

New Internet Posting Requirement for IRS Form 5500 Actuarial Information

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Sponsors of defined benefit pension plans are now required to post certain information from IRS Form 5500 on their internal company intranets. This posting requirement was added by the Pension Protection Act of 2006 (PPA) effective beginning with the 2008 annual report filed on IRS Form 5500 and is separate from the requirement to file IRS Form 5500 electronically (which is a PPA requirement effective for the 2009 plan year).

Plan sponsors are required to post basic plan information and actuarial information (generally contained in Schedule SB or MB to IRS Form 5500, as applicable) on a company intranet following the filing of the annual report for 2008 and subsequent plan years. The information may be posted on any website maintained by the plan sponsor (or plan administrator) for the purpose of communicating with employees. If a plan sponsor (or a plan administrator on behalf of a plan sponsor) does not maintain an intranet for its company's employees, then the plan sponsor is exempt from the posting requirement.

The PPA instructed the U.S. Department of Labor (DOL) to issue regulations informing plan sponsors how to comply with these requirements. To date, no regulations have been issued, leaving several unanswered questions, including by what date the information must be posted and whether any notice must be given to employees regarding the posted information.

Effective for the 2008 plan year, the DOL is required to post on its website the actuarial pension funding information filed as part of a defined benefit pension plan's IRS Form 5500 annual report. The DOL is required to post the information within 90 days after the annual report is filed. Although it is not clear how quickly plan sponsors must post the IRS Form 5500 information to their intranets, posting the information within the 90-day period that is required for the DOL is presumably reasonable, absent additional guidance from the DOL.

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