Federal Motor Carrier Safety Administration

DRUG & ALCOHOL CLEARINGHOUSE

REQUESTS FOR RECORD CORRECTION UNDER THE PRIVACY ACT

In accordance with the Privacy Act (5 U.S.C. 552a) and the DOT Privacy Act regulations (49 CFR part 10), if a commercial driver's license (CDL) or commercial learner's permit (CLP) holder believes that information in their Clearinghouse record is inaccurate, the individual may request a correction of the record by following the steps below.

1 Contact FMCSA

Send an email to clearinghouse@dot.gov with the following information:

- Subject line: Part 10 Privacy Act Review
- CDL/CLP holder's name, State of issuance and CDL/CLP number, and email address and phone number used for Clearinghouse account
- Violation record ID
- Explanation detailing the correction and reasons the record should be so corrected
- The email body must include the following statement: *"I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct."*
- Include documentary evidence, if any.

For more information on maintenance of and access to records pertaining to individuals, see 49 CFR part 10.

2 Agency acknowledges receipt of the request

Within 10 business days, FMCSA will acknowledge the request has been received or will notify the CDL/CLP holder if the request lacks sufficient information to enable the Agency to process it.

3 Agency reviews driver request

FMCSA will contact the CDL/CLP holder if the Agency needs further information to evaluate the request. The Agency will review the request and make a determination to grant or deny it, and will notify the CDL/CLP holder in writing of that decision.

If granted, the Clearinghouse record will be corrected or amended.

If denied, the Agency will inform the CDL/CLP holder of the reasons for the denial. The CDL/CLP holder has the right to provide a concise statement of disagreement (see next page).

The CDL/CLP holder may also request a reconsideration review **within 30 days of the date of the initial denial.**

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4 Request for reconsideration (optional)

To request that the Agency reconsider its decision, the CDL/CLP holder will send an email to clearinghouse@dot.gov with the following information:

- Subject line: Part 10 Privacy Act Review Reconsideration
- CDL/CLP holder's name, State of issuance and CDL/CLP number, email address and phone number used for Clearinghouse account, and Clearinghouse control number referenced in the Agency's initial denial.
- The email body must include the following statement: *"I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct."*
- All information and arguments, including documentary evidence, if any, to support the request for reconsideration (e.g., why you believe the Agency is wrong).

FMCSA will provide a decision within 30 business days of receiving the reconsideration request.

If granted, the violation will be corrected or removed from the Clearinghouse.

If denied, the Agency will inform the CDL/CLP holder of the reasons for the denial. The CDL/CLP holder has the right to provide a statement of disagreement, if they have not already done so (see below).

The CDL/CLP holder also has the right to appeal FMCSA's final decision to the District Court of the United States in the district where the complainant resides or has his or her principal place of business, or in which the records are located, or in the District of Columbia (see 49 CFR 10.51).

Submitting a statement of disagreement (optional)

If, after submission, FMCSA review of either the initial request or the request for reconsideration is denied, the CDL/CLP holder has the option to submit a concise statement of disagreement. This is a brief message that will appear in the driver's Clearinghouse record alongside the violation; once added, the statement will be viewable whenever the contested record is disclosed in response to an employer's query or by other authorized means.

To submit this statement of disagreement, the CDL/CLP holder will send an email to clearinghouse@dot.gov with the following information:

- Subject line: Part 10 Privacy Act Statement of Disagreement
- CDL/CLP holder's name, State of issuance and CDL/CLP number, email address and phone number used for Clearinghouse account, and the Clearinghouse control number referenced in the Agency's decision.
- Violation record ID
- The driver's statement of disagreement (no more than 500 words).

The statement of disagreement should be relevant and nonduplicative and must not contain profanity or abusive language targeting the race, color, religion, sex, or national origin of an individual or group.