

**DEPARTMENT OF TRANSPORTATION
BUREAU OF TRANSPORTATION STATISTICS
OFFICE OF AIRLINE INFORMATION**

ACCOUNTING AND REPORTING DIRECTIVE

No. 317 Issue Date: 3/9/2015 Effective Date: Immediately

Part: 241
Section: 19, 19-7

**CLARIFICATION REGARDING ACCESS TO RESTRICTED
CONFIDENTIAL ORIGIN and DESTINATION SURVEY DATA**

Purpose:

This directive seeks to clarify the disclosure procedures relating to Origin and Destination Survey data, referencing 14 CFR Part 241, Section 19-7(d)(4). New wording adds specificity that access is limited to ***U.S. citizens and to non-citizens serving as an intermediary for a user who is a U.S. citizen.***

Background:

Per 14 CFR Part 241, Section 19-7, Passenger origin-destination survey,

(a) All U.S. large certificated air carriers conducting scheduled passenger operations(except helicopter carriers) shall participate in a Passenger Origin-Destination(O&D) Survey covering domestic and international operations, as described in the instructions manual entitled, *Instructions to Air Carriers for Collecting and Reporting Passenger Origin-Destination Survey Statistics* (Appendix A to this section),and in *Passenger Origin-Destination Directives* issued by the Department's Bureau of Transportation Statistics (BTS), Office of Airline Information (OAI). Copies of these *Instructions* and *Directives* are provided to each large carrier participating in the Survey.

(d) Data covering the operations of foreign air carriers that are similar to the information collected in the Passenger Origin-Destination Survey are generally not available to the Department, the U.S. carriers, or U.S. interests. Therefore, because of the damaging competitive impact on U.S. carriers and the adverse effect upon the public interest that would result from unilateral disclosure of the U.S. survey data, the Department has determined its policy to be that the international data in the Passenger Origin-Destination Survey shall be disclosed only as follows:

(1) To an air carrier directly participating in and contributing input data to the Survey or to a legal or consulting firm designated by an air carrier to use on its behalf O & D data in connection with a specific assignment by such carrier.

(2) To parties to any proceeding before the Department to the extent that such data are relevant and material to the issues in the proceeding upon a determination to this effect by the Administrative Law Judge or by the Department's decision-maker. Any data to which access is granted pursuant to this section may be introduced into evidence subject to the normal rules of admissibility of evidence.

(3) To agencies and other components of the U.S. Government.

(4) To other persons, upon a showing that the release of the data will serve specifically identified needs of U.S. users which are consistent with U.S. interests.

(5) To foreign governments and foreign users as provided in formal reciprocal arrangements between the foreign and U.S. governments for the exchange of comparable O & D data.

(e) The Department reserves the right to make such other disclosures of the O & D data as is consistent with its regulatory functions and responsibilities.

Clarification:

This Directive seeks to specifically clarify Section 19-7(d)(4) as shown in here in bold italics:

(4) To other persons, ***including U.S. citizens and non-citizens who are serving as intermediaries for a user who is a U.S. citizen***, upon a showing that the release of the data will serve specifically identified needs of U.S. users ***who are U.S. citizens*** which are consistent with U.S. interests.

If you have any questions regarding this directive, please contact Ivy Harrison at (202) 366-5235 or by e-mail at ivy.harrison@dot.gov

This action is taken under authority delegated in 14 CFR Part 385.19(m) of the Department's Organizational Regulations.

A handwritten signature in black ink, appearing to read "W Chadwick, Jr.", with a stylized flourish at the end.

William Chadwick, Jr.
Director,
Office of Airline Information