

**SYSTEM NAME AND NUMBER:**

PBGC – 10: Administrative Appeals Files

**SECURITY CLASSIFICATION:**

*Unclassified*

**SYSTEM LOCATION:**

*Pension Benefit Guaranty Corporation (PBGC), 1200 K Street NW, Washington, DC 20005. (Records may be kept at an additional location as backup for continuity of operations.)*

**SYSTEM MANAGER(S) AND ADDRESS:**

Manager of the Appeals Division, Office of the General Counsel, PBGC, 1200 K Street, NW, Washington, DC 20005.

**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. ch. 18; 29 CFR 4003.1; 29 CFR 4003.

**PURPOSE(S) OF THE SYSTEM:**

The purpose of this system is to catalog, review, and respond to administrative appeals by plan participants, beneficiaries and employers of PBGC determinations (such as plan, benefit, qualified domestic relations order, payment, and liability determinations).

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

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

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Personal information (such as names, addresses, social security numbers, gender, dates of birth, dates of hire and termination, salary, marital status, marriage certificates, birth certificates, domestic relations orders, medical records); employment and pension plan information (such as the name of the 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, benefit election forms and data on beneficiaries, pay status, calculations of benefit amounts, calculations of amounts subject to recoupment and/or recovery, and worker'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.

## **RECORD SOURCE CATEGORIES:**

Subject individuals; participants, beneficiaries, or alternate payees; plan administrators, plan actuaries, paying agents, purchased annuity providers, contributing sponsors (or other employer who maintained the plan, which may include any predecessor, successor, or member of the same control group); the labor organization recognized as the collective bargaining representative of a participant; SSA; and, any third party affected by the decision.

## **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 and G4 through G14 apply to this system of records (see Prefatory Statement of General Routine Uses).
2. A record from this system 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 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 may be disclosed to third parties, such as banks, insurance companies, and trustees, to effectuate benefit payments to plan participants, beneficiaries, and/or alternate payees.
5. A record from this system 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. A record from this system, specifically, 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.
7. *A record from this system may be disclosed to a consumer reporting agency in accordance with 31 U.S.C. 3711(e).*

## **POLICIES AND PRACTICES FOR STORAGE OF RECORDS:**

Records are maintained manually in paper and/or electronic form (including computer databases or discs). *Records may also be maintained on back-up tapes, or on a PBGC or a contractor-hosted network.*

## **POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:**

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

#### **POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:**

Records are maintained *and destroyed in accordance with the National Archives and Record Administration's (NARA) Basic Laws and Authorities (44 U.S.C. 3301, et seq.)* or a PBGC records disposition schedule approved by NARA.

#### **ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:**

PBGC has *established security and privacy protocols that meet the required security and privacy standards issued by the National Institute of Standards and Technology (NIST). Records are maintained in a secure, password protected electronic system that utilizes security hardware and software to include multiple firewalls, active intruder detection, and role-based access controls.* PBGC has adopted appropriate administrative, technical, and physical controls in accordance with PBGC's security program to protect the confidentiality, integrity, and availability of the information, and to ensure that records are not disclosed to or accessed by unauthorized individuals.

*Electronic records are stored on computer networks, which may include cloud-based systems, and protected by controlled access with Personal Identity Verification (PIV) cards, assigning user accounts to individuals needing access to the records and by passwords set by authorized users that must be changed periodically.*

#### **RECORD ACCESS PROCEDURES:**

*Individuals, or third parties with written authorization from the individual, wishing to request access to their records in accordance with 29 CFR 4902.4, should submit a written request to the Disclosure Officer, PBGC, 1200 K Street, NW, Washington, DC 20005, providing their name, address, date of birth, and verification of their identity in accordance with 29 CFR 4902.3(c).*

#### **CONTESTING RECORD PROCEDURES:**

*Individuals, or third parties with written authorization from the individual, wishing to amend their records must submit a written request identifying the information they wish to correct in their file, in addition to following the requirements of the Record Access Procedure above.*

#### **NOTIFICATION PROCEDURES:**

*Individuals, or third parties with written authorization from the individual, wishing to learn whether this system of records contains information about them should submit a written request to the Disclosure Officer, PBGC, 1200 K Street, NW, Washington, DC 20005, providing their*

*name, address, date of birth, and verification of their identity in accordance with 29 CFR 4902.3(c).*

**EXEMPTIONS PROMULGATED FOR THE SYSTEM:**

None

***HISTORY:***

*PBGC – 10, Administrative Appeals File (last published at 81 FR 63307 (September 14, 2016)).*