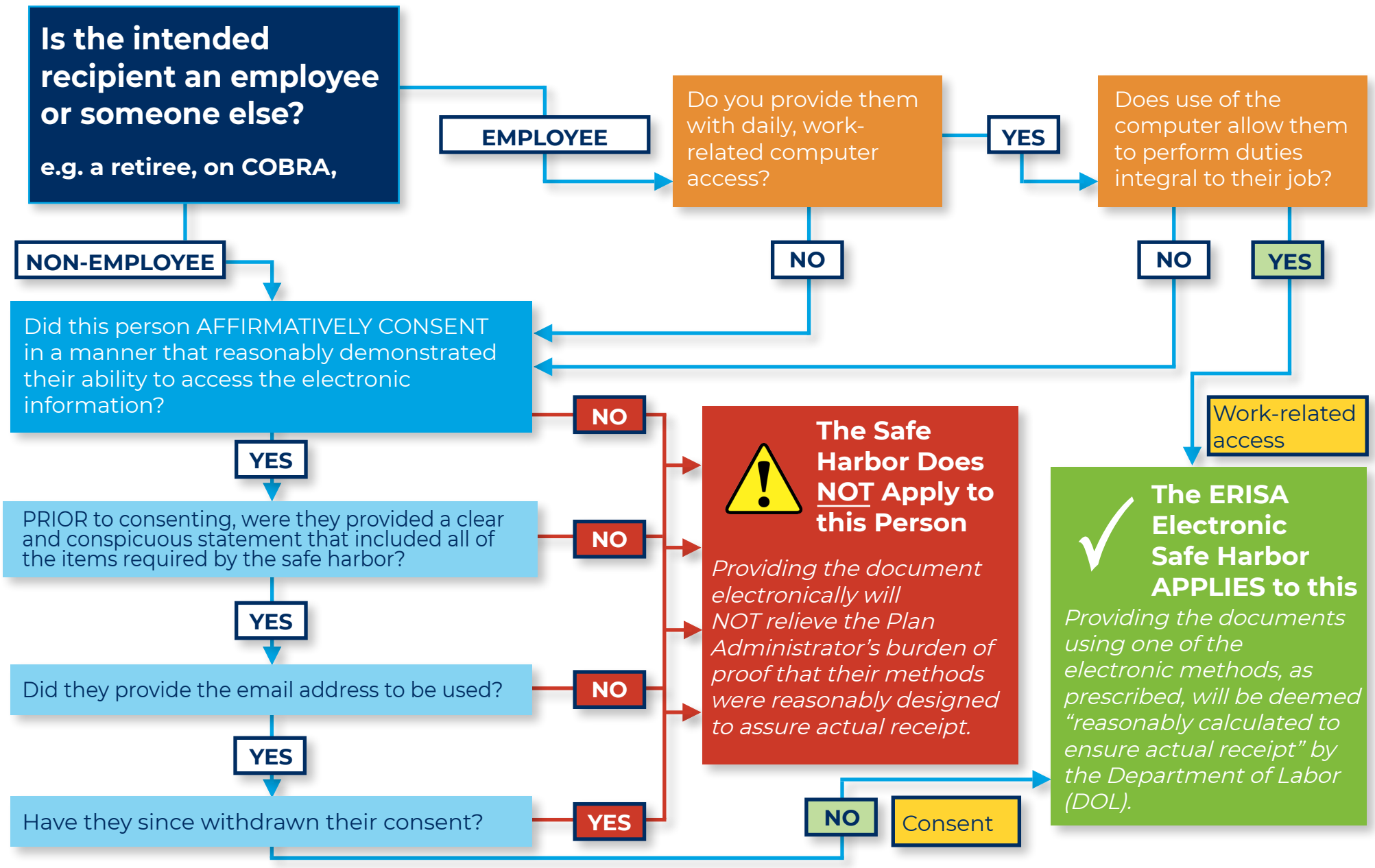
Franconia Insurance & Financial Services
KEYSTONE

# The ERISA Electronic Delivery Safe Harbor




WARNING: This safe harbor does **NOT** apply to W-2s, 1095s, or HIPAA Breach Notices

## Recommended Process for POSTING DISCLOSURES on Internal Website Portals

1. Obtain **written consent** for electronic delivery (only needed for those who do not meet work-related computer access standards)
2. Send **Notice of Availability** to those covered by the safe harbor (meaning snail mail/hand deliver to all the others)
3. **Post the plan documents, notices and disclosures** on your internal website (and leave them up for ongoing access)
4. **Monitor email account** for bounce-backs, email address changes, withdrawals of consent, requests for paper copies, etc.
5. **Keep record of your actions** for eight years from the time of distribution (in case of an audit, participant lawsuit, etc.)