

## **PBGC-6: Plan Participant and Beneficiary Data**

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

### [General Routine Uses](#)

#### **System Name:**

Plan Participant and Beneficiary Data — PBGC

#### **System Classification:**

None

#### **System Location:**

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

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

Participants, alternate payees, beneficiaries in terminated and non-terminated pension plans covered by the Employee Retirement Income Security Act (ERISA), and other individuals who contact PBGC regarding benefits they may be owed from PBGC.

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

Names; addresses; telephone numbers; e-mail addresses; sex; social security numbers and other Social Security Administration (SSA) information; dates of birth and death; dates of hire; salary; employment history; marital status; domestic relations orders; time of plan participation; eligibility status; pay status; benefit data, including records of benefit payments made to participants, alternate payees, and beneficiaries in terminating and terminated pension plans covered by health-related information; powers of attorney; insurance information where plan benefits are provided by private insurers; pension plan names and numbers; initial and final PBGC determinations (see 29 CFR 4003.21 and 4003.59); and other records relating to debts owed to PBGC.

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

29 U.S.C. 1055, 1056(d)(3), 1302, 1321, 1341, 1342, and 1350; 26 U.S.C. 6103; 44 U.S.C. 3101; 5 U.S.C. 301. 29 U.S.C. 1302; 44 U.S.C. 3101; and 5 U.S.C. 301

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

This system of records is maintained for use in determining whether participants, alternate payees, and beneficiaries are eligible for benefits under plans covered by ERISA, determining supplemental payments to be paid to those persons by a party other than PBGC, determining the amounts of benefits to be paid, making benefit payments, collecting benefit overpayments, and complying with statutory and regulatory mandates.

Names, addresses, and telephone numbers are used to survey customers to measure their satisfaction with PBGC's benefit payment services and to track (for follow-up) those who do not respond to surveys.

**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:

General Routine Uses G1, G2, G4 through G7, G9 through and G14 apply to this system of records (see Prefatory Statement of General Routine Uses).

1. A record from this system of records may be disclosed to third parties, such as banks, insurance companies, or trustees:
  - a. To enable these third parties to make or determine benefit payments, or
  - b. To report to the Internal Revenue Service (IRS) the amounts of benefits paid (or required to be paid) and taxes withheld.
2. A record from this system of records may be disclosed, in furtherance of proceedings under Title IV of ERISA, to a contributing sponsor (or other employer who maintained the plan), including any predecessor or successor, and any member of the same controlled group.
3. A record from this system of records may be disclosed, upon request for a purpose authorized under Title IV of ERISA, to an official of a labor organization recognized as the current or former collective bargaining representative of the individual about whom a request is made.
4. Payees' names, addresses, telephone numbers, and information related to how PBGC determined that a debt was owed by such payees to PBGC may be disclosed to the Department of the Treasury or a debt collection agency or to collect a claim. Disclosure to a debt collection agency or shall be made only under a contract issued by the federal government that binds any such contractor or employee of such contractor to the 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.
5. The name and social security number of a participant employed or formerly employed as a pilot by a commercial airline may be disclosed to the Federal Aviation Administration (FAA) to obtain information relevant to the participant's eligibility or continued eligibility for disability benefits.
6. The name of a participant's pension plan, the actual or estimated amount of a participant's benefit under Title IV of ERISA, the form(s) in which the benefit is payable, and whether the participant is currently receiving benefit payments under the plan or (if not) the earliest date(s) such payments could commence may be disclosed to the participant's spouse, former spouse, child, or other dependent solely to obtain a qualified domestic relations order under 29 U.S.C. 1056(d) and 26 U.S.C. PBGC will disclose the information only upon the receipt of a written request by a prospective alternate payee, or the payee's representative, that describes the requester's relationship to the participant and states that

the information will be used solely to obtain a qualified domestic relations order under state domestic relations law. PBGC will notify the participant of any information disclosed to a prospective alternate payee or their representative under this routine use.

7. Information from a initial determination under 29 CFR (excluding the participant's address, telephone number, social security number, and any sensitive medical information) may be disclosed to an alternate payee, or their representative, under a qualified domestic relations order issued pursuant to 29 U.S.C. 1056(d) and 26 U.S.C. to explain how PBGC determined the benefit due the alternate payee so that the alternate payee can pursue an administrative appeal of the benefit determination under 29 CFR et seq. PBGC may notify the participant of the information disclosed to an alternate payee or their representative under this routine use.
8. Information from an alternate s initial determination under 29 CFR 4003.1 (excluding the alternate payee's address, telephone number, social security number, and any sensitive medical information) may be disclosed to a participant, or their representative, under a qualified domestic relations order issued pursuant to 29 U.S.C. 1056(d) and 26 U.S.C. to explain how PBGC determined the benefit due the participant so that the participant can pursue an administrative appeal of the benefit determination under 29 CFR et seq. PBGC may notify the alternate payee of the information disclosed to a participant or their representative under this routine use.
9. Information used in calculating the benefit, or share of the benefit, of a participant or alternate payee (excluding the participant's or alternate payee's address, telephone number, social security number, and any sensitive medical information) may be disclosed to a participant or an alternate payee, or their representative, when (a) a qualified domestic relations order issued pursuant to 29 U.S.C. and 26 U.S.C. affects the calculation of the benefit, or share of the benefit, of the participant or alternate payee; and (b) the information is needed to explain to the participant or alternate payee how PBGC calculated the benefit, or share of the benefit, of the participant or alternate payee. PBGC may notify the participant or the alternate payee, or their representative, as appropriate, of the information disclosed to the participant or the alternate payee, or their representative, under this routine use.
10. The names, addresses, social security numbers, dates of birth, and the pension plan name and number of eligible PBGC pension recipients may be disclosed to the Department of the Treasury and the Department of Labor to implement the income tax credit for health insurance costs under 26 U.S.C. 35 and the program for advance payment of the tax credit under 26 U.S.C. 7527.
11. Names, addresses, social security numbers, and dates of birth of eligible PBGC pension recipients residing in a particular state may be disclosed to the state's workforce agency if the agency received a National Dislocated Worker Grant from the Department of Labor under the Workforce Innovation and Opportunity Act of 2014 to provide assistance and support services for state residents under 29 U.S.C. 32.
12. Payees' names, social security numbers, and dates of birth may be provided to the Department of the Treasury's Bureau of the Public Debt, the SSA, and the IRS to verify payees' eligibility to receive payments.

13. Names and social security numbers of participants and beneficiaries may be provided to the Department of the Treasury, the Department of the Treasury's financial agent, and the Federal Reserve Bank for the purpose of learning which of PBGC's check payees have electronic debit card accounts used for the electronic deposit of federal benefit payments, for establishing electronic debit card accounts for eligible participants and beneficiaries, and for administering payments to participants and beneficiaries who have selected this method of payment.
14. Information relating to revocation of a power of attorney may be disclosed to the former agent that was named in the revoked power of attorney.
15. The name and date of birth of a beneficiary may be provided to that participant upon request by that participant.
16. Names, social security numbers, last known addresses, dates of birth and death, amount of benefit, pension plan name, plan number, name of plan sponsor, and the city and state of the plan sponsor of plan participants and beneficiaries may be disclosed to private firms and agencies that provide locator services (including credit reporting agencies and debt collection firms or agencies) to locate participants and beneficiaries. Such information will be disclosed only if PBGC has no address for an individual, if mail sent to the individual at the last known address is returned as or if PBGC has been otherwise unsuccessful at contacting the individual. Disclosure shall be made only under a contract that subjects the or agency providing the service and its employees 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 prescribed therein. The contract shall provide that the information so disclosed shall be returned or destroyed at the conclusion of the locating effort.
17. Names, social security numbers, last known addresses, dates of birth and death, employment history, and pay status of individuals covered by legal settlement agreements involving PBGC may be disclosed to entities covered by or created under those agreements.

### **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: name; social security number; customer identification number; date of birth; or date of death.

#### **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 and electronic records that contain federal tax information are stored under procedures that meet IRS safeguarding standards.

Other paper and microfiche records that do not contain federal tax information are kept in file folders in areas of restricted access that are locked after office hours. Electronic records that do not contain federal tax information 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:**

Chief of Benefits Administration, Office Administration, PBGC, 1200 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:**

Plan administrators; participants, alternate payees, beneficiaries, and other individuals who contact PBGC regarding benefits they may be owed from PBGC; agents listed on power of attorneys; agents listed on release forms, field benefit the SSA; the FAA; and the IRS.

**Exemptions Claimed for the System:**

None.