



July 22, 2025

Peter Simshauser
Chief Counsel
National Highway Traffic Safety Administration
1200 New Jersey Ave, S.E.
Washington, D.C. 20590
Attention: Sarah Kohlhofer

Re: Request for Confidential Treatment – July 22, 2025 Presentation Regarding Direct Photon Count

Dear Mr. Simshauser,

On behalf of Tesla, Inc. (“Tesla” or the “Company”), and pursuant to the provisions of 5 U.S.C. § 552(b)(4) (“FOIA Exemption 4”) and 49 C.F.R. § 512, this letter requests the National Highway Traffic Safety Administration (“NHTSA” or the “Agency”) for confidential treatment of all of the information in the attached submission that is marked with the phrase “Confidential Business Information” in a page header or tab or “CBI” in a file name (referred to hereinafter as the “Submission”).

The marked information contained in the Submission is proprietary, confidential, and otherwise not publicly available, and has been labeled accordingly. Tesla customarily treats this type of information as private, or at least closely held, and it does not customarily disclose the information outside of the company or make it public in any way, except that portions of it may have been made available as necessary for the purpose of obtaining advice and assistance from counsel and other confidential advisors, or as discussed below. Some of the information contained in the Submission may have been released to outside consultants under binding nondisclosure agreements or similar mechanisms, or shared confidentially with other government agencies. Such disclosures do not compromise the confidential nature of the information because of the obligations of confidentiality imposed upon such advisors. Accordingly, Tesla seeks confidential treatment for the Submission.

Competitive Harm. The Submission is entitled to confidential treatment because release of it would cause substantial competitive harm to Tesla. The Submission reveals details of Tesla’s vehicle camera hardware and software capabilities and how this technology operates and processes data, including data points captured in low visibility situations using direct photon counting. The Submission also reveals information about Tesla’s internal hardware and software development, testing, and validation processes.

Tesla considers all of the information in the Submission that is marked with the phrase “Confidential Business Information” in a page header or tab or “CBI” in a file name to be wholly confidential and

proprietary. We take extensive measures to guard and protect this marked information, even internally. Public disclosure would enable competitors to gain substantial competitive knowledge and an unfair advantage over Tesla. The marked information in the Submission is commercially valuable because it would provide competitors a means to improve their own vehicle camera hardware and software capabilities and technology, as well as their internal product development, testing, and validation processes. Nefarious actors could also use the marked information to smear Tesla's brand for the sake of notoriety, much to the Company's detriment. Absent public disclosure, access to the marked information and all of the knowledge gained from it would require significant expenditure of time and resources and very intimate knowledge about Tesla.

In addition, NHTSA has provided at least some assurances to Tesla that the Agency will keep this type of marked information private. Tesla regularly requests confidential treatment for information of this nature, and NHTSA has a long history of categorically treating this kind of information as confidential. Accordingly, the Submission should be deemed "confidential" within the meaning of FOIA Exemption 4. See *Food Marketing Institute v. Argus Leader Media*, 139 S.Ct. 2356, 2366 (2019) ("[W]here commercial or financial information is both customarily and actually treated as private by its owner and provided to the government under an assurance of privacy, the information is 'confidential' within the meaning of Exemption 4.").

Personal Identifying Information. Finally, NHTSA has stated that the Agency will protect personally identifying information, such as a name, address, telephone number, or the last six digits of any vehicle identification number ("VIN"). The Submission contains multiple full VINs which could make one or more persons identifiable. We believe all this information should be treated confidentially because a reasonable person would not have intended for it to be released to the general public. We believe this is further reason for NHTSA to protect the confidentiality of the Submission in entirety.

* * *

Based on the foregoing, Tesla seeks confidential treatment in perpetuity for all of the information in the Submission that is marked with the phrase "Confidential Business Information" in a page header or tab or "CBI" in a file name. Thank you for your consideration. If you have any questions regarding this request, you may contact me at vgiese@tesla.com.

Sincerely,

A large black rectangular redaction box covering the signature area.

Victoria A. Giese
Counsel, Regulatory