

How to Request Confidential Treatment of Early Warning Reporting (EWR) Data

You may submit a request for confidential treatment of certain Early Warning Reporting (EWR) data to NHTSA. The following questions and answers should provide you with the information necessary to ensure that your request for confidential treatment is properly considered.

1. Has NHTSA addressed what EWR data are confidential?

NHTSA has determined that certain classes of EWR information will be afforded confidential treatment. See 49 CFR Part 512, Appendix C. The classes of early warning information to where the agency has granted confidential treatment are:

- a. Data relating to warranty claims and warranty adjustments;
- b. Data relating to field reports and copies of field reports;
- c. Data relating to consumer complaints;
- d. Production numbers, other than of light vehicles; and
- e. Common Green Identifiers

2. Do I need to request confidential treatment for EWR data relating to warranty claims and warranty adjustments, field reports, consumer complaints, common green identifiers, and non-light vehicle production numbers? How do I do so?

No. You do not need to request confidential treatment for EWR data relating to warranty claims and warranty adjustments, field reports, consumer complaints, common green identifiers; and non-light vehicle production numbers. You need only place a “P” designation in the Confidentiality Request Identifier in the template file name. A “P” designation does not mean a waiver of confidential treatment of this information, only that no other request for confidentiality is being requested for this EWR file.

3. Do I need to submit a separate written request for confidential treatment to NHTSA’s Office of Chief Counsel for EWR data relating to warranty claims and warranty adjustments, field reports, consumer complaint, common green identifiers and non-light vehicle production numbers?

You do not need to submit a separate written request for confidential treatment for this EWR information to NHTSA’s Office of Chief Counsel since NHTSA has determined that these classes of information are confidential.

4. May I request confidential treatment for EWR data that is not subject to a class determination?

You may. NHTSA has not precluded manufacturers from submitting individual requests for confidential treatment for EWR data relating to deaths and injuries based on claims and notices, numbers of property damage claims and/or production for light vehicles.

To assert a claim for confidential treatment for EWR data relating to reports of incidents involving death and injury, numbers of property damage claims and/or production for light vehicles, you must do the following:

a. Place a “C” designation in the Confidentiality Request Identifier in the template file name; and

b. Submit a written request to NHTSA’s Office of Chief Counsel when the EWR report containing the “C” designation is submitted to NHTSA electronically. This request should conform to NHTSA’s regulations on confidential business information (49 CFR Part 512) and generally includes:

- Submission of the information that you claim to be confidential pursuant to 49 CFR Part 512;
- Support for your claim for confidential treatment pursuant to 49 CFR Part 512; and
- A certificate pursuant to 49 CFR Part 512, Appendix A.

5. What will happen if I place a “C” designation on EWR data relating to reports of incidents involving death and injury, numbers of property damage claims, and production for light vehicles, but I do not submit a written request for confidential treatment to the Chief Counsel?

If you fail to submit a written request to NHTSA’s Office of Chief Counsel at the time the EWR data is submitted to NHTSA, the claim for confidentiality is not valid and the information may be disclosed to the public.

6. What will happen if my request for confidential treatment does not conform to the requirements in 49 CFR Part 512?

Your request for confidential treatment must meet all the requirements in 49 CFR Part 512, including submitting the appropriate number of copies, clearly identifying the information that is the subject of the request, and providing a certification.

Failure to meet all the requirements in 49 CFR Part 512 will result in the denial of your request for confidential treatment.

7. What will happen if I do not submit adequate support for my request for confidential treatment to Chief Counsel?

You must submit adequate support that the release of EWR data will cause competitive harm and that such harm will be substantial. See 49 CFR § 512.8(c)(2). Failure to provide adequate support will result in a denial of your request for confidential treatment.

8. What do I do if I do not wish to request confidential treatment for EWR data that is not the subject of a class determination?

If you do not seek confidential treatment for information that is not subject to a class determination (i.e., incident reports on deaths and injuries based on claims and notices, numbers of property damage claims, and production information for light vehicle manufacturers only), you merely place a “P” designation in the Confidentiality Request Identifier in the template file name.

9. Where can I find more information about 49 CFR Part 512 and NHTSA’s confidentiality process?

You may obtain more information about NHTSA’s confidentiality process from 49 CFR Part 512 at [49 CFR Part 512](#) or the Office of Defects Investigation’s EWR compendiums. The compendiums may be accessed at <http://www-odi.nhtsa.dot.gov/ewr/ewr.cfm>.

10. What is the address where I submit my request for confidential treatment?

You may send your request for confidential treatment to:

Office of Chief Counsel
National Highway Traffic Safety Administration
1200 New Jersey Ave., SE
West Building, W41-227
Washington, D.C. 20590

You may submit your request by regular mail. However, the use of regular mail may result in a delay of the receipt of your request for confidential treatment due to the Department of Transportation’s security procedure for screening incoming mail delivered by the U.S. Postal Service. Because of the potential for a delay in the receipt of requests for confidential treatment, we recommend that you submit a request for confidential treatment by an overnight courier.