

ELECTRONIC DELIVERY

When sending information electronically, follow the Department of Labor's safe harbor rules to meet ERISA disclosure requirements. The rules address two groups:

Participants who can readily access the electronic information

For employees who use a computer regularly as part of their jobs and who have access to the information, electronic delivery is sufficient. You don't need their consent for electronic delivery — you can simply e-mail the information or a link to the information. Since you must take measures to make sure participants receive the information, you may want to request a return receipt when sending e-mail.

Plan sponsors also can furnish communications through an intranet or corporate website provided that all the requirements for electronic delivery are met. Plan sponsors or providers can send a paper or e-mail notification to announce a document is available, with instructions that direct the employee to its location on a website. The sender should ensure that plan communications are available for a reasonable period of time after the notification is delivered.

Participants who CANNOT readily access the electronic information

This group of participants may include workers who don't regularly use a computer at work, retirees, beneficiaries and former employees. You must provide these participants with paper copies of the information unless they consent to electronic delivery. You can ask for consent by sending a message to their personal e-mail accounts or by mailing a letter that explains:

- which documents the consent covers
- their right to withdraw consent at any time without charge and how to do so
- how to update their contact information
- their right to request a paper copy and the cost, if any
- what software or hardware is required to read the electronic information (Adobe® Reader®, for example)

Whether you seek consent via e-mail or letter, you need to have a system in place to collect the participants' responses.