

XIII. Record Retention and Confidentiality

The University of Wisconsin-Madison will maintain all records required under the FHWA rules in the Classified Personnel Office. Records will be secured with restricted access to the information. The University will not release information contained in the records except as required or permitted by law or expressly authorized or required by Title 49 CFR, 382.405. (For additional information on records retained by the University, see "Appendix D".)

Information may be released as follows:

- A. Upon written request, a covered employee is entitled to copies of any records pertaining to his/her use of controlled substances or alcohol, including any records pertaining to his or her alcohol or controlled substances tests.
- B. Copies of information on the results of alcohol and/or controlled substances testing program and any other information on the University's alcohol misuse and/or controlled substances use prevention program will be made available when requested by the Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over the University or any of its drivers.
- C. When requested by the National Transportation Safety Board as part of an accident investigation, the University of Wisconsin will disclose information related to the employer's administration of a post-accident alcohol and/or controlled substance test administered following the accident under investigation.
- D. Records will be made available to a subsequent employer upon receipt of a written request from a driver.
- E. The University may disclose information pertaining to a driver in a lawsuit, grievance or other proceeding initiated by or on behalf of the individual and arising from the results of an alcohol and/or controlled substances test, or from the employer's determination that the driver engaged in conduct prohibited by 49 CFR 382, Subpart B, of the law. (Prohibited conduct is identified in Part VI of this policy.) (Proceedings may include, but are not limited to, a worker's compensation, unemployment compensation, or other proceeding relating to a benefit sought by the driver.)
- F. The University of Wisconsin may release information regarding a driver's records as directed by the specific, written consent of the driver authorizing release of the information to an identified person.