

Side by Side Comparison: Electronic Disclosure Rules for Pension & Welfare Plans

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The DOL recently provided retirement plans with a new method to comply electronically with certain participant disclosure and notice requirements. See our [blog post outlining the new DOL rule](#). This new method adds to the previously issued DOL safe harbor and the IRS rules. Below is a side-by-side general comparison to help plan administrators keep track of when each method may be used, and what requirements must be met. Plan administrators should consult with counsel on the details of any electronic disclosure procedures to verify compliance with all applicable rules.

A few caveats to this framework:

- ***This chart could evolve in the future.*** The preamble to the new DOL pension rule noted the agency's ongoing study of the future application of these rules to welfare plans. It also gave a nod to the IRS's stated intent to issue more guidance regarding electronic delivery.
- ***There is additional flexibility during the COVID-19 national emergency.*** DOL guidance provides some leniencies in applying various ERISA deadlines and requirements during the national emergency if a plan administrator takes good faith action to furnish notices, disclosures or documents as soon as administratively practicable under the circumstances. Electronic communications (e.g., websites, e-mails and text messages) with people who have effective access can be considered good faith acts. For more information, see our [blog post outlining EBSA Disaster Relief Notice 2020-01](#).

[Electronic Disclosure Rules for Pension & Welfare Plans Side by Side Comparison Chart](#)

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