

Drones and the Law



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Drones and other emerging technologies
undermine foundational assumptions.

I. Drone laws

II. What's so special about drones

III. Privacy assumptions

IV. The way forward

Drone laws



Transport
Canada

Transports
Canada

Establish three categories for the operation of unmanned aircraft taking into account the nature and risk of the particular activity.

- ‘Open’ category (low risk): Safety is ensured through compliance with operational limitations, mass limitations as a proxy of energy, product safety requirements⁷ and a minimum set of operational rules.
- ‘Specific’ category (medium risk): Authorisation by an NAA, possibly assisted by a re QE, following a risk assessment performed by the operator. A manual of operations lists the risk mitigation measures.
- ‘Certified’ category (higher risk): Requirements comparable to those for manned aviation. Oversight by NAA (issue of licences and approval of maintenance, operations, training, ATM/ANS and aerodromes organisations) and by the Agency (design and approval of foreign organisations).



EASA
European Aviation Safety Agency

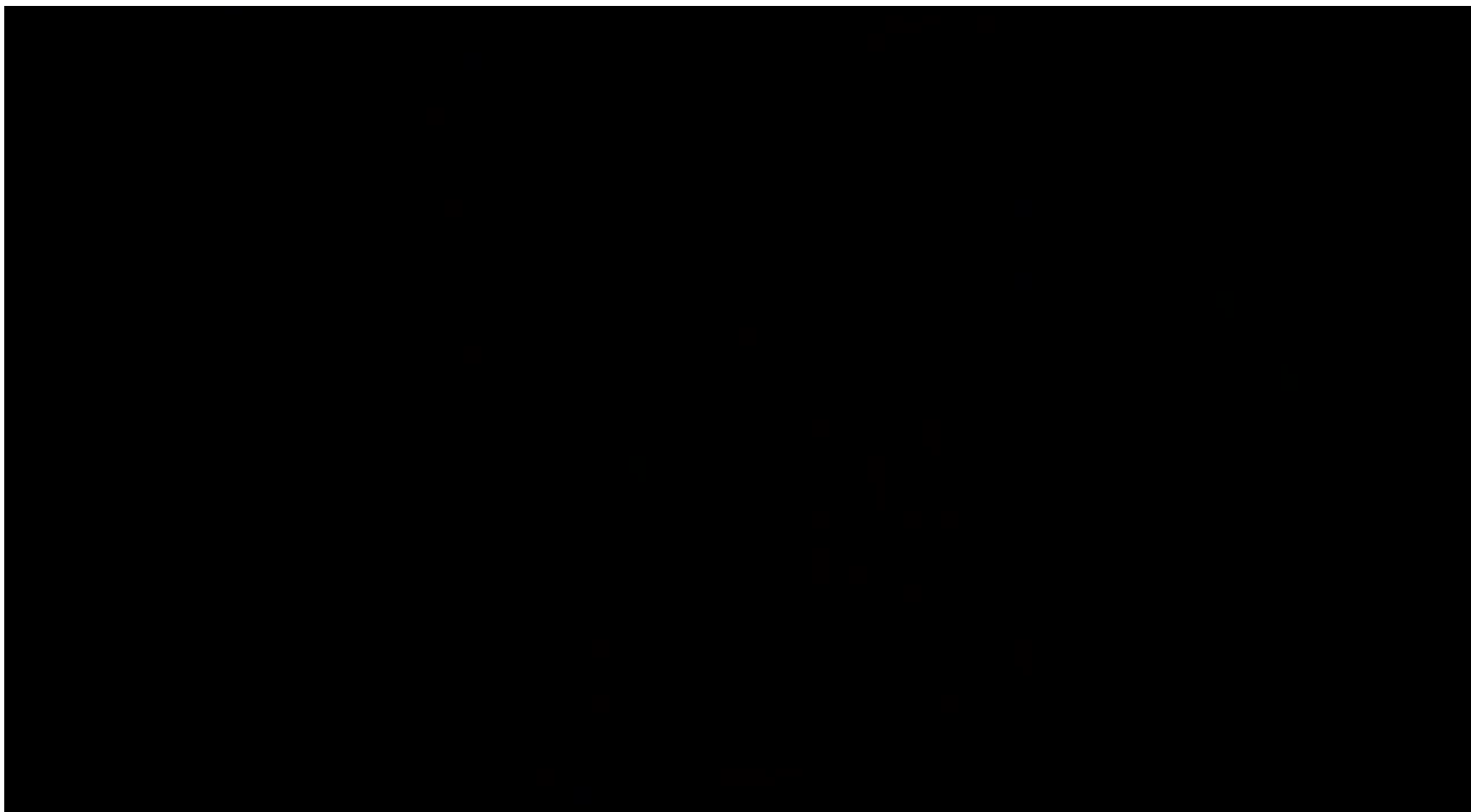
smartphone.

Is your drone safe for flight off. Ask yourself, for example, are the batteries fully charged? Is it too cold to fly?

- Closer than 150 metres from people, animals, buildings, structures, or vehicles.
- In populated areas or near large groups of people, including sporting events, concerts, festivals, and



Meet Lily







**Gregory S. McNeal** Contributor*I'm an expert in law & policy focused on security, technology & crime*Opinions expressed by Forbes Contributors are their own.[FOLLOW](#)

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Woman Faces A Year In Jail For Beating Drone Operator, Assault Caught On Video

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Flying drones for hobbyist purposes is mostly legal, but not everybody seems to understand that. Some say ridiculous things like “If a drone is flying over me, I’ll shoot it down.” Others get so worked up that they take the law into their own hands.

Take for example, Andrea Mears, a 23 year old woman in Connecticut who allegedly didn’t like the fact that Austin Haughwout was flying his drone (also known as a remote controlled quadcopter) at the beach.

According to Haughwout, he went to Hammonasset State Park in Madison, Connecticut to fly his remote control quadcopter. Soon after landing on his last of four flights, an angry woman, later identified as Mears approached him. Mears was on the phone with the police, attempting to get them to respond to the flight by claiming that Haughwout was “here taking pictures at the beach with a helicopter plane.”

“...a person can have **no reasonable expectation of privacy** in what he or she knowingly **exposes to the public...**”

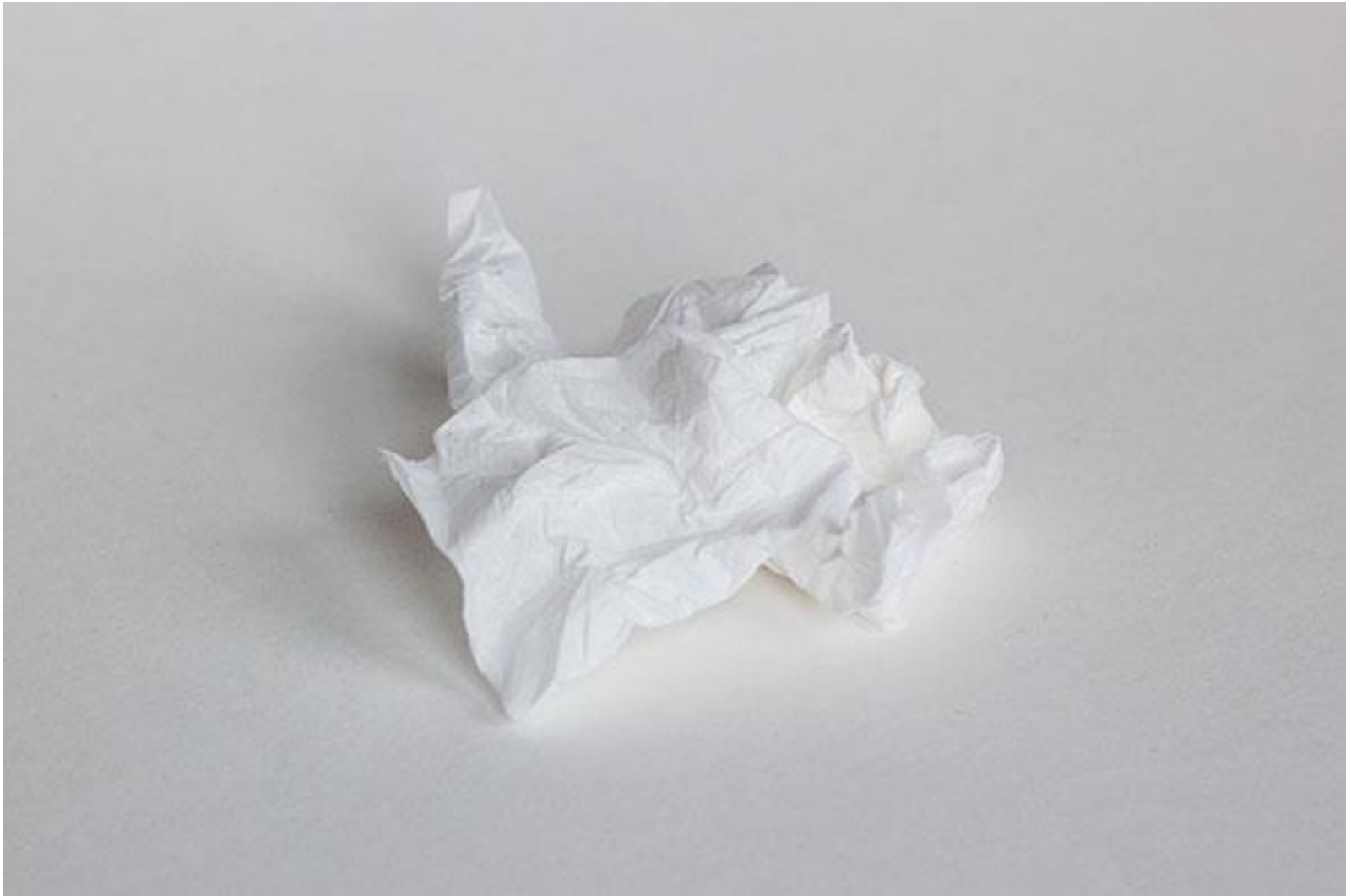
R v Tessling, [2004] 3 SCR 432



R v Tessling, [2004] 3 SCR 432



R v Patrick, [2009] 1 SCR 579



R v Stillman, [1997] 1 SCR 607



“Any member of the public could legally have been flying over Riley's property in a helicopter at the altitude of 400 feet and **could have observed Riley's greenhouse.”**

Florida v Riley, 488 U.S. 445



“people not places”

Hunter v Southam Inc [1984] 2 SCR 145

- I. Fleeting
- II. Ephemeral
- III. Anonymous
- IV. Control

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More Robust Framework

- Beyond safety
- Self-help
- Collection
- Downstream regulation
- Remedies
- Infrastructure
- Design





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