

**MEMO# 25537**

October 5, 2011

## **Invitation to Special Meeting on E-Delivery - October 18th, 8:30 A.M.**

ACTION REQUESTED

[25537]

October 5, 2011

TO: PENSION COMMITTEE No. 28-11

PENSION OPERATIONS ADVISORY COMMITTEE No. 22-11 RE: INVITATION TO SPECIAL MEETING ON E-DELIVERY - OCTOBER 18TH, 8:30 A.M.

Given the importance of e-delivery liberalization under ERISA for Institute members, we have scheduled a meeting at the Institute on October 18 from 8:30 A.M. to 10 A.M. to discuss recent developments. This meeting will precede the Pension Committee meeting which begins at 10 A.M. that day. [1] If you are interested in attending the e-delivery meeting, please email Anna Driggs at [adriggs@ici.org](mailto:adriggs@ici.org) or call 202/218-3573.

As you know, the Department of Labor recently issued a restrictive interim policy on e-disclosure under the new participant disclosure rule. [2] The interim guidance does not take the approach the Institute urged of extending to the new rule the e-delivery options for benefit statements in Field Assistance Bulletin 2006-03. [3] It also is at odds with the Institute's recommendations in response to DOL's RFI on electronic disclosure where we argued DOL should allow plans to make e-delivery the default unless a participant requests paper. [4] The e-delivery method in the new policy basically requires a complicated system for obtaining and evidencing affirmative consent to e-delivery on a participant-by-participant basis.

We plan to discuss the issues and problems members see in the new guidance, what response the Institute should make to the interim policy and what steps the Institute might take going forward to better assure a favorable outcome to the broader review DOL is taking to e-delivery under the RFI.

Anna Driggs  
Associate Counsel

**endnotes**

[1] See [Memorandum](#) to Pension Committee No. 27-11, Pension Operations Advisory

Committee No. 21-11 [25506], dated September 21, 2011.

[2] See [Memorandum](#) to Pension Members No. 52-11, Operations Members No. 22-11, Bank, Trust and Retirement Advisory Committee No. 55-11, Transfer Agent Advisory Committee No. 78-11 [25494], dated September 16, 2011.

[3] See [Memorandum](#) to Pension Members No. 29-11 [25262], dated June 8, 2011.

[4] See [Memorandum](#) to Pension Members No. 30-11 [25270], dated June 9, 2011.

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