

## **PBGC-13: Debt Collection**

[Excerpted from Federal Register: Sept. 14, 2016 \(Volume 81, Number 178\)](#)

### [General Routine Uses](#)

#### **System Name:**

Debt Collection — PBGC

#### **System Classification:**

None

#### **System Location:**

PBGC, 1200 K Street NW, Washington, DC 20005 and/or field benefit administrators, plan administrator, and paying agents worksites. (*Records may be kept at an additional location as backup for Continuity of Operations*)

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

Any individual who may owe a debt to PBGC, including but not limited to: pension plans and/or sponsors owing insurance premiums, interest, and penalties; employees and former employees of PBGC; individuals who are consultants and vendors to PBGC; participants, alternate payees, and beneficiaries in terminating and terminated pension plans covered by the Employee Retirement Income Security Act (ERISA); and individuals who received payments to which they are not entitled.

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

Pension plan filings; names; addresses; social security numbers; taxpayer identification numbers; employee numbers; pay records; travel vouchers and related documents filed by PBGC employees; invoices filed by consultants and vendors to PBGC; records of benefit payments made to participants, alternate payees, and beneficiaries in terminating and terminated pension plans covered by ERISA; and other relevant records relating to a debt including the amount, status, and history of the debt, and the program under which the debt arose.

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

29 U.S.C. 1302; 31 U.S.C. 3711(a); 44 U.S.C. 3101; 5 U.S.C. 301.

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

This system of records is maintained for the purpose of collecting debts owed to PBGC by various individuals, including, but not limited to, pension plans and/or sponsors owing insurance premiums, interest and penalties; PBGC employees and former employees; consultants and vendors; participants, alternate payees, and beneficiaries in terminating and terminated pension plans covered by ERISA; and individuals who received payments from PBGC to which they are not entitled. This system facilitates PBGC's compliance with the Debt Collection Improvement Act of

## **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 through 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 the United States Department of the Treasury for cross-servicing to effect debt collection in accordance with U.S.C. 3711(e).
3. Names, addresses, and telephone numbers of employees, participants, and beneficiaries and information pertaining to debts owed by such individuals to PBGC may be disclosed to a debt collection agency or to collect a claim. Disclosure to a debt collection agency or firm shall be made only under a contract that binds any such contractor or employee of such contractor to the criminal penalties of the Privacy Act. The information so disclosed shall be used exclusively pursuant to the terms and conditions of such contract and shall be used solely for the purposes prescribed therein. The contract shall provide that the information so disclosed shall be returned at the conclusion of the debt collection effort.
4. These records may be used to disclose information to any Federal agency, state or local agency, U.S. territory or commonwealth, or the District of Columbia, or their agents or contractors, including private collection agencies (consumer and commercial):
  - a. To facilitate the collection of debts through the use of any combination of various debt collection methods required or authorized by law, including, but not limited to:
    - i. Request for repayment by telephone or in writing;
    - ii. Negotiation of voluntary repayment or compromise agreements;
    - iii. Offset of Federal payments, which may include the disclosure of information contained in the records for the purpose of providing the debtor with appropriate pre-offset notice and to otherwise comply with offset prerequisites, to facilitate voluntary repayment in lieu of offset, and to otherwise effectuate the offset process;
    - iv. Referral of debts to private collection agencies, to Treasury designated debt collection centers, or for litigation;
    - v. Administrative and court-ordered wage garnishment;
    - vi. Debt sales;
    - vii. Publication of names and identities of delinquent debtors in the media or other appropriate places; and
    - viii. Any other debt collection method authorized by law;
  - b. To collect a debt owed to the United States through the offset of payments made by states, territories, commonwealths, or the District of Columbia;

- c. To account or report on the status of debts for which such entity has a financial or other legitimate need for the information in the performance of official duties; or,
- d. For any other appropriate debt collection purpose.

## **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: employer identification number; social security number; plan number; name of debtor, plan, plan sponsor, plan administrator, participant, alternate payee, or beneficiary.

### **Safeguards:**

PBGC has adopted appropriate administrative, technical, and physical controls in accordance with PBGC'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 cabinets in areas of restricted access that are locked after office hours. Electronic records are stored on computer networks and protected by assigning both network and system-specific 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 sanitization practice.

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

Director, Financial Operations Department, 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; plan administrators; labor organization officials; debt collection agencies or firms; firms or agencies providing locator services; field benefit administrators', and other federal agencies.

**Exemptions Claimed for the System:**

None