



SECTION: Administrator

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TITLE: Requirement To Provide Information To Members, PBA, 1987 ss. 9(2), ss. 12(2), s. 30, 31, O. Reg. 708/87, s. 36, 41

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Note: Due to legislative changes, references to ss. 9(2), ss. 12(2), and s. 30 of the PBA, 1987 should now read ss. 9(2), ss. 12(2) and s. 29 of the PBA, R.S.O. 1990, references to s. 36 and s. 41 of the Regulation should now read s. 40 and s. 45 of the Regulation, and references to "PCO" should now read "FSCO."

What information must Administrators provide to members, and how often?

An explanation of the provisions of the pension plan, the person's rights and obligations under the plan, and notice and explanation of plan amendments must be provided to all plan members, or prospective plan members. For a new plan, this information must be given to current members within 60 days after the establishment of the plan. For an existing plan with an eligibility period, the information must be given to prospective members within sixty days prior to the date on which the person will be eligible to join the plan. For an existing plan without an eligibility period the information must be provided within sixty days after the person commences employment.

Each member must also receive annually a written statement containing prescribed information about the pension plan, the member's pension benefits and any ancillary benefits. The prescribed information to be included in the annual statements is detailed in subsection 40 of the Regulation.

On termination of membership, the Administrator must provide a termination statement. Further details on the time requirements for the various kinds of termination statements can be found in Commonly Asked Questions, PCO Bulletin, Volume 1, Issue 2, and under index no. T500-500.

Can the above information be obtained by someone other than the plan member?

Section 29 of the PBA, 1990 specifies that prescribed pension plan documents are available to plan members, former members, spouses of either, other persons entitled to benefits under the plan, and a representative of a trade union or an agent representing any of the previous parties.

If persons not related to the pension plan wish to obtain pension plan documents, they must follow a request process under the *Freedom of Information and Protection of Privacy Act*.

What information must be provided to members on written request to the Administrator under section 29 of the PBA, 1990?

Section 45 of the Regulation specifies what information must be provided by an Administrator on written request by a member. When necessary, this information can be obtained from the FSCO after making a prior appointment and producing sufficient identification. The following information is available:

- o current plan text and amendments;
- o documents which create or amend the current or previous plan under subsection 9(2) or 12(2) of the PBA, 1987;
- o provisions of any previous plan if the current plan is a successor;
- o documents which set out employer responsibilities or delegate administration of the plan or fund;
- o annual information returns filed;
- o financial statements or reports that are filed;
- o correspondence between the Commission and the Administrator within the previous five years;
- o applicable parts of a purchase and sale agreement that relate to the pension plan; and
- o statement of investment policies and goals;

The Administrator has thirty days to comply with the written request and may charge for copying of any documents. A person making a request is not entitled to see personal information on any plan member but himself.

How long must pension plan records be retained by the Administrator?

Neither the PBA, 1990 nor Regulation currently prescribe the period of time for which pension records must be retained by the Administrator. General records management principles should apply to all record keeping. Because of the nature of pension plans - the lengthy time periods involved, potential difficulties of surplus allocation in ongoing or wound-up plans and the requirement to provide information to pension plan members - Administrators of defined benefit plans should generally maintain records for the life of the plan.