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

## Guidance Q&A

**Question 4: May an employer (motor carrier) disclose information required to be maintained under 49 CFR part 382 (pertaining to a driver) to the driver or the decision maker in a lawsuit, grievance, or other proceeding (including, but not limited to, worker’s compensation, unemployment compensation) initiated by or on behalf of the driver, without the driver’s written consent?**

**Guidance:** Yes, a motor carrier has discretion without the driver’s consent as provided by §382.405(g), to disclose information to the driver or the decision maker in a lawsuit, grievance, or other proceeding (including, but not limited to, worker’s compensation, unemployment compensation) initiated by or on behalf of the driver concerning prohibited conduct under 49 CFR part 382.

Also, an employer (motor carrier) may be required to provide the test result information pursuant to other Federal statutes or an order of a competent Federal jurisdiction, such as an administrative subpoena, as allowed by §382.405(a) without the driver’s written consent.