (1) if the record was entered more than 5 years before the date of the request, unless the information concerns a revocation or suspension of an airman certificate or motor vehicle license that is in effect on the date of the request.

(4) REQUIREMENT TO MAINTAIN RECORDS. The Administrator and air carriers shall maintain pilot records described in paragraphs (1)(A) and (1)(B) for a period of at least 5 years.

(5) REQUIREMENT TO MAINTAIN RECORDS. The Administrator and air carriers shall maintain pilot records described in paragraphs (1)(A) and (1)(B) for a period of at least 5 years.

(6) RIGHT TO RECEIVE NOTICE AND COPY OF ANY RECORD FURNISHED. A person who receives a request for records under paragraph (1) shall provide to the individual who is the subject of the records—

(A) on or before the 20th day following the date of receipt of the request, written notice of the request and of the individual's right to receive a copy of such records; and

(B) in accordance with paragraph (10), a copy of such records, if requested by the individual.

(7) REASONABLE CHARGES FOR PROCESSING REQUESTS AND FURNISHING COPIES. A person who receives a request under paragraph (1) or (6) may establish a reasonable charge for the cost of processing the request and furnishing copies of the requested records.

(8) STANDARD FORMS. The Administrator shall promulgate—

(A) standard forms that may be used by an air carrier to request records under paragraph (1); and

(B) standard forms that may be used by an air carrier to—

(i) obtain the written consent of the individual who is the subject of a request under paragraph (1); and

(ii) Inform the individual of—

(I) The request; and

(II) The individual right of that individual to receive a copy of any records furnished in response to the request.

(9) RIGHT TO CORRECT INACCURACIES. An air carrier that maintains or requests and receives the records of an individual under paragraph (1) shall provide the individual with a reasonable opportunity to submit written comments to correct any inaccuracies contained in the records before making a final hiring decision with respect to the individual.

(10) RIGHT OF PILOT TO REVIEW CERTAIN RECORDS. Notwithstanding any other provision of law or agreement, an air carrier shall, upon written request from a pilot who is or has been employed by such carrier, make available, within a reasonable time, but not later than 30 days after the date of the request, to the pilot for review, any and all employment records referred to in paragraph (1)(B) (i) or (ii) pertaining to the employment of the pilot.

(11) PRIVACY PROTECTIONS. An air carrier that receives the records of an individual under paragraph (1) may use such records only to assess the qualifications of the individual in deciding whether or not to hire the individual as a pilot. The air carrier shall take such actions as may be necessary to protect the privacy of the pilot and the confidentiality of the records, including ensuring that information contained

in the records is not divulged to any individual that is not directly involved in the hiring decision.

(12) PERIODIC REVIEW. Not later than 18 months after the date of the enactment of the Pilot Records Improvement Act of 1996 [enacted Oct. 9, 1996], and at least once every 3 years thereafter, the Administrator shall transmit to Congress a statement that contains, taking into account recent developments in the aviation industry—

(A) recommendations by the Administrator concerning proposed changes to Federal Aviation Administration records, air carrier records, and other records required to be furnished under subparagraphs (A) and (B) of paragraph (1); or

(B) reasons why the Administrator does not recommend any proposed changes to the records referred to in subparagraph (A).

(13) REGULATIONS. The Administrator shall prescribe such regulations as may be necessary—

(A) To protect—

(i) the personal privacy of any individual whose records are requested under paragraph (1) and disseminated under paragraph (15);

(ii) and the confidentiality of those records;

(B) to preclude the further dissemination of records received under paragraph (1) by the person who requested those records; and

(C) to ensure prompt compliance with any request made under paragraph (1).

(14) SPECIAL RULES WITH RESPECT TO CERTAIN PILOTS.

(A) PILOTS OF CERTAIN SMALL AIRCRAFT. Notwithstanding paragraph (1), an air carrier, before receiving information requested about an individual under paragraph (1), may allow the individual to begin service for a period not to exceed 90 days as a pilot of an aircraft with a maximum payload capacity (as defined in section 119.3 of title 14, Code of Federal Regulations) of 7,500 pounds or less, or a helicopter, on a flight that is not a scheduled operation (as defined in such section). Before the end of the 90-day period, the air carrier shall obtain and evaluate such information. The contract between the carrier and the individual shall contain a term that provides that the continuation of the individual’s employment, after the last day of the 90-day period, depends on a satisfactory evaluation.

(B) GOOD FAITH EXCEPTION. Notwithstanding paragraph (1), an air carrier, without obtaining information about an individual under paragraph (1)(B) from an air carrier or other person that no longer exists or from a foreign government or operator that employed the individual, may allow the individual to begin service as a pilot if the air carrier required to request the information has made a documented good faith attempt to obtain such information.

(15) ELECTRONIC ACCESS TO FAA RECORDS. For the purpose of increasing timely and efficient access to Federal Aviation Administration records described in paragraph (1), the Administrator may allow, under terms established by the Administrator, an individual designated by the air carrier to have electronic access to a specified database containing information about such records. The terms shall limit such access to instances in which information in the database is required by the designated individual in making a hiring decision concerning a pilot/applicant and shall require that the designated individual provide assurances satisfactory to the Administrator that information obtained using such access will not be used for any purpose other than making the hiring decision.

(i) LIMITATION ON LIABILITY; PREEMPTION OF STATE LAW.

(1) LIMITATION ON LIABILITY. No action or proceeding may be brought by or on behalf of an individual who has applied for or is seeking a position with an air carrier as a pilot and who has signed a release from liability, as provided for under paragraph (2), against—

(A) the air carrier requesting the records of that individual under subsection (h)(1);

(B) a person who has complied with such request;

(C) a person who has entered information contained in the individual's records; or

(D) an agent or employee of a person described in subparagraph (A) or (B); in the nature of an action for defamation, invasion of privacy, negligence, interference with contract, or otherwise, or under any Federal or State law with respect to the furnishing or use of such records in accordance with subsection (h).

(2) PREEMPTION. No State or political subdivision thereof may enact, prescribe, issue, continue in effect, or enforce any law (including any regulation, standard, or other provision having the force and effect of law) that prohibits, penalizes, or imposes liability for furnishing or using records in accordance with subsection (h).

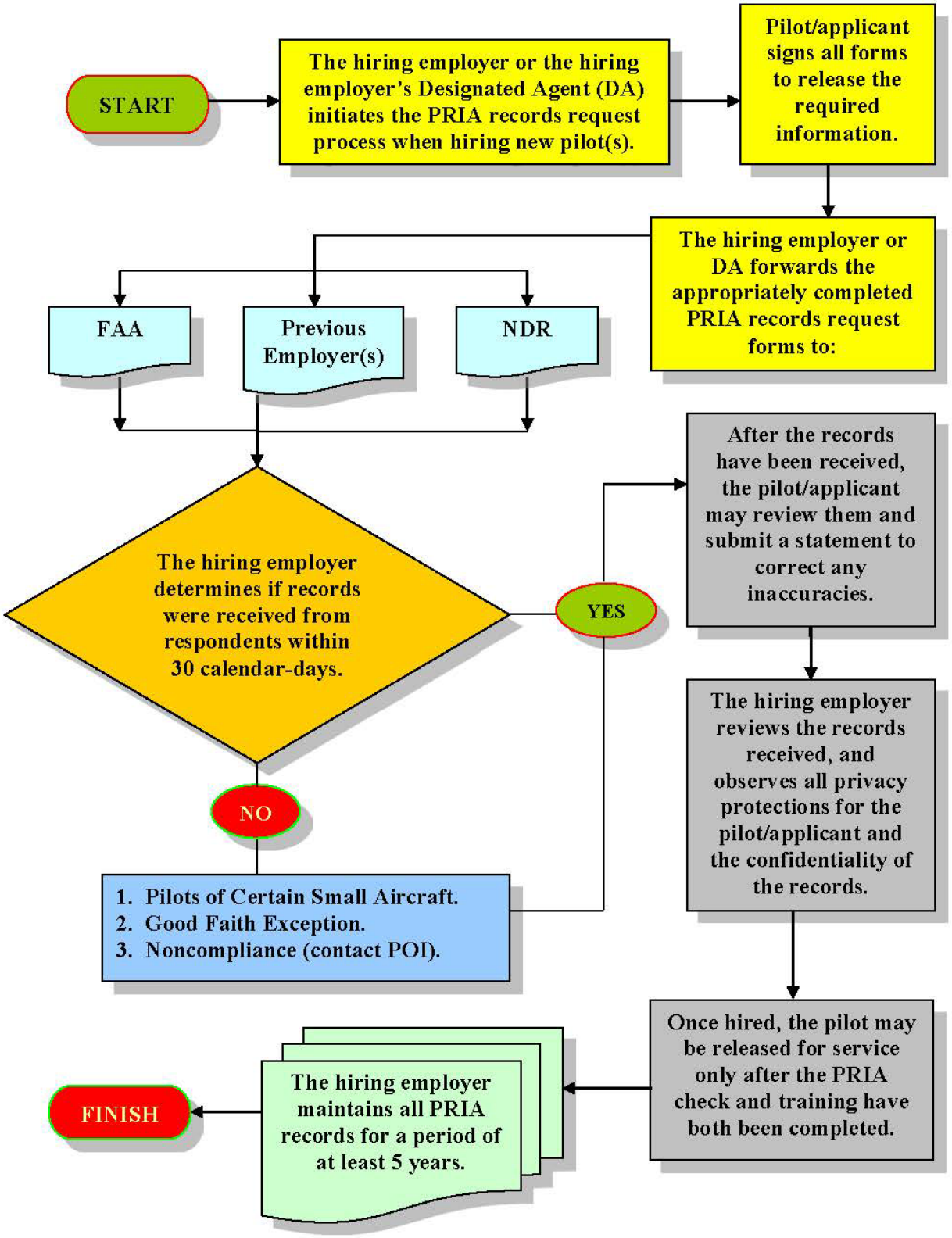
(3) PROVISION OF KNOWINGLY FALSE INFORMATION. Paragraphs (1) and (2) shall not apply with respect to a person who furnishes information in response to a request made under subsection (h)(1), that—

(A) the person knows is false; and

(B) was maintained in violation of a criminal statute of the United States.

(j) LIMITATION ON STATUTORY CONSTRUCTION. Nothing in subsection (h) shall be construed as precluding the availability of the records of a pilot in an investigation or other proceeding concerning an accident or incident conducted by the Administrator, the National Transportation Safety Board, or a court.

APPENDIX B. PRIA RECORDS REQUEST PROCESS FLOWCHART



APPENDIX C. OVERVIEW AND USE OF FAA FORM 8060-10

Note: Consult the Pilot Records Improvement Act of 1996 (PRIA) Web site at http://www.faa.gov/pilots/lic_cert/pria/forms_docs for the most current information on the overview and use of Federal Aviation Administration (FAA) Form 8060-10, FAA Records Request (PRIA).

1. Part I, Records Request. The hiring air carrier in operation under Title 14 of the Code of Federal Regulations (14 CFR) part 121 or 135, air operator under 14 CFR part 125, or other person (collectively referred to as the "hiring employer") uses part I to request certain pilot records as maintained by the FAA. The resulting report from the FAA is generally referred to as the PRIA Pilot Profile Letter and will include information reflecting the pilot/applicant's:

a. Current Airman Medical Certificate, including:

(1) Date of issue,

(2) Class, and

(3) Any limitations that may apply.

b. Current Airman Certificate(s), including:

(1) Date of issue,

(2) Category and class ratings,

(3) Associated type ratings, and

(4) Any limitations to those certificate(s) and ratings.

c. Records concerning the Enforcement Information System (EIS) and summary of legal enforcement action(s) resulting in a finding by the Administrator of a violation of Title 49 of the United States Code (49 U.S.C.), a regulation prescribed, or an order issued under this title that the FAA has not subsequently overturned, if applicable. If no EIS records exist for the pilot/applicant, a statement indicating a negative report will be included.

d. Current or previous certificate revocation(s), which will be reported for an indefinite period of time, if applicable.

e. Previous certificate number(s) and related information, if applicable.

2. Part II, Airman Consent for the Release of Records. The hiring employer uses part II to obtain written consent for the release of records from the individual who is the subject of the request.

3. Distribution. You, the hiring employer, should either mail or fax FAA Form 8060-10 to the Aviation Data Systems Branch (AFS-620) for processing, then provide a copy to the pilot/applicant for his or her personal records.

a. Fax your completed records request to 405-954-4655, ATTN: PRIA

b. Mail your completed records request to:

Federal Aviation Administration

ATTN: Aviation Data Systems Branch, AFS-620 (PRIA)

P.O. Box 25082

Oklahoma City, OK 73125-0082

c. Mail completed records request, by expedited mail service, to:

Federal Aviation Administration

ATTN: Aviation Data Systems Branch, AFS-620 (PRIA)

6500 South MacArthur Blvd., ARB Building, Room 313

Oklahoma City, OK 73169

4. Requestor. As the requestor of records under the authority of PRIA, you should develop and use a system to track all outstanding requests. After receiving the responses, organize them into a format that management can easily use to evaluate the pilot/applicant's suitability for employment. The process is not complete until the requestor completes these activities.

5. Respondent. As the person receiving a records request under the authority of PRIA, you must furnish:

a. A copy of the appropriate records to the requestor no later than 30 calendar-days after receiving the request, as prescribed by 49 U.S.C. § 44703(h)(5).

b. An identical copy, if so requested, to the pilot/applicant on or before 20 calendar-days after receiving the request, as prescribed by 49 U.S.C. § 44703(h)(6).

c. A written notification to the pilot/applicant to satisfy 49 U.S.C. § 44703(h)(6) if the processing time will exceed 20 calendar-days. In other words, an additional document is required to provide written notification if your response time will be over 20 calendar-days. In no case can you take longer than the authorized 30-calendar-day period.

6. Instructions. Instructions for completing FAA Form 8060-10 are attached to the form itself. Overviews and information on using this form are also in the PRIA Office Procedures for the Air Carrier and on the PRIA Web site.

7. The Form. There are two online sources for FAA Form 8060-10:

a. http://www.faa.gov/pilots/lic_cert/pria/forms_docs.

b. http://www.faa.gov/forms.

APPENDIX D. OVERVIEW AND USE OF FAA FORM 8060-10A

Note: Consult the Pilot Records Improvement Act of 1996 (PRIA) Web site at http://www.faa.gov/pilots/lic_cert/pria/forms_docs for the most current information on the overview and use of Federal Aviation Administration (FAA) Form 8060-10A, Airman Notice and Right to Receive Copy – FAA Records (PRIA).

1. Part I, Airman Notice and Right to Receive Copy. The hiring air carrier in operation under Title 14 of the Code of Federal Regulations (14 CFR) part 121 or 135, air operator under 14 CFR part 125, or other person (collectively referred to as the "hiring employer") uses part I to:

a. Notify the pilot/applicant that the FAA will conduct a records request under PRIA.

b. Notify the pilot/applicant of their right to receive a copy of the records furnished by the FAA to the requesting air carrier.

2. Part II, Airman Request or Non-Request for Records. The pilot/applicant uses part II to notify the FAA whether or not they want a copy of the records that the FAA will furnish to the requesting employer.

3. Distribution. A completed and signed copy of FAA Form 8060-10A serves as a written notification to the airman in accordance with Title 49 of the United States Code (49 U.S.C.) § 44703(h)(6). In lieu of forwarding FAA Form 8060-10A to the FAA, if the hiring employer provides the pilot/applicant with initial notification of a records request by providing him or her with a completed and signed copy of FAA Form 8060-10A, further distribution of FAA Form 8060-10A is not required. The hiring employer needs to forward only FAA Form 8060-10, FAA Records Request (PRIA), to the FAA to request records. The hiring employer then files and maintains the original FAA Form 8060-10A in the pilot/applicant's PRIA-related records file for future company reference and surveillance by the FAA.

Note: The FAA will provide all pilots/applicants, regardless of whether they indicated a preference to receive a copy of their records, with a courtesy copy of their PRIA Background Report that the FAA maintains and furnishes to the hiring employer. For security purposes, all FAA records will be mailed to the individual's existing address as maintained in FAA records by the Airmen Certification Branch (AFS-760).

4. Requestor. As the requestor of records under the authority of PRIA, you should develop and use a system to track all outstanding requests. After receiving the responses, organize them into a format that management can easily use to evaluate the pilot/applicant's suitability for employment. The process is not complete until the requestor has completed these activities.

5. Respondent. As the person receiving a records request under the authority of PRIA, you must furnish:

a. A copy of the appropriate records to the requestor no later than 30 calendar-days after receiving the request, as prescribed by 49 U.S.C. § 44703(h)(5).

b. An identical copy, if so requested, to the pilot/applicant on or before 20 calendar-days after receiving the request, as prescribed by 49 U.S.C. § 44703(h)(6).

c. A written notification to the pilot/applicant to satisfy 49 U.S.C. § 44703(h)(6) if the processing time will exceed 20 calendar-days. In other words, an additional document is required to provide written notification if your response time will be over 20 calendar-days. In no case can you take longer than the authorized 30-calendar-day period.

6. Instructions. Instructions for completing FAA Form 8060-10A are attached to the form itself. Overviews and information on using this form are also in the PRIA Office Procedures for the Air Carrier and on the PRIA Web site.

7. The Form. There are two online sources for FAA Form 8060-10A:

a. http://www.faa.gov/pilots/lic_cert/pria/forms_docs.

b. http://www.faa.gov/forms.

APPENDIX E. OVERVIEW AND USE OF FAA FORM 8060-11

Note: Consult the Pilot Records Improvement Act of 1996 (PRIA) Web site at http://www.faa.gov/pilots/lic_cert/pria/forms_docs for the most current information on the overview and use of Federal Aviation Administration (FAA) Form 8060-11, Air Carrier and Other Records Request (PRIA).

1. Part I, Records Request. The hiring air carrier in operation under Title 14 of the Code of Federal Regulations (14 CFR) part 121 or 135, air operator under 14 CFR part 125, or other person (collectively referred to as the "hiring employer") uses part I to request certain pilot records. A previous employer that used the individual as a pilot at any time during the 5-year period preceding the date on the employment application of the individual or the trustee in bankruptcy for such operator maintains these records. Title 49 of the United States Code (49 U.S.C.) § 44703(h)(1)(B) identifies and references the records that a previous employer must provide.

2. Part II, Airman Consent for the Release of Records. The hiring employer uses part II to obtain written consent for the release of the records from the individual who is the subject of the request.

3. Distribution. The hiring employer either mails or faxes FAA Form 8060-11 to all previous employers that used the applicant as a pilot at any time during the previous 5-year period. The hiring employer should then provide a copy to the pilot/applicant for that individual's personal records.

4. Exceptions. Certain exceptions may apply that would either not require the hiring employer to comply with the statutes of PRIA, or could allow an amended request procedure. To foster the most efficient use of its personnel and flight operations, the hiring employer should be familiar with all exceptions that may apply. These exceptions are:

a. Operations expressly excluded from air carrier certification requirements under 14 CFR part 119, § 119.1(e). These, and certain other 14 CFR part 91 operators, are not required to request pilot records under PRIA. However, if they receive a request under PRIA, they are required to furnish such records that they may have maintained on the individual who is the subject of the request. If the former employer did not maintain the records, it must return a brief letter stating such to the requestor to allow it to complete the request process.

b. Pilots of certain small aircraft, as described in 49 U.S.C. § 44703(h)(14)(A).

c. Good faith exception, as described in 49 U.S.C. § 44703(h)(14)(B).

5. Inappropriate Records. The respondent should not include records that are not relevant to the individual's performance as a pilot in the transmission to the requestor. For example, an agreement between the pilot and employer to pay for training, personal bankruptcy papers, or unemployment compensation disputes between a pilot and employer are not considered appropriate to the individual's performance as a pilot.

6. Requestor. As the requestor of records under the authority of PRIA, you should develop and use a system to track all outstanding requests. After receiving the responses, organize them into a format that management can easily use to evaluate the pilot/applicant's suitability for employment. The process is not complete until the requestor has completed these activities.

7. Respondent. As the person receiving a records request under the authority of PRIA, you must furnish:

a. A copy of the appropriate records to the requestor no later than 30 calendar-days after receiving the request, as prescribed by 49 U.S.C. § 44703(h)(5).

b. An identical copy, if so requested, to the pilot/applicant on or before 20 calendar-days after receiving the request, as prescribed by 49 U.S.C. § 44703(h)(6).

c. A written notification to the pilot/applicant to satisfy 49 U.S.C. § 44703(h)(6) if the processing time will exceed 20 calendar-days. In other words, an additional document is required to provide written notification if your response time will be over 20 calendar-days. In no case can you take longer than the authorized 30-calendar-day period.

8. Instructions. Instructions for completing FAA Form 8060-11 are attached to the form itself. Overviews and information on using this form are also in the PRIA Office Procedures for the Air Carrier and on the PRIA Web site.

9. Reasonable Charges. The former employer furnishing records as the result of a request under PRIA may assess a reasonable charge from the records requestor and from the individual who is the subject of the request, provided he or she has requested an identical copy of the records.

10. The Form. There are two online sources for FAA Form 8060-11:

a. http://www.faa.gov/pilots/lic_cert/pria/forms_docs.

b. http://www.faa.gov/forms.

APPENDIX F. OVERVIEW AND USE OF FAA FORM 8060-11A

Note: Consult the Pilot Records Improvement Act of 1996 (PRIA) Web site at http://www.faa.gov/pilots/lic_cert/pria/forms_docs for the most current information on the overview and use of Federal Aviation Administration (FAA) Form 8060-11A, Airman Notice and Right to Receive Copy – Air Carrier and Other Records (PRIA).

1. Part I, Airman Notice and Right to Receive Copy – Air Carrier and Other Records. The hiring air carrier in operation under Title 14 of the Code of Federal Regulations (14 CFR) part 121 or 135, air operator under 14 CFR part 125, or other person (collectively referred to as the "hiring employer") that has used the individual as a pilot at any time during the 5-year period preceding the date on the employment application uses part I to notify that individual:

a. That any previous employer will conduct a PRIA records request for pilot-related air carrier records.

b. Of that pilot's right to receive a copy of the records furnished by the previous employer to the requesting employer.

2. Part II, Airman Request or Non-Request for Records. The pilot/applicant uses part II to notify the previous employer(s) whether they want a copy of the records that the previous employer will furnish to the requesting employer.

3. Distribution.

a. Unlike FAA Form 8060-10A, Airman Notice and Right to Receive Copy – FAA Records (PRIA), when using the FAA forms, completing FAA Form 8060-11A is mandatory. If the pilot/applicant wishes to receive a copy of all air carrier and other records and has checked the "yes" box on FAA Form 8060-11A, the previous employers must make two sets, one for the requestor and one for the individual, and they must mail each one separately.

b. The hiring employer should attach FAA Form 8060-11A to FAA Form 8060-11, Air Carrier and Other Records Request (PRIA), and either mail or fax them to all employers that previously employed the applicant as a pilot at any time during the previous 5-year period. The hiring employer should then provide a copy to the pilot/applicant for that individual's personal records.

4. Exceptions. Certain exceptions may apply that would either not require the hiring employer to comply with the statutes of PRIA, or could allow an amended request procedure. To foster the most efficient use of its personnel and flight operations, the hiring employer should be familiar with all exceptions that may apply. These exceptions are:

a. Operations expressly excluded from air carrier certification requirements under 14 CFR part 119, § 119.1(e). These, and certain other 14 CFR part 91 operators, are not required to request pilot records under PRIA. However, if they receive a request under PRIA, they are required to furnish such records that they may have maintained on the individual who is the

subject of the request. If the former employer did not maintain any records, it must return a brief letter stating such to the requestor to allow it to complete the request process.

b. Pilots of certain small aircraft, as described in Title 49 of the United States Code (49 U.S.C.) § 44703(h)(14)(A).

c. Good faith exception, as described in 49 U.S.C. § 44703(h)(14)(B).

5. Requestor. As the requestor of records under the authority of PRIA, you should develop and use a system to track all outstanding requests. After receiving the responses, organize them into a format that management can easily use to evaluate the pilot/applicant's suitability for employment. The process is not complete until the requestor has completed these activities.

6. Respondent. As the person receiving a records request under the authority of PRIA, you must furnish:

a. A copy of the appropriate records to the requestor no later than 30 calendar-days after receiving the request, as prescribed by 49 U.S.C. § 44703(h)(5).

b. An identical copy, if so requested, to the pilot/applicant on or before 20 calendar-days after receiving the request, as prescribed by 49 U.S.C. § 44703(h)(6).

c. A written notification to the pilot/applicant to satisfy 49 U.S.C. § 44703(h)(6) if the processing time will exceed 20 calendar-days. In other words, an additional document is required to provide written notification if your response time will be over 20 calendar-days. In no case can you take longer than the authorized 30-calendar-day period.

7. Instructions. Instructions for completing FAA Form 8060-11A are attached to the form itself. Overviews and information on the use of this form are in the PRIA Office Procedures for the Air Carrier and on the PRIA Web site.

8. Reasonable Charges. The former employer furnishing records as the result of a request under PRIA may assess a reasonable charge from the records requestor and from the individual who is the subject of the request, provided he or she has requested an identical copy of the records.

9. The Form. There are two online sources for FAA Form 8060-11A:

a. http://www.faa.gov/pilots/lic_cert/pria/forms_docs.

b. http://www.faa.gov/forms.

APPENDIX G. OVERVIEW AND USE OF FAA FORM 8060-12

Note: Consult the Pilot Records Improvement Act of 1996 (PRIA) Web site at http://www.faa.gov/pilots/lic_cert/pria/forms_docs for the most current information on the overview and use of Federal Aviation Administration (FAA) Form 8060-12, Authorization for Release of DOT Drug and Alcohol Testing Records Under PRIA and Maintained Under Title 49 of the Code of Federal Regulations (49 CFR) Part 40.

1. Part I, Records and Airman Consent for the Release of Records. The hiring air carrier in operation under Title 14 of the Code of Federal Regulations (14 CFR) part 121 or 135, air operator under 14 CFR part 125, or other person (collectively referred to as the "hiring employer") uses part I to provide a list of specific drug and alcohol testing records that the previous employer will furnish through this request.

a. Send this form to previous employers that used the individual as a:

- Department of Transportation (DOT)-regulated employee subject to drug and alcohol testing under Title 49 of the Code of Federal Regulations (49 CFR) part 40,
- Non-pilot safety-sensitive employee subject to drug and alcohol testing such as flight attendant (F/A) or maintenance duties, or
- Pilot at any time during the 5-year period preceding the date on the employment application.

b. Use FAA Form 8060-12 to notify the individual:

- That an FAA records request under PRIA for certain DOT drug and alcohol testing records will be conducted.
- Of a request for certain DOT drug and alcohol testing records under PRIA concerning that individual.
- To obtain written consent for the release of such records from that individual who is the subject of the request.
- If the individual has requested a copy of the records, as indicated on FAA Form 8060-11A, Airman Notice and Right to Receive Copy – Air Carrier and Other Records (PRIA), any related DOT drug and alcohol testing records must be copied and included with other PRIA-related records as a result of that request.

2. Part II, Records to Provide. The hiring employer uses part II to provide a list of questions that the previous employer will complete and return to the hiring employer. The previous employer(s) also use part II to document the existence of certain DOT drug and alcohol testing records that the previous employer(s) provides to the hiring employer. Consider the following guidelines when either requesting or providing DOT drug and alcohol testing records.

a. Any "no" response in part II of FAA 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, previous employers must provide all test results, including both positive as well as negative DOT drug and alcohol testing results, from over the last 5 years to the requestor. Obtaining a copy of the form on the DOT Web site, where previous employers simply "check off" that there were no rule violations, is not acceptable.

b. In addition to obtaining records from all previous employers over the last 5 years, the hiring employer must ask all applicants about their drug and alcohol testing history under DOT agency testing rules to satisfy 49 CFR part 40, § 40.25(j). Unlike the time period required under PRIA, this testing history obtained under 49 CFR § 40.25(j) covers a period of only 2 years. However, PRIA drug and alcohol testing records are not subject to the document retention conditions found in 49 CFR § 40.333. All PRIA records, including drug and alcohol testing records, are required by Title 49 of the United States Code (49 U.S.C.) § 44703(h)(4) to be maintained for at least 5 years. Therefore, to fulfill the requirements of PRIA, a hiring employer must obtain both positive and negative test results for the individual from the last 5 years.

3. Distribution. The hiring employer should attach FAA Form 8060-12 to FAA Forms 8060-11, Air Carrier and other Records Request (PRIA), and 8060-11A and either mail or fax the forms to all previous employers that used the applicant as a pilot at any time during the previous 5-year period. The hiring employer should provide a copy to the pilot/applicant for that individual's personal records.

4. Use of FAA Form 8060-12. Even though the use of FAA Form 8060-12 is not currently required, this form has been carefully designed to combine both the records requirements of PRIA with those of 49 CFR part 40. Any employer not in compliance with the drug and alcohol testing record check requirements of 49 CFR part 40 could be subject to an additional inquiry by the Drug Abatement Division (AAM-800). It is a good business practice, therefore, to use FAA Form 8060-12 even if you do not use the other FAA PRIA forms.

5. Instructions. Instructions for completing FAA Form 8060-12 are attached to the form itself. Overviews and information on the use of this form are in the PRIA Office Procedures for the Air Carrier and on the PRIA Web site.

6. The Form. There are two online sources for FAA Form 8060-12:

a. http://www.faa.gov/pilots/lic_cert/pria/forms_docs.

b. http://www.faa.gov/forms.

Note: Additional information concerning the inspection of drug and alcohol testing records is in FAA Order 8000.88, PRIA Guidance for FAA Inspectors, paragraph 3-3.

APPENDIX H. OVERVIEW AND USE OF FAA FORM 8060-13

Note: Consult the Pilot Records Improvement Act of 1996 (PRIA) Web site at http://www.faa.gov/pilots/lic_cert/pria/forms_docs for the most current information on the overview and use of Federal Aviation Administration (FAA) Form 8060-13, National Driver Register Records Request (PRIA).

1. Part I, National Driver Register (NDR) Records Request. The hiring air carrier in operation under Title 14 of the Code of Federal Regulations (14 CFR) part 121 or 135, air operator under 14 CFR part 125, or other person (collectively referred to as the "hiring employer") uses part I to request NDR records concerning an individual seeking employment as a pilot with the employer.

2. Part II, Consent to the Release of Records. The hiring employer uses part II to obtain written consent for the release of the records from the individual who is the subject of the request.

3. Part III, Notice to the Prospective Employee. The hiring employer uses part III to certify the identity of the individual who is the subject of the request.

a. The hiring company's representative completes part IIIa when the individual applies in person.

b. The pilot/applicant must have a notary public complete parts IIIa and IIIb when the individual does not apply in person.

4. Use of the Pilot/Applicant's Date of Birth. For all requests to a state's Department of Motor Vehicles (DMV) or to the NDR, notwithstanding the Privacy Act, disclosure of the pilot/applicant's date of birth is mandatory. This is for identification purposes, and the DMV or NDR will return most requests without the date of birth with no action being taken by the respondent.

5. Distribution. NDR requirements vary from state to state, and therefore, it is not practical to establish one firm procedure that will satisfy all requests. Notwithstanding, the requesting employer should begin its NDR request process in the manner described in the current version of Advisory Circular (AC) 120-68 or in the PRIA Office Procedures for the Air Carrier to establish a request process that will produce the most reliable and consistent results for the state.

6. National Highway Traffic Safety Administration (NHTSA). The NHTSA maintains an Internet database with current addresses and telephone numbers for state DMVs. This information is available at http://www.onlinedmv.com.

7. Copies Requested by the Pilot/Applicant. Neither the DMV of any state nor the NDR will furnish an additional copy of a report requested under the authority of PRIA. Therefore, if a pilot/applicant has checked the "yes" block on FAA Form 8060-11A, Airman Notice and Right to Receive Copy – Air Carrier and Other Records (PRIA), the hiring employer will need to furnish the copy after it receives the report.

8. The Form. There are two online sources for FAA Form 8060-13:

a. http://www.faa.gov.pilots/lic_cert/pria/forms_docs.

b. http://www.faa.gov/forms.

NOTE: Not all state DMVs accept FAA Form 8060-13 because they are not familiar with the form itself, or prefer to use their own form. If this is the case, use the NDR or DMV request form provided by the state, which is usually available on their Web site.

9. Instructions. Instructions for completing FAA Form 8060-13 are attached to the form itself. Overviews and information on the use of this form are in the PRIA Office Procedures for the Air Carrier and on the PRIA Web site.

10. Additional Tips. Many state DMVs will not accept copies of a request form, so it is advisable to always submit the request in original form. As a result, the hiring employer must mail the request instead of faxing it. We recommend that you use a certified mail delivery that will document the receipt of your request. It is also a good idea to start the request process with a phone call to the state DMV to make sure you have covered all of the requirements of that particular state.

11. NDR Data System Match. The hiring employer receives an NDR report that will state that a data system match was not found, meaning that the record of the individual is clean, or that a data system match concerning the motor vehicle driving record of the individual was found and indicated a:

a. Record of suspension from the previous 5-year period, if applicable.

b. Record of revocation from the previous 5-year period, if applicable.

c. Any conviction of driving under the influence (DUI), if applicable.

12. The NDR Report.

a. A completed NDR report without reference to an action taken against the pilot's driver's license is considered a clean report. If the report does indicate a clean record, add the report to the pilot/applicant's PRIA-related records file and the NDR request process is considered complete.

b. If the report does indicate a problem, however, it will point to a specific state(s) in which the problem(s) occurred. In these cases, the record will indicate a possible match, and the hiring employer is required to conduct further investigation. The hiring employer must disclose this information to the individual in an attempt to verify whether a positive match with the pointer record exists, or if the possible match pertains to another individual with similar identifying information.

c. If the resulting investigation confirms the individual as a positive match with the pointer record, the potential employer or the Designated Agent (DA) must send a second NDR request to the state(s) indicated in the initial report to determine the exact nature of the problem.

d. If the resulting investigation confirms that the individual is not a match with the pointer record, then, along with the results of the investigation, the report is considered clean, the matter closed, and the NDR request process completed for that individual.

APPENDIX I. ADDITIONAL PILOT RECORDS

What are the additional pilot records that an air carrier or air operator is expected to request to assist in the applicant review, selection, and hiring process?

An air carrier or an air operator is expected to request Federal Aviation Administration (FAA) records of proficiency/competency and airmen certification practical test results, in addition to the standard Pilot Records Improvement Act of 1996 (PRIA) request. This will require a release signed by the pilot in addition to the standard release found on all PRIA forms.

What other additional pilot records may an air carrier or air operator request to assist in the applicant review, selection, and hiring process?

An air carrier or air operator can request pilot records that include an airman's record history concerning accidents/incidents and enforcement actions (notwithstanding those records that have been expunged by the FAA) and are available through a Privacy Act or a Freedom of Information Act (FOIA) request made to the Aviation Data Systems Branch (AFS-620). Complete information and sample requests are available on the PRIA Web site at http://www.faa.gov/pilots/lic_cert/pria/guidance.

An air carrier or air operator can request pilot records that include a certificate holder's "complete airman file" that includes FAA Form 8060-5, Notice of Disapproval of Application, available by request from the Airmen Certification Branch (AFS-760) using Form AC 8060-72, FOIA Request for Copies to 3rd Party, which is available on the FAA Web site at https://www.faa.gov/documentLibrary/media/Form/AC8060-72.pdf. For additional details, contact AFS-760 toll-free at 866-878-2498.

Other airman records that may be requested include FAA Form 8060-5, including the accompanying FAA Form 8710-1, Airman Certificate and/or Rating Application, indicating a failed airman practical test by using Form AC 8060-72, which is available on the FAA Web site at https://www.faa.gov/documentLibrary/media/Form/AC8060-72.pdf. For additional details, you may contact AFS-760 toll-free at 866-878-2498.

Advisory Circular Feedback Form

If you find an error in this AC, have recommendations for improving it, or have suggestions for new items/subjects to be added, you may let us know by contacting the Aviation Data Systems Branch (AFS-620) at 9-AMC-AFS620-PRIA@faa.gov or 405-954-4655 (fax), or the Flight Standards Directives Management Officer at 9-AWA-AFS-140-Directives@faa.gov.

Subject: AC 120-68G, Pilot Records Improvement Act of 1996

Date: _____

Please check all appropriate line items:

☐ An error (procedural or typographical) has been noted in paragraph _____ on page _____.

☐ Recommend paragraph _____ on page _____ be changed as follows:

_____

_____

☐ In a future change to this AC, please cover the following subject:
(Briefly describe what you want added.)

_____

_____

☐ Other comments:

_____

_____

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

Submitted by: _____ Date: _____