

Instructions for Form EFAST-1

U.S. Department of Labor
Employee Benefits Security Administration

Application for EFAST Electronic Signature and Codes for EFAST Transmitters and Software Developers

GENERAL INSTRUCTIONS

PURPOSE OF FORM

Form EFAST-1 may be used by individuals to apply under the ERISA Filing Acceptance System for an EFAST electronic signature and by companies, trades, businesses, or other persons to apply for codes needed by EFAST transmitters and software developers. Materials will be mailed to accepted applicants within one week of receiving a completed Form EFAST-1.

WHO MAY FILE

1. An individual who signs Form 5500 Annual Returns/Reports of Employee Benefit Plan or Form 5500-EZ Annual Returns of One-Participant (Owners and Their Spouses) Retirement Plan needs an EFAST electronic signature to file electronically via modem, FTP, magnetic tape, floppy diskette, or CD-ROM. That individual must apply for an EFAST electronic signature by submitting a completed Form EFAST-1 signed by that individual.
2. A company, trade, business, or other person applying for EFAST Transmitter codes required to transmit Forms 5500 and 5500-EZ for filing via modem or FTP (an Encryption Key, Electronic Filing Identification Number (EFIN), and Password) must submit a completed Form EFAST-1 signed by an authorized representative; or
3. A company, trade, business, or other person applying for codes required to be an EFAST Software Developer (Software Developer ID, EFIN, Password, and Personal Identification Number (PIN) and Encryption Key needed for testing electronic filing components of the software) must submit a completed Form EFAST-1 signed by an authorized representative.

Before completing the application, please read all instructions. **Failure to provide the requested information may result in the return of the application.**

WHERE TO FILE

Mail the Form EFAST-1 application to:

EBSA
P.O. Box 7047
Lawrence, KS 66044-7047

You may also send it by private delivery service to: EBSA, Attn: EFAST-1, 3833 Greenway Drive, Lawrence, KS, 66046-1290;

Or fax your EFAST-1 application to 785-838-2185 (this is not a toll-free number). This fax number is for EFAST-1 applications **ONLY**.

HOW TO FILE

Use black or blue ink. Do not write in the upper right corner of the form above the words "Official Use Only" or on or near the bar code at the bottom of the form. If completing by hand, enter one letter or number per box as shown on the first line of the illustration below. If typing, ignore the vertical green lines and type anywhere within the boxes as shown on the second line of the illustration below. Do not enter commas or type more characters than the number of boxes. If there are not a sufficient number of boxes, abbreviate as necessary.

You Must Write Within the Boxes (example)															Manual Preparation		
1	2	3			M	a	i	n		S	t	r	e	e		t	
If Typing, Type Through the Boxes (example)															Typewriter Preparation		
1	2	3			M	a	i	n		S	t	r	e	e		t	

SPECIFIC INSTRUCTIONS

Part I - Type of Application

Enter an "X" in the box on the appropriate lines to indicate the type of application you are filing. You may check more than one box in certain circumstances. See the instructions for Part I below on completing Lines A, B, and C, and for Part II on signing the Applicant Agreement.

Line A - Check the box on line A if you are an individual applying for an EFAST electronic signature. Only one electronic signature is required for each individual, even if that individual signs more than one Form 5500 and/or Form 5500-EZ, for example, as the administrator of several different plans, or signs a single Form 5500 in several capacities, for example, as plan administrator and as the employer. See the *Form 5500 Electronic Filer User's Guide* for more information concerning electronic filing procedures.



*Only individuals may apply for EFAST electronic signatures. Electronic signatures will **NOT** be issued to companies, trades, businesses, or other persons. If the "person" required to file a Form 5500 or Form 5500-EZ is an organization, an individual authorized to sign on behalf of the organization must sign the Form 5500 or Form 5500-EZ. A Form 5500 may require more than one signature. In order to file such a Form 5500 electronically, each individual who signs must obtain his or her electronic signature by individually submitting a separate Form EFAST-1. The unique EFAST electronic signature assigned to such individual must be on the Form 5500 or Form 5500-EZ filed electronically. See the instructions for the Form 5500 or Form 5500-EZ for more information on persons required to sign annual returns/reports and on the requirement that plan administrators filing electronically must keep as part of the plan's records a copy of the return/report including all required handwritten signatures.*

Line B - Check the box on line B if you are applying for EFAST transmitter codes. You may check the boxes on both line B and line A only if the individual applying for an electronic signature is also authorized to sign the Applicant Agreement on behalf of the person applying to be an EFAST Transmitter. An EFAST Transmitter is a company, trade, business, or other person that forwards Forms 5500 and/or Forms 5500-EZ for filing via modem in compliance with EFAST electronic filing procedures. See the *File Specifications, Validation Criteria, and Record*

Layouts Guide and the *Form 5500 Electronic Filer User's Guide* for more information concerning EFAST transmitter procedures.

Line C - Check box C if you are applying for EFAST software developer codes. You may check the boxes on both line C and line A only if the individual applying for an electronic signature is also authorized to sign the Applicant Agreement on behalf of the person applying to be an EFAST Software Developer. An EFAST Software Developer is a company, trade, business, or other person that creates, programs, or otherwise modifies computer software to be used to complete Forms 5500 and/or Forms 5500-EZ in compliance with EFAST specifications. See the *File Specifications, Validation Criteria, and Record Layouts Guide* and the *Form 5500 Electronic Filer User's Guide* for more information concerning EFAST software developer procedures.

Line D - Check the box on line D if the Form EFAST-1 is being filed to update information previously submitted on a Form EFAST-1 for an EFAST Transmitter or EFAST Software Developer. Complete the entire application if you check this box. We will use this updated information to distribute new specifications and other information each year to EFAST Software Developers and EFAST Transmitters.

Part II - Applicant Agreement

The Applicant Agreement on the Form EFAST-1 must be signed and dated. The individual applying for an electronic signature must sign the Applicant Agreement, and enter his or her name in the first row of boxes (last name first). If the application is filed to be an EFAST Transmitter or Software Developer, or both, an individual authorized to sign on behalf of the applicant must sign and date the Applicant Agreement and enter his or her name in the first row of boxes (last name first) and title in the second row of boxes. Accordingly, separate Form EFAST-1 applications must be filed unless the individual applying for an EFAST electronic signature is also authorized to sign on behalf of the EFAST Transmitter and Software Developer.

Part III - EFAST Electronic Signature, Transmitter and Software Developer Applicant Information

Line A – Enter the name (last name first) of the individual who is applying for an electronic signature. If the name on Line A does not match the signature on the Applicant Agreement, the application will not be accepted and will be returned.

Line B - Enter the legal name of the company, trade, business, or other person that is applying for codes to be an EFAST transmitter or software developer.

Line C - Enter the nine-digit employer identification number (EIN) of the company, trade, business, or other person applying to be an EFAST transmitter or software developer. If an EIN has not been assigned, obtain one from the IRS before filing Form EFAST-1. The **Form SS-4**, Application for Employer Identification Number can be obtained at most IRS or Social Security Administration (SSA) offices. Individuals applying for an electronic signature should leave this line blank.

Line D - Enter the business mailing address at which you want to receive EFAST correspondence.

Line E - Enter the name of a contact person for EFAST purposes if the contact person is not the person who signed the Applicant Agreement.

Line F - Enter a daytime business telephone number (including area code) for the person who signed the Applicant Agreement or the EFAST contact person.

Line G - Enter a fax number, including area code, if you would like to receive EFAST information via fax. Leave this blank if you do not wish to receive information via fax.

Line H- Certain EFAST materials are available in electronic format, e.g., *Form 5500 Electronic Filer's User Guide* and *File Specifications, Validation Criteria, and Record Layouts Guide*. If you would like to receive materials electronically, enter your e-mail address in the appropriate boxes. Relevant EFAST publications are also available through the Internet at: www.efast.dol.gov.

PRIVACY ACT NOTICE

The Privacy Act of 1974 requires that when we ask you for information we tell you our legal right to ask for the information, why we are asking you for it, and how it will be used. We must also tell you what could

happen if we do not receive it and whether your response is voluntary, required to obtain a benefit, or mandatory.

Our legal right to ask for the information is section 109(a) of the Employee Retirement Income Security Act of 1974 (ERISA), and Internal Revenue Code sections 6001, 6011, and 6012(a) and their related regulations. We are asking for this information to verify your standing as a qualified participant in the EFAST electronic filing / software development program. Your response is voluntary. However, if you do not provide the requested information, you could be disqualified from participating in the EFAST program. Also, if you provide false or fraudulent information, you may be subject to criminal prosecution. See section 1027, Title 18, U.S. Code (False statements and concealment of facts in relation to documents required by ERISA) and section 1001, Title 18, U.S. Code (Fraud and False Statements - Statements or entries generally). Other penalties may also apply.

PAPERWORK REDUCTION ACT NOTICE

You are not required to provide the information requested on a form that is subject to the Paperwork Reduction Act unless the form displays a valid OMB control number. Books or records relating to a form or its instructions must be retained as long as their contents may become material in the administration of the Internal Revenue Code or are required to be maintained under Title I or Title IV of ERISA.

The time needed to complete and file this form will vary depending on individual circumstances. The estimated average time is 20 minutes. If you have comments concerning the accuracy of this time estimate or suggestions for making this form simpler, we would be happy to hear from you. See the "Contact Us" area on the EFAST Web page for information on how to contact us.