

DOCUMENT REVIEW LOG

1. Document No.: AC 20-XX: Certification Data Retention Agreements and Government Records		2. Project Lead: Maddie Miguel, AIR-111		3. Reviewing Office:	4. Date of Review:	5. [reserved]
Organization:	Page and Paragraph No.:	Comment:	Rationale For Comment:		Recommendation:	Disposition:
AIR-500	Subject line, Cover Page	Change wording in subject line.			Add the word "Certification ".	Adopted
AIR-500	Paragraph 1(b), Cover Page	Delete the following words.			Delete the words "advisory circular (AC)".	Adopted
AIR-500	Paragraph 2, 1st sentence, Cover Page	Incorrect format.			Use the acronym "TC", after the words "type certificate".	Adopted
AIR-500	Paragraph 2, 2nd sentence, Global Change	The term "type certificate" has already been defined.			Use the acronym "TC" after the first usage.	Adopted

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AIR-500	Paragraph 3, 2nd sentence, Cover Page	Clarity		Check records management manual to verify sentence.	Non Concur. Not Adopted. Sentence was obtained from FAA Order 1350.14A, <i>Records Management</i> , Chapter 1, par. 9.a. (page 3).
AIR-500	Paragraph 1, Page 1	Change wording of paragraph title.	Applicability is in Paragraph 2.	Rewrite title to read: Purpose.	Adopted.
AIR-500	Paragraph 4b(1), Page 2	Incorrect format.		If you use one subsection (1), then you to another one (2). Or combine the text with the previous paragraph.	Adopted.
AIR-500	Paragraph 4b(1), 3rd sentence, Page 2	Need to consider NARA's requirements.	When placing data in an electronic format, it has to be readable for FAA and the National Archives and Records Administration (NARA) since they maintain our records when they are transferred over to them. Also, these types of documents (TC and STC) are permanent records which at some point become property of NARA once the FAA disposition comes to an end.	Rewrite to read: ...all data in a format that is readable by the FAA and the National Archives and Records Administration (NARA).	Not Adopted. This is an AC and NARA requirements are not applicable to industry.
AIR-500	Paragraph 4(a), 2nd sentence, Page 2	Delete wording.		Delete the "you" and replace with the words "the holder".	Non-concur. Not Adopted. AC has been written in plain language. "You" is the applicant/DAH.

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AIR-500	Paragraph 4(b), 4th sentence, Page 2	Delete letter.		Delete the letter "O" in the word "MOA".	Adopted.
AIR-500	Paragraph 4(b), 6th sentence, Page 2	Change wording and improper punctuation.		Add the word "they" after the word "product", and delete the period "."	Partially adopted. Insert the word "that" instead of "they".
AIR-500	Paragraph 4b(1), 5th sentence, Page 2	Need to consider NARA's requirements.		Rewrite to read: When the data is transferred to another media, you will ensure the FAA and NARA have the means to access all previously...	Not Adopted. This is an AC and NARA requirements are not applicable to industry.
AIR-500	Paragraph 4(b) Figure 1, Page 3	Clarity.		Consider what data needs to be captured in EFS for knowledge management purposes. Consider coordination w/Steve Flanagan.	Non concur. Don't understand comment. Figure 1 calls for what data needs to be collected per regulatory requirements, regardless if stored with the FAA or the applicant/DAH. Also, EFS must be aligned with the regulatory requirements.
AIR-500	Paragraph 4(b) Figure 1, Page 3	Improper punctuation.		Delete "\$\$" in Figure 1.	Adopted.

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AIR-500	Paragraph 5(1), Page 3	Define the term “USO”.		Use the acronym “USO” after the first usage.	Adopted
AIR-500	Paragraph 6(a), 1st sentence, Page 4	Change wording.		Delete the word “formal”.	Adopted
AIR-500	Paragraph 6(a), 1st sentence, Page 4	Change wording.		Delete the letter “s” after “DER”.	Adopted
AIR-500	Paragraph 5(1) – (4), Pages 3 & 4	Incorrect format/labeling of subparagraphs.	Inconsistent with the rest of the document. Delete the numbering (1) – (4).	Replace with numbers. Rewrite to read: 5. FAA Safeguard Measures. a. b. c. d.	Adopted.
AIR-500	Between Paragraph 5(1) & (2) and between 5(3) & (4), Pages 3 & 4	Missing space.		Place a space between Paragraph 5(1) & (2) and between 5(3) & (4).	Adopted.
AIR-500	Paragraph 6a –f, Page 4	Incorrect alignment.		Align the labeling of the subparagraphs to appear directly under the first term in the main paragraph title.	Adopted.

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AIR-500	Paragraph 6(c), Page 4	Define the term “DAH”.		Use the acronym “DAH” after the first usage.	Adopted.
AIR-500	Paragraph 7a – f, Page 5	Incorrect alignment.		Align the labeling of the subparagraphs to appear directly under the first term in the main paragraph title.	Adopted.
AIR-500	Paragraph 7a – d, Page 5	Incorrect format.		Return all text on the second line or beyond to the left margin.	Adopted.
AIR-500	Paragraph 8b, 1st sentence, Page 5	Outdated information.	We do not print or stock our documents anymore. They can only be retrieved electronically.	Delete the complete first sentence and add the web address for the RGL http://rgl.faa.gov .	Adopted. Eliminated outdated information and added web addresses.
AIR-500	Paragraph 8(b), Page 5	Missing comma.		Place a comma after the word “copies”.	Non-concur. Not adopted.
AIR-500	Signature Block, Page 5	Incorrect spacing.		There should be five spaces between the last paragraph and signature block.	Non-Concur. Don’t understand the comment. There are already 5 spaces.
ANM-106B	General	Entire document	Similar language is used in 8110.54A	Change reference from ACO to	Adopted. Changed to “ACO

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		references ACO; it should be "ACO or directorate office responsible for design approval activity."	the MPD AC to include offices like BASOO/GASOO, etc.	"ACO or directorate office responsible for design approval activity."	or directorate office responsible for design approval activity."
ANM109	General	Suggest that the retention times (how long data must be retained) be noted in here.	Provides industry (and FAA) clarity on records retention requirements.		Adopted. Specified "Permanent" per FAA Order 1350.14A, <i>Records Management</i> , FAA-IR-04-01B, <i>Records Management Requirements Manual</i> , and Job Aid # N1- 237-05-003_sf115.pdf.
ANM-103	General	If the final AC states that a Data Retention Agreements is a stand-alone document, adequate guidance needs to be disseminated to technical and records personnel specifically citing the records schedule item number and retention period for the agreements.			Non-concur. Disagree with comment. This information is already covered in FAA Order 1350.14A, Records Management, FAA-IR-04-01B, Records Management Requirements Manual, and Job Aid # N1- 237-05-003_sf115.pdf.
Eric Schrieber ANM-120L	Page 1, 2. End of first line	Remove double plural.	Grammar.	Change to "for type certificates and type certificates holders."	Adopted.
Eric Schrieber	Page 1, 4. general	The para. 4 title, "Data Submitted for Approval" is	This para. does not cover data that is submitted for approval, it covers type design and substantiating data and	Re-name part 4. If you get rid of the sub-paras per above comment, you could just rename para. 4 to	Partially adopted. Renamed paragraph as "Data

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ANM-120L		not descriptive and should be changed.	what data should be retained.	“Data to be Retained,” or “Project Data,” or “Type Design and Substantiating Data”	Submittal.”
ANM-103	Page 2, b.	The retention agreement should be a stand-alone document rather than be included in a PSP or PSCP.	If the PSP were dissolved or superseded, the Data Retention Agreement would also be dissolved, or would have to be rewritten. Data Retention Agreements should apply to the company, not just to specific projects.	Consider requiring the Data Retention Agreement to be a stand-alone MOA.	Partially adopted. Added PSP or stand-alone MOA. Removed PSCP.
ANM-103	Page 2, b.	“...must not be destroyed and must be maintained throughout the life cycle of the approval.” This is not accurate because Type Certification records are permanent records.	Refer to the update of FAA Order 1350.15C, (NARA Approval & Job Number N1-237-05-3) wherein the disposition of Type Certification records was updated from “until aircraft is no longer in existence” to “Permanent. Offer to NARA 100 years after cutoff.”	Change AC to reflect that any records retained by the applicant under a Data Retention Agreement must be retained in accordance with the current FAA Records Schedule.	Not Adopted. This is an AC and NARA requirements are not applicable to industry.
ANM109	Page 2, 4a.	Suggest last sentence also included language re: design data not submitted to the FAA.	If certain findings are delegated or analysis is on paper but not required to be submitted, then presumably this is addressed by MOA.	Clarify.	Non concur. Type design data and substantiation data must be submitted to the FAA (Recall 14 CFR 21.21(b) and 21.33). For project related data, this is always true whether the findings have been delegated or not. This is in agreement with Order 8110.4C and AC 21-48.
ANM-106B	Page 2, 4b.	Regarding reference to ACO Manager, should also include Aviation Safety Oversight Office	Aviation Safety Oversight Offices have same requirements for data retention for type design and substantiation data.	Consider Adding ASOO to AC.	Non concur. Out of Scope. Per 14 CFR 183.61 the ODA holder is required to maintain all ODA project data records.

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		Manager (ASOO)			This is already covered in the FAA Order 8100.15A. Requirements are different per 14 CFR 183.61. For Example, each ODA Holder must ensure that the records are maintained for the duration of the authorization and not permanent. For ODAs, there are additional requirements, such as Procedures manual (per 14 CFR183.53), ODA Unit members names, qualifications, ODA members training records, etc..
ANM109	Page 2., 4b(1)	Are there specific sources which require the electronic storage, retention, and retrievability?	It is my understanding that there are government agencies evaluating this but there is no standard yet.		Answer to Question. The answer to the question is Yes, the name of the agency is National Archives and Records Administration (NARA). Website is http://www.archives.gov/records-mgmt/initiatives/erm-overview.html
Eric Schrieber ANM-120L	Page 2, 4b., Middle of 1st paragraph	The data retention agreement should not be defined in a PSCP.	The appropriate place for the data retention agreement in almost every case is in a PSP or MOA. This is because the agreements typically cover more than one project. Even in the case of a single STC or TC project with data retention, since the data would be retained for post certificate	Change to “The data retention agreement could be part of a Partnership for Safety Plan (PSP), or a stand alone MOA.”	Adopted.

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			design changes, the agreement would need to be separate from the PSCP. Mentioning PSCP as a possible location for a data retention agreement here would probably cause some confusion.		
Eric Schrieber ANM-120L	Page 2, 4b., 1st paragraph	Following sentence needs editing: “In either case, these data are a permanent record of the type certificate of the product must not be destroyed and must be maintained throughout the life cycle of the approval.”	Sentence is grammatically incorrect and also needs to be broken into two sentences. It is also unclear what “either case” is referring to, but it may be the case where data is retained by the FAA versus retained by the certificate holder.	Suggested rewrite: “Whether the data is retained by the FAA or by the certificate holder on behalf of the FAA, it is a permanent record of the type certificate. The data must be maintained throughout the life cycle of the approval.”	Non-concur, Not Adopted. Per . FAA-IR-04-01B, <i>Records Management Requirements Manual</i> , the data is to be kept permanently.
ANM-100D	3, Figure 1 Note	Currently states, “...the type design data must display a means to indicate FAA approval.”	New 8110.4 language moves away from “FAA approval” at the lower document levels.	Suggest, “...the type design data must display a means to indicate FAA approval for those items specifically noted on the face of the approving certificate.”	Non concur. Not Adopted. Note has been removed because marking type design data as “FAA approved” can cause problems in industry. Making such a mark on the type design data could, in and of itself invalidate it. Type design data that is approved is documented by FAA forms and should not appear directly on the design data or substantiation.

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<p>Eric Schrieber ANM-120L</p>	<p>Page 3, 4c</p>	<p>Para. 4c does not add anything that has not been covered in 4.b. and can be deleted.</p>	<p>Except for the last sentence, this information was already covered in 4b. Also, the 2nd sentence of this paragraph may not be accurate because not all documents show a decision or action taken by the FAA.</p>	<p>Delete 4.c. except for the last sentence. Move the last sentence into the end of para. 4.b. Consider merging 4a. and 4 b.</p>	<p>Partially Adopted. Paragraph 4.c. deleted, except for the last sentence which was merged into paragraph 4.b. However, I did not merge 4.a. and 4.b.</p>
<p>ANM109</p>	<p>Page 3, 5.</p>	<p>This paragraph seems a little out of context with the rest of the AC.</p>	<p>The AC details data retention and agreements. FAA responsibilities of data apply during a project as well as after (when the records are such).</p>	<p>Include this guidance, if needed, of FAA policy as a reminder to FAA employees. If needed herein, include as a note for applicants.</p>	<p>Non concur. While asserting our ownership of the data, we are also saying in this paragraph that we have to reassure applicants and DAH's that we protect their intellectual property rights, by not releasing data in our possession.</p>
<p>ANM-103</p>	<p>Page 4, 6.c.</p>	<p>Spell out Design Approval Holder the first time it is used in the document.</p>			<p>Adopted.</p>
<p>Eric Schrieber ANM-120L</p>	<p>Pg. 4-5, 6.</p>	<p>Method of requesting data and contact information should be specified in the data retention agreement (ie., assigned person, phone number, email, etc.). Data retention agreement needs</p>	<p>This is an important element that needs to be included in all data retention agreements.</p>	<p>Add another sub-para. to para. 6., (6.x.) to specify: 6.x. The agreement will include the method the FAA is to use to request data when necessary. This includes the name and contact method for someone authorized to access all records in the event of an emergency after working hours, weekends or holidays, in the event of an accident or incident. This employee will be required to provide FAA with immediate</p>	<p>Partially concur. Added the following sentence in 6.a.(4) instead: "The agreement will include the method the FAA is to use to request data when necessary. This includes the name and contact method for someone authorized to access all records in the event of an</p>

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		to include how data is requested in case of an after working hours emergency.		access to the records upon FAA request.	emergency after working hours, weekends or holidays. This employee will be required to provide FAA <u>with access to the records upon FAA request</u> . Also, the company will send the FAA a copy of any and all files requested by the FAA when the company is remotely located and is not practical for an FAA employee to travel to the company's facility to review data.” This was done to be consistent with 6.a.(3) to allow the applicant to specify the time interval to make the data available upon request.
Eric Schrieber ANM-120L	Page 4-5, 6.	Need to include provisions for the type certificate holder with the data retention agreement (TCH) to keep the ACO informed regarding what data they currently have in their retention.	Add new sub para. to para 6 (6.x.) to include provisions for the TCH to periodically send the ACO this information.	Add new para. 6.x. to specify: 6.x. The agreement will include the method and frequency by which the TCH will provide the FAA with a list of all project files that are in their repository.	Adopted.
ANM-106B	Page 5, 7.	Some of the words used in 7. should be replaced as proposed.	Orders tell FAA employee and designees what to do; not the applicant/company.	Suggest revising to: 7. Data Retention Agreement Format. A data retention agreement format will typically	Adopted.

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				<p>contain the following:</p> <p>a. Cover page containing title of data retention agreement, including you the company name, effective date, and revision(s) information.</p> <p>b. Signatures of representatives from both the FAA and you the company. A representative could be an executive, such as your company president or a vice president. In regards to the FAA, the representative must be the ACO manager.</p>	
Manzoor Javed, ACE-116C, 847-294-8112	General	This draft AC lists, as a minimum, what a data retention agreement must contain. However, it does not provide a template to use for drafting such agreements.	A template for data retention agreement will be very beneficial, will save time, and will bring standardization among various ACOs.	<p>Suggest adding a template:</p> <ol style="list-style-type: none"> 1. For data retention agreement, 2. For data retention agreement transmittal letter. 	Non-concur. Not Adopted. Too prescriptive.
ACE-115A	Pg. 1: para 1	AC21-48 only addresses the requirements for electronic models. AC21-48 refers the user to FAA Order 8000.79	Need to identify requirements for those DAH's that want to use an electronic data storage system but not electronic modeling. Provide consistency with AC21-48.	Add a new subparagraph b that reads "if you are planning to use an electronic data storage system as your means of retention for your type design data, we recommend you follow the guidance outlined in FAA	Non-Concur. Cannot refer the reader to internal directives. There are no adequate ACs published to cover electronic data storage procedures, except for current AC 21-48.

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		for the requirements for an electronic data storage system.		Order 8000.79, "Use of Electronic Technology and Storage of Data." FAA Order 8000.79 describes an acceptable means for using electronic technology for data storage." Renumber following subparagraphs.	
ACE-115A	Pg 2: para 4.b.	Some applicants believe that data they retain may not be used to support FAA activities beyond their projects.	Need to specify that the FAA may use the retained data to support projects by other applicants. Provide consistency with AC21-48.	Add a final sentence to the paragraph that reads "FAA personnel may use the project data retained by you for any legal purpose including for reference or evaluation of any subsequent applicant's submitted data."	Partially Adopted. Added the following sentence in the middle of paragraph 4.b., " The FAA may use the project data retained by you for any official purposes such as production inspections, technical oversight of designees, design reviews, continued operational safety oversight, or any other reasons deemed necessary by the FAA."
Roy Boffo, ACE-117C, 847-294-7564	Page 2, Paragraph 4.b.	Data Retention Agreements used to be addressed in Order 8110.4. A list of documents that the FAA needs to keep on file and not the design holder was in	The draft AC 20-XX for Data Retention and the Order don't address any documentation that is required to be maintained at an FAA Facility.	Put the list back in the Order or state that the complete FAA File can be held and maintained by the design approval holder in the AC.	Non-Concur. This is covered in Figure 1 of the AC and Draft Order 8110.4D has the same information in chapter 9, figures 9-1 and 9-2.

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		Appendix 10.			
ACE-115A	Pg 2; para 4.b(1)		Paragraph 6e and 6f discuss the ??????????????????	Revise the 3 rd sentence to read “You are also responsible for providing the FAA with all data in a format that is readable by the FAA whether the data is provided as part of a certification project or return of data due to termination of the data retention agreement or because of cessation of operations by the DAH.”	Non Concur. Paragraph 6 gets into detailed procedures. What you are suggesting is already covered in par. 6. Paragraph 4.b. is a high level instructions on what type of data can be maintained under an agreement and for electronic data system, what extra steps must be in place.
ACE-115A	pg 3, Figure 1	Inspection records need to be retained.	Conformity inspection records need to be retained as part of the FAA file to document the configuration tested during the project including tolerances and any deviations. These records can be needed as reference for any future possible service difficulty investigations or future design changes.	Add to Figure 1 “Company and FAA Conformity Inspection Records”	Adopted.
ACE-115A	pg 4, Paragraph 6	Instructions need to be added that require the company to safeguard the data.	Company needs to control access to and removal of the data from their FAA Data file. Changes to the data files needs to be restricted. These requirements are needed to ensure that the FAA data file remains as it was when it was approved and to ensure the file remains intact.	Add to Section 6, page 4, “The agreement must ensure the company controls access to and removal of data from the FAA data file. The company must also ensure that changes to the files after approval is restricted.”	Partially Adopted. Added sentence to this section as par. 6.a.(6) - “Assurance that the company controls access to and removal of data from the FAA data file.” Second proposed sentence is not necessary.

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ACE-115A	pg 4, Paragraph 6.c.	A copy of any of the files should be sent to the FAA upon request.	The Draft AC only requires the data to be available for our review. The FAA should not have to travel to the company to review the data so the company should be required to send any requested information directly to the FAA.	Add to Section 6.c., “The company will send the FAA a copy of any and all files requested by the FAA.”	Adopted. Added the following statement: “Also, the company will send the FAA a copy of any and all files requested by the FAA when the company is remotely located and is not practical for an FAA employee to travel to the company’s facility to review data.”
ACE-115A	pg. 4, Paragraph 6.f.	What to do when a company surrenders a certificate or goes into bankruptcy or foreclosure needs to be addressed.	The Draft AC needs to address what happens to the FAA data file when certificate is surrendered, or the company dissolves so that the FAA gains custody of the file rather than the bank.	Add to Section 6.f. “Should the company elect to surrender a type certificate or STC, or if the company is dissolved, enters bankruptcy or foreclosure, the data agreement must require the company to forward all data associated with the certificate to the FAA ACO.”	Adopted.
Mark Grace, ACE-118C, 847-294-7377	Para 4.b.(1) & Para 6.d.	Over time, the data readability may degrade (due to software evolution) to a point that the data requires extraordinary effort to read and understand.	I have experience with companies providing government required data in a format that was not easily human readable. I think we are looking for the data “readability” to remain consistent with original submission.	Change wording From: “is readable by the FAA.” To: “is human-readable by the FAA.”	Not Adopted. This is an AC and NARA requirements are not applicable to industry.

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ACE-115A	Pg 5; para 6f	There is no discussion of what is required if the DAH ceases to operate.	FAA AC21-48 requires procedures for when the DAH terminates operations without transferring the certificate to another entity. This AC needs to address this situation (as part of the MOU) so that the FAA doesn't end up with unreadable data.	Expand subparagraph 6f to require that the MOU for data retention include provisions for the cessation of operations by the DAH.	Adopted.
AIR-40	2	Consider adding "domestic" to the first sentence to clarify that 21.29 approvals are not covered by this AC.	Any data retention agreement would be with the State of Design Civil Aviation Authority (CAA) and the design approval holder (DAH). The bilateral agreement between the US and CAA contains provisions for proprietary data sharing and protection between authorities.	"This AC applies to <u>domestic</u> applicants for type certificates..."	Adopted.
AIR-40	5(4)	Consider adding "bilateral agreements" to the list of documents that can override the need for explicit permission from the	Bilateral agreements may contain provisions for sharing proprietary data with partner CAAs for designs submitted by the applicant through the FAA for foreign design approval. This situation could occur if a US DAH receives a 21.21 approval and then applies for a foreign approval based on the U.S. TC/STC etc.	"The requestor of the proprietary data can cite a statute, <u>bilateral agreement</u> , or written order from a higher governmental authority..."	Adopted. It is now in paragraph 5.d.

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		DAH.			
ANE-173/FP	Page 1, par. 4	“Data Submittal for Approval” should be replaced with “Data Submittal”	The wording “Approval” needs to be removed or changed so that the AC incorporates the accountability framework defined in draft order 8110.4D.		Adopted.
ANE-173/FP	Page 2, par. 4b	The first sentence talks about “project data” and also “type design and substantiation data”. The second sentence states that “some or all of these data” may be maintained as part of the agreement. This must be corrected since the “project data” must be maintained by the	Paragraph 2-7f(1) of order 8110.4C states that project data is maintained by the ACO or MIDO. Also see appendix 10, figure 1 of the Order. Per paragraph 2-7f(2) only the type design and substantiation data may be maintained by the applicant/TC holder. Also see appendix 10, figure 2.		Adopted. Text has been corrected as recommended.

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		ACO/MIDO.			
ANE-173/FP	Page 3, par. 4c	This paragraph needs to be removed or will require a deviation to order 8110.4c.	Paragraph 2-7f(1) of Order 8110.4C states that records/documents showing the decision or action taken by the FAA on the project must be maintained by the FAA. Also see appendix 10, figure 1 of the Order.		Adopted. Paragraph has been removed. I only retained the very last sentence and merged with subparagraph 4.b. above.
ANE-141	Page 1, par. 1.a.	Insert “(DAH)” after “...design approval holders...”	DAH is used later in the document without it being defined earlier.	See comment.	Adopted.
ANE-141	Page 2, par. 4.b.	Insert a comma in the next to last sentence between “product must”	Correct grammar	See comment.	Partially Adopted. Re-wrote the sentence differently.

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ANE-150	Page 1, par. 2	Why doesn't this extend to TSOA holders?	Order 8150.1C allows for record keeping by TSOA holders. This guidance should cover how they set up those agreements.	Add TSOA holders to list of applicants identified in paragraph 2.	Non Concur. The TSO Order SME is in the process of adding detailed procedures similar (but not identical) to the procedures in this AC in both Order 8150.1() and AC 21-46(). TSOA normally present unique situations to be addressed separately by the organization responsible for that policy (AIR-120).
ANE-150	Page 3, Figure 1	This should be expanded to cover data requirements specified in the TSO.	To allow this AC to apply to TSOA holders.	Add a line to say "Data requirements as specified in a TSO per 14 CFR 21.603(a)(2)."	Non Concur. The TSO Order SME is in the process of adding detailed procedures similar (but not identical) to the procedures in this AC in both Order 8150.1() and AC 21-46(). TSOA normally present unique situations to be addressed separately by the organization responsible for that policy (AIR-120).

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ANE-150	Page 3, note under Figure 1	The first sentence in this note should be further explained.	Type design data, even hard copy, does not always indicate that it is FAA approved. FAA approval may be indicated by referencing an MDL revision on an STC. The MDL and lower level drawings are not necessary marked “FAA approved.”	Clarify comment.	Non concur. Not adopted. Note has been removed because marking type design data as “FAA approved” can cause problems in industry. Making such a mark on the type design data could, in and of itself invalidate it. Type design data that is approved is documented by FAA forms and should not appear directly on the design data or substantiation.
ANE-150	Page 1, par. 2	The general data retention agreement procedures would apply also to TSOA applicants and holders.	Order 8150.1C, par. 8-7(c) and (d) allow for MoU/MoA’s for TSOA applicants for data retention. Currently does not extend to TSO LODA applicants.	The procedures described in this AC also apply to parts manufacturing approval (PMA) and Technical Standard Order Authorization (TSOA) applicants and holders.	Non Concur. The TSO Order SME is in the process of adding detailed procedures similar (but not identical) to the procedures in this AC in both Order 8150.1() and AC 21-46(). TSOA normally present unique situations to be addressed separately by the organization responsible for that policy (AIR-120).

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ANE-150	Page 3, par. 4(c)	As a stand alone MOA is discussed, which will not be project specific, documentation of what the applicant is maintaining should be added to the FAA design approval project file.	For a stand-alone MoA, each specific project file may not be populated with its information. When retrieving the past file for a person not knowledgeable of any such agreements may identify the project file as missing records the ACO were to retain.	For data retention agreements not identified in the PSCP, documentation of data returned to applicant that they are maintaining on the FAA's behalf should be placed in the project file.	Out of Scope. What you are suggesting seems to be FAA employees' procedures to be followed, and not applicants/DAHs' procedures. Also, FYI - The appropriate place for the data retention agreement is in a PSP or stand alone MOA. This is because the agreements typically cover more than one project. Even in the case of a single STC or TC project with data retention, since the data would be retained for post certificate design changes, the agreement would need to be separate from the specific project file.
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ANE-150	Page 3, par. 5	Please clarify the purpose of this paragraph. Are these areas the applicant must address as part of the data safeguard measures in paragraph 7(f)?	As the data is still FAA data as indicated in par. 4(c) , there is no need to inform the data retention holder of the different ways the FAA may release proprietary data.	The data retention holder only needs to understand the data held is still FAA data. Release of any data to the public or other federal agencies are not allowed by the holder under authorized by their local FAA ACO office.	Non concur. Not Adopted. First sentence of paragraph 5 explains that FAA employees have an obligation to protect applicants/DAHr proprietary data from unauthorized release. Unauthorized release of certain information by a federal employee is a violation of Title 18 of the United States Code (U.S.C.), section 1905. Some of the circumstances in which the FAA can release proprietary data to the public or other federal agencies are further described in the paragraph 5.
ANE-150	Page 4, par. 6(a)	This paragraph as worded still requires the applicant to submit all the type design and substantiating data. Is there a need to receive this data with those with a	This would incur costs to send data back for data retention or duplicate data destroyed per the agreement. Regulatory compliance determinations based on project assessment on accepting company or designee data would not need to be reviewed by the FAA. Receipt of the data could be established by a listing of those data retained under the agreement.	The applicant will submit by means of a formal/cover letter of transmittal to the FAA a listing of all the type design and substantiation data..., maintained by the applicant under the data retention agreement. All type design or substantiation data requiring FAA involvement should be submitted.	Partially concur. Rewrote par. 6.a. like this: <p style="margin-left: 40px;">a. “ A data retention agreement is a formal written document signed by you and the FAA, specifying which certification records/data will be retained by you. As a minimum, the data retention agreement must include the following provisions:</p> <p style="margin-left: 80px;">(1) A list of all the type design and substantiation</p>

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		data retention agreement for items that will not need FAA involvement in the review?			data, including those data found compliant by designated engineering representatives (DERs). Submit this information in a cover transmittal letter for all type certification activities or other FAA approval activity. The submittal must also contain the identification of the specific airworthiness requirements with which the record shows compliance in accordance with 21.20(a) (i.e., compliance listing). In the case of applicants, the submittal must contain the identification of the specific airworthiness requirement with which the record intends to show compliance.”
ANE-150	Page 4, par. 6(a)	If submitting all data, this should be limited to FAA managed projects and not all ODA projects.	The ODA holder is required to maintain all ODA project data records per 14 CFR 183.61.	Limit data submittal to FAA managed projects or FAA involvement items requiring review.	Adopted. Good catch. Removed reference to ODA and ASOO in the document.

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ANE-150	Page 4, par. 6(f) - now 6.h.	If an agreement is not transferable, the starting decision listed should be to transfer the data at its facility to the FAA and not to the new holder.	The assumption should be that no new agreement with the new holder has been reached and written that way.	If the TC is transferred, the previous holder will transfer all FAA records retained to the FAA, unless the new holder has entered into their own agreement. The FAA will notify the previous TC holder if an agreement has been made. If an agreement exists, the previous TC holder will transfer all FAA records to the new holder.	Adopted. Inserted suggested sentences.
ANE-150	Page 5, par. 6(f) – now 6.c.	There is no need to last sentence. The items listed as areas where records do not need to be returned to the FAA are also not a correct decision point.	It does not matter the storage location, method or availability if records are returned to the FAA, just having a new signed data retention agreement would indicate the FAA would not need to receive the files.	Delete sentence. As indicated previously, if a new agreement is in place, the previous TC holder will transfer all records to the new holder. There is no need based on that to submit the records to the FAA and that decision was not based on the 3 areas listed.	Partially Adopted. Inserted the following suggested sentences for clarity: “ If a TC is transferred to another entity, the previous type certificate holder will transfer all FAA records retained at its facility to the FAA, unless the FAA has advised the previous holder that the new holder has entered into their own data retention agreement with the FAA (i.e., when a certificate is transferred, the new holder must negotiate their own data retention agreement with the FAA if they desire to enter

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					<p>into a data retention agreement). The FAA will notify the previous TC holder if an agreement has been made with the new holder. Once the new agreement exists, the previous TC holder will transfer all FAA records to the new holder. However, if the new TC holder does not wish to enter into a data retention agreement with the FAA, then the previous TC holder must return all the FAA records that were retained at its facility to the appropriate/cognizant FAA office prior to the certificate transfer. This will require the previous TC holder to provide the FAA with all data in a format that is readable by the FAA. If the physical location does not change, the records are maintained intact, and the storage method does not change, then there is no need to return the records to the FAA, provided a new signed data retention agreement is in place between the new type certificate holder and the</p>
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					FAA.”
ANE-150	Page 5, par. 7(f)	Please clarify data safeguard measures the holder must address in the agreements.	It is unclear if the holder just needs to address para. 5 of this AC, or the topics in para. 4(b)(1); storage, maintenance and backup capabilities.	See comment.	Adopted. Made reference to par. 4.b. in 7.f.
ASW-170	General	Data retention agreements should address the possibility of foreign countries being the type design holder, and where geographically those records must be kept on our behalf.	If data is retained on our behalf in a country other than the U.S., we may not have the authority to go into that country and obtain records for issues with the foreign built and designed aircraft, where the U.S. is the state of design and the TC is a U.S. 14 CFR 21.21 issued certificate.	Require for U.S. issued 14 CFR 21.21 Type Certificates, Data be maintained in the U.S.	Concur. Agree with Statement. This AC is limited to US domestic applicants and DAHs.

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ASW-190	ALL	Can a Sharepoint site be set to store data retention agreements so each ACO can see what others are doing?	This may provide some standardization in working with applicants.	Set up a site with all data retention agreements uploaded.	Out of Scope. Not Adopted.
ASW-190	4(b)(1)	What type of storage requirements are required for data retained by the DAH?	FAA Order 1350.14 is hard to understand so clarifying it here would be beneficial. It only says they are required to control storage, maintenance and back up. Not sure what this means.	Clarify what type of storage requirements are required, i.e., fire proof cabinets?, hurricane proof room?, et., etc.?	Non concur. That would be too prescriptive.

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ASW-190	6(b)(1)	States “You will identify in your transmittal letter those portions of the record which you consider proprietary”	This is not being done today with files submitted to the FAA for retention, why would it be required today?	Remove requirement.	Non concur. Answer to question: Because of FOIA policy. It is discussed in the AC in paragraph 5.
ASW-190	6(c)	States “must specify the time interval requested data will be available for review after a request is received.”	We should put a requirement in here of 48 hrs.. Leaving it open will lead to inconsistencies and non standardization in the FAA.	Standardize timeframe.	Partially concur. Added the following sentence in 6.a.(4) instead: “The agreement will include the method the FAA is to use to request data when necessary. This includes the name and contact method for someone authorized to access all records in the event of an emergency after working hours, weekends or holidays. This employee will be required to provide FAA <u>with access to the records upon FAA request</u> . Also, the company will send the FAA a copy of any and all files requested by the FAA when the company is remotely located and is not practical for an FAA employee to travel to

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					<p>the company’s facility to review data.”)</p> <p>This was done to be consistent with 6.a.(3) to allow the applicant to specify the time interval to make the data available upon request.</p>
ASW-190	6(e)	<p>States “ if agreement is terminated all records must be returned to the FAA” –</p> <p>Question: In what format? Will paper copies be required? Or will CDs, flash drives, hard drives, etc. be accepted?</p>	<p>Not clear on this requirement.</p>	<p>Clarify.</p>	<p>Not Adopted. This is an AC and NARA requirements are not applicable to industry.</p>