Guidance on consent form retention requirements

## Q&A

What documentation must be maintained by an employer to serve as evidence that the employer, or their designated consortium/third-party administrator (C/TPA), obtained consent for each query conducted?

## Guidance:

A history of an employer’s full and limited queries, including those conducted by a designated C/TPA, is maintained in the Clearinghouse. This includes records of the driver’s response to consent requests for any full queries conducted or initiated.

Employers must retain records of drivers’ limited consent for 3 years. This does not have to be retained in the driver qualification file, but the employer must be able to provide evidence upon request. See 49 CFR 382.703.