(A) Must obtain in connection with the exception contained in §382.301, and
(B) Must obtain as required by §382.413.

(3) Records related to other violations of this part.
   (i) Records related to evaluations:
       (A) Records pertaining to a determina-
           tion by a substance abuse profes-
           sional concerning a driver’s need for
           assistance; and
       (B) Records concerning a driver’s
           compliance with recommendations of
           the substance abuse professional.
   (4) Records related to education and training:
       (i) Materials on alcohol misuse and
           controlled substance use awareness, in-
           cluding a copy of the employer’s policy
           on alcohol misuse and controlled sub-
           stance use;
       (ii) Documentation of compliance
           with the requirements of §382.601, in-
           cluding the driver’s signed receipt of
           education materials;
       (iii) Documentation of training pro-
           vided to supervisors for the purpose of
           qualifying the supervisors to make a
determination concerning the need for
           alcohol and/or controlled substances
testing based on reasonable suspicion;
       (iv) Documentation of training for
           breath alcohol technicians as required
           by §40.213(g) of this title; and
       (v) Certification that any training
           conducted under this part complies
           with the requirements for such train-
           ing.
   (5) Administrative records related to
           alcohol and controlled substances test-
           ing:
       (i) Agreements with collection site
           facilities, laboratories, breath alcohol
           technicians, screening test technicians,
           medical review officers, consortia, and
           third party service providers;
       (ii) Names and positions of officials
           and their role in the employer’s alcohol
           and controlled substances testing pro-
           gram(s);
       (iii) Semi-annual laboratory statisti-
           cal summaries of urinalysis required
           by §40.111(a) of this title; and
       (iv) The employer’s alcohol and con-
           trolled substances testing policy and
           procedures.
   (d) Location of records. All records re-
           quired by this part shall be maintained
           as required by §390.29 of this sub-
chapter and shall be made available for
inspection at the employer’s principal
place of business within two business
days after a request has been made by
an authorized representative of the
Federal Motor Carrier Safety Adminis-
tration.

(e) OMB control number. (1) The infor-
mation collection requirements of this
part have been reviewed by the Office
of Management and Budget pursuant to
the Paperwork Reduction Act of 1995
(44 U.S.C. 3501 et seq.) and have been as-
signed OMB control number 2126–0012.

(2) The information collection re-
quirements of this part are found in
the following sections: Sections 382.105,
382.113, 382.301, 382.303, 382.305, 382.307,
382.401, 382.403, 382.405, 382.409, 382.411,
382.601, 382.603.

§ 382.403 Reporting of results in a
management information system.

(a) An employer shall prepare and
maintain a summary of the results of
its alcohol and controlled substances
testing programs performed under this
part during the previous calendar year,
when requested by the Secretary of
Transportation, any DOT agency, or
any State or local officials with regu-
latory authority over the employer or
any of its drivers.

(b) If an employer is notified, during
the month of January, of a request by
the Federal Motor Carrier Safety Ad-
ministration to report the employer’s
annual calendar year summary inform-
ation, the employer shall prepare and
submit the report to the FMCSA by
March 15 of that year. The employer
shall ensure that the annual summary
report is accurate and received by
March 15 at the location that the
FMCSA specifies in its request. The
employer must use the Management
Information System (MIS) form and in-
structions as required by 49 CFR part
40 (at §40.213(g) of this title; and
(ii) Certification that any training
conducted under this part complies
with the requirements for such training.

(6) Administrative records related to
alcohol and controlled substances test-
ing:

(ii) Names and positions of officials
and their role in the employer’s alcohol
and controlled substances testing pro-
gram(s);

(iii) Semi-annual laboratory statisti-
cal summaries of urinalysis required
by §40.111(a) of this title; and

(iv) The employer’s alcohol and con-
trolled substances testing policy and
procedures.

(d) Location of records. All records re-
quired by this part shall be maintained
as required by §390.29 of this sub-
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(ii) Certification that any training
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with the requirements for such training.

(6) Administrative records related to
alcohol and controlled substances test-
ing:

(i) Agreements with collection site
facilities, laboratories, breath alcohol
technicians, screening test technicians,
medical review officers, consortia, and
third party service providers;

(ii) Names and positions of officials
and their role in the employer’s alcohol
and controlled substances testing pro-
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(iii) Semi-annual laboratory statisti-
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(d) Location of records. All records re-
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382.401, 382.403, 382.405, 382.409, 382.411,
382.601, 382.603.

[66 FR 43103, Aug. 17, 2001, as amended at 67
FR 61821, Oct. 2, 2002; 68 FR 75459, Dec. 31,
2003; 78 FR 58479, Sept. 24, 2013]
§ 382.405 Access to facilities and records.

(a) Except as required by law or expressly authorized or required in this section, no employer shall release driver information that is contained in records required to be maintained under §382.401.

(b) A driver is entitled, upon written request, to obtain copies of any records pertaining to the driver's use of alcohol or controlled substances, including any records pertaining to his or her alcohol or controlled substances tests. The employer shall promptly provide the records requested by the driver. Access to a driver's records shall not be contingent upon payment for records other than those specifically requested.

(c) Each employer shall permit access to all facilities utilized in complying with the requirements of this part to the Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over the employer or any of its drivers.

(d) Each employer shall make available copies of all results for employer alcohol and/or controlled substances testing conducted under this part and any other information pertaining to the employer's alcohol misuse and/or controlled substances use prevention program, when requested by the Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over the employer or any of its drivers.

(e) When requested by the National Transportation Safety Board as part of an accident investigation, employers shall disclose information related to the employer's administration of a post-accident alcohol and/or controlled substance test administered following the accident under investigation.

(f) Records shall be made available to a subsequent employer upon receipt of a written request from a driver. Disclosure by the subsequent employer is permitted only as expressly authorized by the terms of the driver's request.

(g) An employer may disclose information required to be maintained under this part pertaining to a driver to the decision maker in a lawsuit, grievance, or administrative proceeding initiated by or on behalf of the individual, and arising from a positive DOT drug or alcohol test or a refusal to test (including, but not limited to, adulterated or substituted test results) of this part (including, but not limited to, a worker's compensation, unemployment compensation, or other proceeding relating to a benefit sought by the driver). Additionally, an employer may disclose information in criminal or civil actions in accordance with §40.323(a)(2) of this title.

(h) An employer shall release information regarding a driver's records as directed by the specific written consent of the driver authorizing release of the information to an identified person.