

# PUBLICATION

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## Are Your Aircraft's Flights (and You) Being Tracked?

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**The answer is, most likely, yes. There are many reasons people track private aircraft – because they are aviation enthusiasts, to snag a lead on a news story, to gain market intelligence on a competitor, or to leverage money out of Elon Musk by creating a Twitter account showing all his aircraft movements. If you are like most aircraft owners, you have just as many reasons why you would rather not have a lot of people knowing the comings and goings of your aircraft. The good news is that, with a few relatively simple steps, any aircraft owner can ensure their identity and aircraft movements are not easily accessible by the general public.**

The first step is to ensure the aircraft owner's name and address are not readily available when someone searches the Federal Aviation Administration's (FAA) aircraft registry. If you or your company are the registered owner, your information will pull up immediately when someone enters your tail number on the FAA's registry website. Your information will also show up when someone clicks on your aircraft on FlightAware.com, Flightradar24.com, or any of the other similar sites that track both current and historical aircraft movements.

Given that, many businesses and individuals choose to have their aircraft owned by a limited liability company (LLC) with an indistinct name. This is a good solution, but the aircraft could still be tied to its owner through the address on file with the FAA (which must be a physical address) or information available from a search of the corporations database for the state where the LLC is formed, such as the registered agent or principal address. Another option is to have the aircraft owned by a trust set up by a company that specializes in aircraft ownership trusts, where the address on file with the FAA is the address of the trust company and the trust isn't listed in a state's corporations database. In either case, however, the FAA requires the owner to file information on the ownership of the LLC – or the beneficiary of the trust – and this information can be obtained relatively easily and for a nominal fee by members of the general public by using an aircraft title company.

For those for whom privacy is paramount, there is a "double trust" solution that should avoid even aircraft title companies from disclosing the identity of the true owner of the aircraft. One caveat if using an LLC or trust to own an aircraft is that it could result in a violation of the Federal Aviation Regulations if not structured properly and therefore should not be undertaken without first consulting with an attorney who specializes in private aircraft operations.

Even if the name of the owner is not readily available, interested parties can sometimes determine the owner of a plane through circumstantial evidence such as a pattern of flights from an individual's home base or a corporation's headquarters. Particularly at smaller airports with limited large or jet aircraft traffic, it is usually fairly obvious who owns the private jets. This can create an issue because any individual with access to flight tracking software can track an aircraft's current and historical movements using its registration number. That's where the second prong of privacy protection becomes necessary.

The simplest method of preventing an aircraft from being tracked is the FAA's [Limiting Aircraft Data Displayed \(LADD\)](#) program. To participate in this program, an aircraft owner just needs to submit an email request to the FAA, which will prohibit third-party flight tracking systems from displaying information on the aircraft. However,

not all flight tracking systems rely on FAA data to track aircraft movements; some use the data broadcast by the aircraft's Automatic Dependent Surveillance-Broadcast (ADS-B) transmitter.

The risk of your aircraft being tracked through its ADS-B out transmissions can be mitigated through the use of a [Privacy ICAO Address \(PIA\)](#). The process to use a PIA is more technically involved than the LADD program and requires reprogramming the aircraft's ADS-B transmitter with a temporary, alternate ICAO address provided by the FAA that is not tied to the aircraft. One significant limitation is that the PIA program currently only works within United States airspace.

We know that many companies and high net worth individuals go to great lengths to protect their privacy. No method is completely foolproof, but preventing aircraft ownership information and flight movements from being readily accessible to the general public can be relatively simple if done properly in consultation with an experienced aviation attorney.

For more information, contact [Jim Janaitis](#) or any member of Baker Donelson's [Aviation and Aerospace Team](#).