**Section § 382.405: Access to facilities and records.**

## Guidance Q&A

**Question 2: Must a motor carrier respond to a third-party administrator’s request (as directed by the specific, written consent of the driver authorizing release of the information on behalf of an entity such as a motor carrier) to release driver information that is contained in records required to be maintained under §382.401?**

**Guidance:** Yes. However, the third-party administrator must comply with the conditions established concerning confidentiality, test results, and record keeping as stipulated in the "Notice: Guidance on the Role of Consortia and Third-Party Administrators (C/TPA) in U.S. Department of Transportation (DOT) Drug and Alcohol Testing Programs" published on July 25, 1995, in Volume 60, No. 142, in the Federal Register. Motor carriers must comply completely with 49 CFR 382.413 and 382.405 as well as any applicable regulatory guidance. Please note that written consent must be obtained from the employee each time part 382 information is provided to a C/TPA, the consent must be specific to the individual or entity to whom information is being provided, and that blanket or non-specific consents to release information are not allowed.