



GENERAL MOTORS LLC
Global Vehicle Safety

August 21, 2020

Mr. Jonathan C. Morrison
Chief Counsel
National Highway Traffic Safety Administration
NHTSA West Building W41-227
1200 New Jersey Avenue, SE
Washington, D.C. 20590

VIA EMAIL
USG 4969
NHTSA/GM August F2F

Re: Request for Confidential Treatment of Certain Information Submitted by General Motors LLC to the National Highway Traffic Safety Administration on August 21, 2020

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 submitted by General Motors LLC (“**GM**”) to the National Highway Traffic Safety Administration (“**NHTSA**”) on August 21, 2020.

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

On August 21, 2020, GM transferred certain confidential materials (the “**Confidential Information**”) relating to GM’s safety-related engineering, investigation and evaluation process electronically via P2P transfer to Chris Lash at the Office of Defects Investigation.

The Confidential Information contains the following PDF files:

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]
5. [REDACTED]
6. [REDACTED]
7. [REDACTED]
8. [REDACTED]
9. [REDACTED]
10. [REDACTED]

Greg Magno requested that GM submit this information to NHTSA on August 20, 2020.

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

GM's production is in PDF format. Each page of the production is stamped "GM Confidential Business Information." GM is requesting confidential treatment for its entire submission. For this reason, GM is not submitting a redacted public copy.

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. 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.

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

Please direct all inquiries and responses to this request to: Timothy Cochran, General Motors LLC, GM Vehicle Engineering Center, 29427 Louis Chevrolet Rd., Warren, MI 48090, (586) 441-8004.

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,



Timothy Cochran, Senior Manager
External Investigations

Letter to Jonathan C. Morrison
USG 4969 Confidentiality Request
August 21, 2020
Page 3 of 3

cc: Mr. Greg Magno
Mr. Chris Lash

Attachments

Attachment A: Supporting Certificate of Timothy Cochran

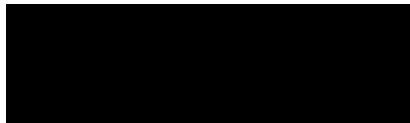
Attachment A

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 August 21, 2020) 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 August 21, 2020.



Timothy Cochran
Senior Manager
GM External Investigations