



GENERAL MOTORS LLC
Global Vehicle Safety

November 14, 2019

Mr. Jonathan C. Morrison
Chief Counsel
National Highway Traffic Safety Administration
NHTSA West Building [REDACTED]
1200 New Jersey Avenue, SE
Washington, D.C. 20590

[REDACTED]
NEF-101jx
PE19-013

Re: Request for Confidential Treatment of Certain Information Submitted by General Motors LLC to the National Highway Traffic Safety Administration on November 14, 2019

Dear Mr. Morrison:

This letter requests confidential treatment under 49 C.F.R. part 512 and Exemption 4 of the Freedom of Information Act (5 U.S.C. § 552(b)(4)) (“**FOIA**”) for certain confidential materials (the “**Confidential Information**”) submitted by General Motors LLC (“**GM**”) to the National Highway Traffic Safety Administration (“**NHTSA**”) on November 14, 2019.

A. Description of the Confidential Information (49 C.F.R. § 512.8(a))

I have enclosed three binders that each contain electronic copies of GM’s response to NHTSA’s September 25, 2019 information request (“**IR**”) relating to Preliminary Evaluation 19-013.

B. Production format (49 C.F.R. §§ 512.5 and 512.6)

- **Public copy:** One binder contains a compact disc labeled ATT_1_GM. The disc contains a redacted public copy of GM’s response produced in multiple formats. GM’s redactions remove the Confidential Information.
- **Nonpublic copies:** Two of the binders contain compact discs labeled ATT_2_GM_CONF. These discs each contain an unredacted nonpublic copy of GM’s responses in multiple electronic formats. The pages that contain Confidential Information are stamped “Entire Page GM Confidential Business Information”. The files not in PDF format that contain Confidential Information have “CONF” in the filename. GM has stamped “GM Confidential Business Information” on the cover of all three discs.

C. Basis for confidential treatment (49 C.F.R. §§ 512.8(b) and 512.8(c))

GM's request for confidential treatment is governed by FOIA Exemption 4, which shields from mandatory disclosure "confidential" commercial or financial information. 5 U.S.C. § 552(b)(4); *see also* 49 C.F.R. § 512.15(d). The Confidential Information qualifies as "confidential" under FOIA Exemption 4 because GM does not customarily release or otherwise provide the Confidential Information or information like the Confidential Information to the public. *See Food Mktg. Inst. v. Argus Leader Media*, No. 18-481, slip op. (U.S. June 24, 2019).

GM treats the Confidential Information as confidential and proprietary, and makes it available only on an as-needed basis to authorized GM and supplier personnel. GM utilizes numerous systems and processes that limit access to and prevent unauthorized disclosures of the Confidential Information, including: (i) password-protected electronic record-keeping systems; (ii) security systems that limit physical access to GM electronic and hard-copy record-storage facilities; and (iii) information-security training that emphasizes the importance of preventing unauthorized disclosures of information like the Confidential Information. Based on past experience with the Agency, it is GM's expectation that the Agency will keep the Confidential Information confidential, in accordance with the Supreme Court's recent decision in *Food Marketing Institute*.

D. Information obtained from a third party (49 C.F.R. § 512.9)

Certain portions of the Confidential Information were created by and provided to GM by IEE and Magna Seating (the "Suppliers"). This material is defined in the IR Response Letter in response to Request 8, Actions 8-D and 8-E. It is highly sensitive information that, like the other Confidential Information, GM does not customarily provide to the public. As required by 49 CFR § 512.9, GM has enclosed a third-party certification signed by both Suppliers.

E. Applicable class determinations (49 C.F.R. § 512.8(d))

The Confidential Information may be subject to a Class Determination.

F. Duration of confidential treatment (49 C.F.R. § 512.8(e))

Because GM does not anticipate ever customarily disclosing this kind of information to the public, GM requests that NHTSA treat the Confidential Information as confidential without a time limitation.

G. Contact information (49 C.F.R. § 512.8(f))

Please direct all inquiries and responses to this request to: Tim Cochran, General Motors LLC, GM Cole Bldg., 29427 Louis Chevrolet Rd., Warren, MI 48093, 586-441-8004.

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If NHTSA receives a request to disclose the Confidential Information, GM respectfully requests notification and an opportunity to provide, if necessary, additional support for its position that the Confidential Information is entitled to confidential treatment under FOIA.

Sincerely,

A large black rectangular redaction box covering the signature of Timothy Cochran.

Timothy Cochran, Senior Manager
External Investigations

cc: Mr. Greg Magno
Mr. Chris Lash
Ms. Jisan Xue

Attachments

Attachment A: Supporting Certificate of Timothy Cochran
Attachment B: Supporting Certificate of Michel Witte (IEE)
Attachment C: Supporting Certificate of Guenther Braeuner (Magna)

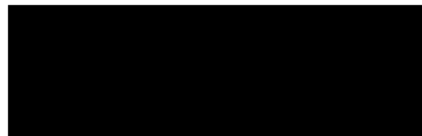
Attachment A

Supporting Certificate of Timothy Cochran

CERTIFICATE IN SUPPORT OF REQUEST FOR CONFIDENTIALITY

I, Timothy Cochran, pursuant to the provisions of 49 C.F.R. § 512, state as follows:

- (1) I am the Senior Manager of External Investigations of General Motors LLC and am authorized to execute this certificate on its behalf.
- (2) I certify that the Confidential Information (as defined in GM's letter to Mr. Jonathan C. Morrison dated November 14, 2019) is confidential and proprietary data and is being submitted with the claim that it is entitled to confidential treatment under 5 U.S.C. 552(b)(4) and 49 C.F.R. § 512.
- (3) I hereby request that the Confidential Information be protected without a time limitation.
- (4) This certification is based on information provided to me by the GM personnel who have responsibility for the documents that contain the Confidential Information.
- (5) Based on that information, to the best of my knowledge, information, and belief, the Confidential Information has never been released or made available outside GM and authorized GM suppliers (who are obligated to maintain the confidentiality of the Confidential Information) except as required by law.
- (6) I make no representations beyond those contained in this certificate and, in particular, I make no representations regarding unauthorized or inadvertent disclosures of the Confidential Information.
- (7) I certify under penalty of perjury that the foregoing is true and correct. Executed on November 14, 2019.



Timothy Cochran
Senior Manager
GM External Investigations

Attachment B

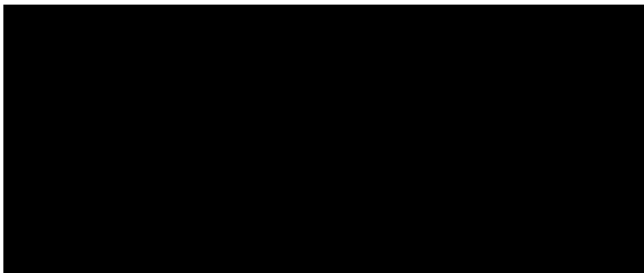
Supporting Certificate of Michel Witte

CERTIFICATE IN SUPPORT OF REQUEST FOR CONFIDENTIALITY

I, Michel WITTE, pursuant to the provisions of 49 C.F.R. § 512, state as follows:

- (1) I am the President & CEO of IEE Group – IEE International Electronics & Engineering S.A. and am authorized to execute this certificate on its behalf.
- (2) I certify that the Confidential Information (72 documents as defined in GM's letter to Mr. Jonathan C. Morrison dated November 14, 2019) that was supplied to GM by IEE (the "IEE Confidential Information") is confidential and proprietary data under 5 U.S.C. 552(b)(4) and 49 C.F.R. § 512.
- (3) This certification is based on information provided to me by the IEE personnel who have responsibility for the documents that contain the IEE Confidential Information.
- (4) Based on that information, to the best of my knowledge, information, and belief, the IEE Confidential Information has never been released or made available outside of IEE and GM except as required by law.
- (5) I make no representations beyond those contained in this certificate and, in particular, I make no representations regarding the potential for unauthorized or inadvertent disclosures of the IEE Confidential Information.
- (6) I certify under penalty of perjury that the foregoing is true and correct.

Executed in Luxembourg on November 05, 2019.



Michel Witte
President & CEO

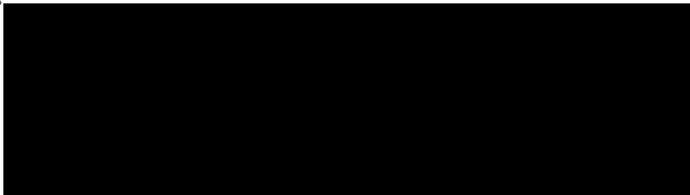
Attachment C

Supporting Certificate of Guenther Braeuner

CERTIFICATE IN SUPPORT OF REQUEST FOR CONFIDENTIALITY

I, Guenther Braeuner, pursuant to the provisions of 49 C.F.R. § 512, state as follows:

- (1) I am the Director of Engineering Services of Magna Seating ("**Magna**") and am authorized to execute this certificate on its behalf.
- (2) I certify that the Confidential Information (as defined in GM's letter to Mr. Jonathan C. Morrison dated November 14, 2019) that was supplied to GM by Magna (the "**Magna Confidential Information**") is confidential and proprietary data under 5 U.S.C. 552(b)(4) and 49 C.F.R. § 512.
- (3) This certification is based on information provided to me by the Magna personnel who have responsibility for the documents that contain the Magna Confidential Information.
- (4) Based on that information, to the best of my knowledge, information, and belief, the Magna Confidential Information has never been released or made available outside of Magna and GM except as required by law.
- (5) I make no representations beyond those contained in this certificate and, in particular, I make no representations regarding the potential for unauthorized or inadvertent disclosures of the Magna Confidential Information.
- (6) I certify under penalty of perjury that the foregoing is true and correct. Executed on October, 31 2019.


Guenther Braeuner
Director Engineering Services
Magna Seating