

## **PBGC-10: Administrative Appeals Files**

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### [General Routine Uses](#)

#### **System Name:**

Administrative Appeals Files — PBGC

#### **System Classification:**

None

#### **System Location:**

PBGC, 1200 K Street NW, Washington, DC 20005. (*Records may be kept at an additional location as backup for Continuity of Operations*)

#### **Categories of Individuals Covered by the System:**

Individuals who file administrative appeals with PBGC's Appeals Board.

#### **Categories of Records in the System:**

Names and personal information (such as addresses, social security numbers, sex, dates of birth, dates of hire, salary, marital status (including domestic relations orders), and medical records); employment and pension plan information (such as name of pension plan, plan number, dates of commencement of plan participation or employment, statements regarding employment, dates of termination of plan participation or retirement, benefit payment data, pay status, calculations of benefit amounts, calculations of amounts subject to recoupment and/or recovery, and workman's compensation awards); Social Security Administration (SSA) information, insurance claims and awards; correspondence and other information relating to appeals and initial and final PBGC determinations.

#### **Authority for Maintenance of the System:**

29 U.S.C. 1302; 44 U.S.C. 3101; 5 U.S.C. 301; 29 U.S.C. 29 ch. 18.; CFR 4003.1(b) and (c); 29 CFR 4003.

#### **Purpose(s):**

The purpose of this system is to catalog, review, and respond to administrative appeals of: determinations that a plan is not covered under section 4021 of the Employee Retirement Income Security Act of 1974 (ERISA); determinations of benefit entitlements under section 4022(a) or (c) of ERISA; determinations that a domestic relations order is or is not a qualified domestic relations order under section 206(d)(3) of ERISA or section 414(p) of the Internal Revenue Code; determinations of benefits payable under section 4022(b) or (c) or 4022B of ERISA; and determinations of the amount of liability under sections 4062(b)(1), 4063, or 4064 of ERISA.

## **Routine Uses of Records Maintained in the System, Including Categories of Users and the Purposes of Such Uses:**

Information about covered individuals may be disclosed without consent as permitted by the Privacy Act of 1974, 5 U.S.C. 522a(b), and:

1. General Routine Uses G1, G4 through G12, and G14 apply to this system of records (see Prefatory Statement of General Routine Uses).
2. A record from this system of records may be disclosed to third parties who may be aggrieved by the decision of the Appeals Board under 29 CFR 4003.57.
3. A record from this system of records may be disclosed, upon request, to an attorney representative or a non-attorney representative who has a power of attorney for the subject individuals, under 29 CFR 4003.6.
4. A record from this system of records may be disclosed to third parties, such as banks, insurance companies, and trustees, to make benefit payments to plan participants, beneficiaries, and/or alternate payees.
5. A record from this system of records may be disclosed to third parties, such as contractors and expert witnesses, to obtain expert analysis of an issue necessary to resolve an appeal.
6. The name and social security number of a participant may be disclosed to an official of a labor organization recognized as the collective bargaining representative of the participant to obtain information relevant to the resolution of an appeal.

## **Policies and Practices for Storing, Retrieving, Accessing, Retaining, and Disposing of Records in the System:**

### **Storage:**

Records are maintained manually in paper and/or electronic form, including computer databases, magnetic tapes, and discs. Records are also maintained on PBGC's network back-up tapes.

### **Retrievability:**

Records are retrieved by any one or more of the following: participant, beneficiary, and/or alternate payee's name; plan name; appeal number; or extension request number.

### **Safeguards:**

PBGC has adopted appropriate administrative, technical, and physical controls in accordance with PBG's security program to protect the security, integrity, and availability of the information, and to ensure that records are not disclosed to or accessed by unauthorized individuals.

Paper records are kept in file folders in areas of restricted access that are locked after office hours. Electronic records are stored on computer networks and protected by assigning user identification numbers to individuals needing access to the records and by passwords set by authorized users that must be changed periodically.

**Retention and Disposal:**

Records are maintained in accordance with the General Records Retention Schedules issued by the National Archives and Records Administration (NARA) or a PBGC records disposition schedule approved by NARA.

Records existing on paper are destroyed beyond recognition. Records existing on computer storage media are destroyed according to the applicable PBGC media practice.

**System Manager(s) and Address:**

Manager of the Appeals Division, Office of the General Counsel, PBGC, K Street, NW, Washington, DC 20005.

**Notification Procedure:**

Individuals wishing to learn whether this system of records contains information about them should submit a written request to the Disclosure Officer, PBGC, K Street, NW, Washington, DC 20005, and provide the following information:

- a) Full name.
- b) Any available information regarding the type of record involved.
- c) The address to which the record information should be sent.
- d) You must sign your request.

Attorneys or other persons acting on behalf of an individual must provide written authorization from that individual for the representative to act on their behalf.

Individuals requesting access must also comply with PBGC's Privacy Act regulations regarding verification of identity and access to records (29 CFR 4902.3).

**Record Access Procedure:**

Individuals wishing to request access to their records should submit a written request to the Disclosure Officer, PBGC, 1200 K Street, NW, Washington, DC 20005, and provide the following information:

- a) Full name.
- b) Any available information regarding the type of record involved.
- c) The address to which the record information should be sent.
- d) You must sign your request.

Attorneys or other persons acting on behalf of an individual must provide written authorization from that individual for the representative to act on their behalf.

Individuals requesting access must also comply with PBGC's Privacy Act regulations regarding verification of identity and access to records (29 CFR 4902.3).

**Contesting Record Procedure:**

Individuals wishing to request amendment to their records should submit a written request to the Disclosure Officer, PBGC, 1200 K Street, NW, Washington, DC 20005, and provide the following information:

- a) Full name.
- b) Any available information regarding the type of record involved.
- c) A statement specifying the changes to be made in the records and the justification therefore.
- d) The address to which the response should be sent.
- e) You must sign your request.

Attorneys or other persons acting on behalf of an individual must provide written authorization from that individual for the representative to act on their behalf.

**Record Source Categories:**

Subject individuals; the participant, beneficiary, or alternate payee; plan administrators, contributing sponsors (or other employer who maintained the plan), including any predecessor, successor, or member of the same controlled group; the labor organization recognized as the collective bargaining representative of a participant; the SSA; and any third party affected by the decision.

**Exemptions Claimed for the System:**

None