

MEMO# 25113

April 15, 2011

E-Delivery RFI Group Call on April 21st, 3 p.m. E.T.

ACTION REQUESTED

[25113]

April 15, 2011

TO: PENSION COMMITTEE No. 13-11

PENSION OPERATIONS ADVISORY COMMITTEE No. 9-11 RE: E-DELIVERY RFI GROUP CALL ON APRIL 21ST, 3 P.M. E.T.

As we discussed during the Committee call on April 12th, we are organizing a group of members to consult with as we draft a comment letter responding to the Department of Labor's request for information on e-delivery rules. [1] As usual, we will circulate the draft of the comment letter to the full Pension Committee/Pension Operations Advisory Committee before we file it. If you would like to join the E-delivery RFI group, please RSVP to the undersigned.

The group will hold its first call on April 21st, at 3 p.m. E.T. The dial-in number for the call is 1-888-469-2038 and the pass code is 27474. To register for the call, please email the undersigned at adriggs@ici.org. If you are unable to participate, please submit your comments to adriggs@ici.org.

The purpose of the first call is to seek any input members have that might be useful in responding to the following RFI questions:

- What are the most significant impediments to increasing the use of electronic media (e.g., regulatory impediments, lack of interest by participants, lack of interest by plan sponsors, access issues, technological illiteracy, privacy concerns, etc.)?
- Are there any new or evolving technologies that might impact electronic disclosure in the foreseeable future?
- To what extent should the Department encourage or require pension benefit plans to furnish some or all disclosures required under title I of ERISA through continuous access Web sites? Whether and how frequently should participants and beneficiaries be notified of their ability to access benefit information at the Web sites and what are the most appropriate means to provide such notice?
- If a plan furnishes disclosures through electronic media, under what circumstances should participants and beneficiaries have a right to opt out and receive only paper

disclosures?

- What are current practices for ensuring that the email address on file for the participant is the most current email address? For example, what are the current practices for obtaining and updating email addresses of participants who lose their work e-mail address upon cessation of employment or transfer to a job position that does not provide access to an employer provided computer?
- Do participants prefer receiving certain plan documents on paper rather than electronically (e.g., summary plan descriptions versus quarterly benefit statements), and what reasons are given for such preference? Would this preference change if participants were aware of the additional cost associated with paper disclosure?
- What impact would expanding electronic disclosure have on small plans? Are there unique costs or benefits for small plans? What special considerations, if any, are required for small plans?
- Is it more efficient to send an email with the disclosure attached (e.g., as a PDF file) versus a link to a Web site? Which means of furnishing is more secure? Which means of furnishing would increase the likelihood that a worker will receive, read, retain and act upon the disclosure?

We look forward to discussing these questions on April 21st at 3 p.m. E.T.

Anna Driggs
Associate Counsel

endnotes

[1] See [Memorandum](#) to Pension Committee No. 9-11, Pension Operations Advisory Committee No. 6-11 [25082], dated April 11, 2011.

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