



Consultants, Actuaries and Administrators of Pension
and Profit Sharing Plans Since 1970

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DOL Interim Policy on Electronic Disclosure

In 2011, the Department of Labor (DOL) announced new rules that may be used to provide required plan-related and investment-related information electronically to participants and beneficiaries.

General Rule

The DOL permits Plan Sponsors to provide statements, notices, and other documents (such as Summary Plan Descriptions and Summary Annual Reports) to participants and beneficiaries through electronic media. Electronic delivery can be made to participants who access the Plan Sponsor's electronic information system as an integral part of their job duties and who can effectively access plan information delivered electronically at the place where they work. These regulations provide that documents may be delivered electronically if:

1. The Plan Sponsor takes appropriate and necessary measures to ensure that the documents are actually received and that confidential information is protected;
2. The electronic documents are consistent with the format, style and content of paper documents;
3. Participants are given the right to request a paper copy; and
4. Paper copies are provided when requested.

For participants who do not have regular access to the Plan Sponsor's electronic information system as an integral part of their job duties, or terminated participants who are no longer employed, electronic delivery is permitted only if:

1. Those individuals affirmatively consent to receiving information electronically;
2. Those individuals have voluntarily provided an email address where they will have access to the documents delivered;
3. That prior to their consent, those individuals are given a clear and conspicuous statement that describes the types of documents to which the consent applies, and further explains:
 - a. That providing an email address is voluntary;
 - b. Describing the information that will be provided and how it may be accessed;
 - c. Stating that paper copies will be provided upon request, without charge;
 - d. That consent can be withdrawn at any time;
 - e. Describing the procedures for withdrawal and/or updating addresses;
 - f. Describing any hardware or software requirements to access and retain electronic documents.
4. Following consent, those individuals must be notified of any hardware or software changes that may create a material risk that will no longer allow them to access or retain documents electronically, and give them a chance to withdraw consent; and
5. The Plan Sponsor must take appropriate and necessary measures reasonably calculated to ensure actual delivery and confidentiality.