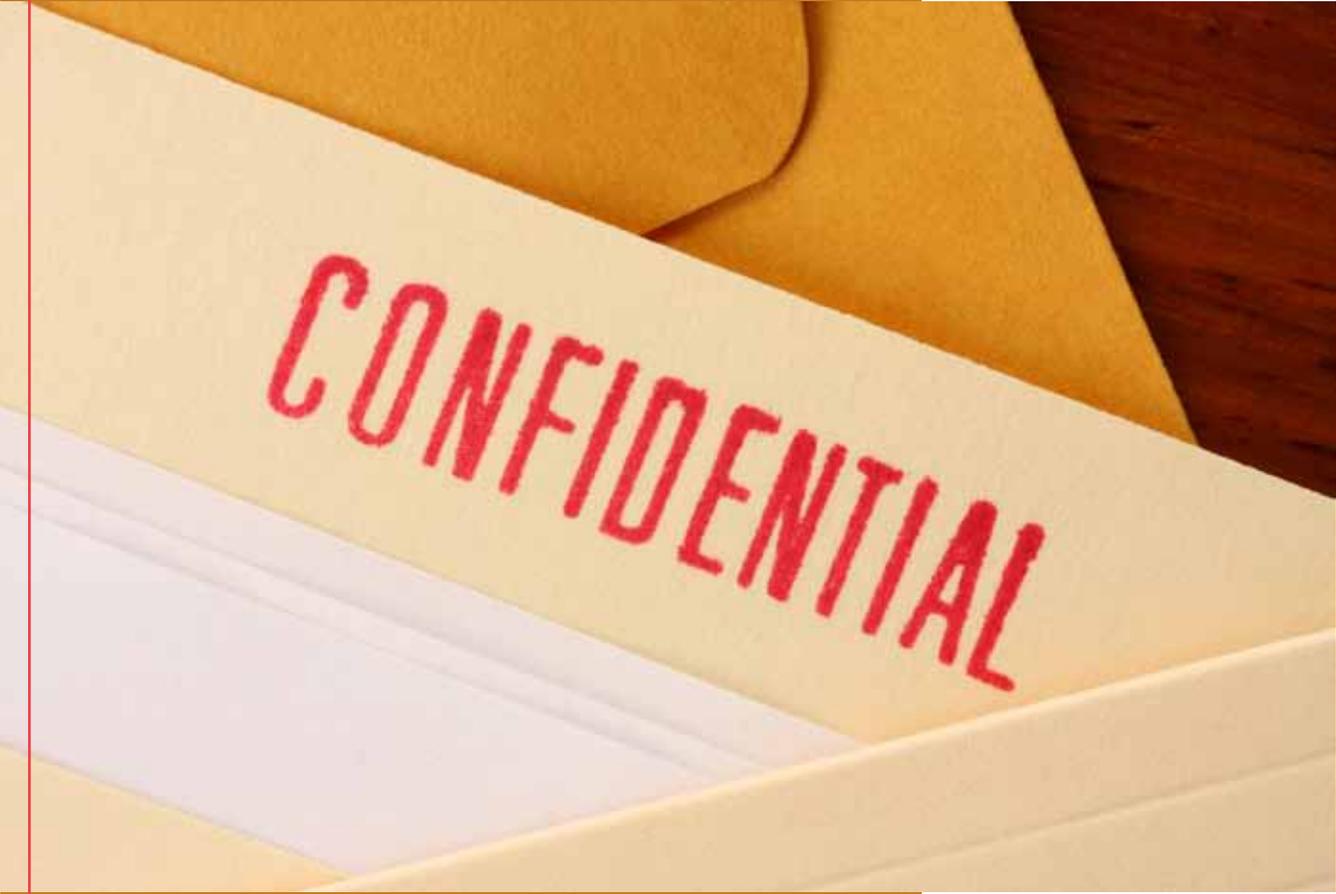




Privacy, Confidentiality, and Civil Rights **- A Public Trust**

A close-up photograph of a white envelope with a red "CONFIDENTIAL" stamp. The envelope is partially open, showing a white document inside. The background is a dark wooden surface. The image is framed by blue vertical bars on the left and right sides.

CONFIDENTIAL

“... ensuring IRS volunteers and their partnering organizations safeguard taxpayer information and understand their responsibilities ...”

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Privacy, Confidentiality, and Civil Rights — A Public Trust

Introduction

The Internal Revenue Service (IRS) sponsors the VITA (Volunteer Income Tax Assistance) and the TCE (Tax Counseling for the Elderly) programs that provide free tax return preparation for low to moderate income and elderly taxpayers. Details governing the operation of these two programs are covered in various materials; however, one of the foundational principles for both programs is that the confidentiality of the information provided is guaranteed so that the public trust is protected. This document addresses areas where diligence to detail is needed.

Section 7216 of the Internal Revenue Code (IRC) and a related provision, IRC 6713, provide penalties against tax return preparers who make unauthorized use or disclosure of tax return information. A tax return preparer covered by IRC 7216 and 6713 can include a person who prepares tax returns or assists in preparing tax returns, whether or not a fee is charged for preparing a tax return.

Background

Partners and volunteers are not subject to the same statutes and regulations to which IRS employees are held accountable. Information provided by individual taxpayers to a VITA or TCE volunteer is not considered “return information” protected by IRC 6103 until it is received, recorded, or collected by the IRS. However, VITA and TCE volunteers are subject to the criminal penalty provisions of 18 USC 1905 for any improper disclosures of this information. It is critical to the programs’ success to ensure volunteers and their partnering organizations safeguard taxpayer information **and** understand their responsibilities in this respect.

Taxpayers utilizing volunteer program services provide Personally Identifiable Information (PII) to the volunteers, such as names, addresses, social security numbers, birth dates, and bank account information. This type of information is a prime target for identity theft. Therefore, partners and volunteers must keep the information confidential and protect it from unauthorized individuals and misuse.

Protection Against Legal Action

Public Law 105-19, Volunteer Protection Act of 1997 (VPA) generally protects volunteers from liability for negligent acts they perform within the scope of their responsibilities in the organization for whom they volunteer. The VPA is not owned or written exclusively for Internal Revenue Service. This is a Public Law and relates to organizations that use volunteers to provide services.

Under the VPA, a “volunteer” is an individual performing services for a nonprofit organization or a governmental entity (including as a director, officer, trustee, or direct service volunteer) who does not receive for these services more than \$500 total in a year from the organization or entity as:

- (a) Compensation (other than reasonable reimbursement or allowance for expenses actually incurred), or
- (b) Any other thing of value in lieu of compensation.

If individuals are paid for their services except as described above, they are not considered as “volunteers” under the VPA, however, all individuals participating in the VITA/TCE Programs are described as volunteers. Paid volunteers should seek “protection advice” from the sponsoring organization’s counsel department.

Penalty for Unauthorized Disclosures or Uses

IRC 7216(a) imposes criminal penalties on tax return preparers who knowingly or recklessly make unauthorized disclosures or uses of information furnished in connection with the preparation of an income tax return. A violation of IRC 7216 is a misdemeanor, with a maximum penalty of up to one year imprisonment or a fine of not more than \$1,000, or both, together with the cost of prosecution.

Privacy and Confidentiality – Key Principles

To maintain program integrity and provide for reasonable protection of information provided by the taxpayers serviced through the VITA/TCE Programs, it is essential that partners and volunteers adhere to the strictest standards of ethical conduct and the following key principles be followed.

- Partners and volunteers must keep confidential the information provided for tax return preparation.
- Partners and volunteers must protect physical and electronic data gathered for tax return preparation both during and after filing season.
- Partners using or disclosing taxpayer data for purposes other than current, prior, or subsequent year tax return preparation must secure the taxpayer's consent to use or disclose their data.
- Partners and volunteers must delete taxpayer information on all computers (both partner owned and IRS loaned) after filing season tax return preparation activities are completed.
- Partners and site coordinators must keep confidential any personal volunteer information provided.

Taxpayer Information

Partners and volunteers must keep confidential the information provided for tax return preparation.

Privacy During the Interview

To the extent possible, arrange tax preparation assistance areas to prevent others from easily overhearing or viewing the information under discussion. When volunteers require assistance to complete the tax return, they should ensure privacy is maintained during these discussions.

All tax returns should be prepared at the site with the taxpayer present. In addition, taxpayer information should not be dropped off at a site for tax return preparation at a later time. Please note the Exception below. In situations where sufficient information to complete the return is unavailable, all documents should be returned to the taxpayer with a request that they be brought back, along with the remaining information needed to complete the tax return.

Exception: Having the taxpayer present in the preparer's site is not always possible. In these cases, Virtual VITA/TCE processes can be used to prepare returns without taxpayer face-to-face contact. Certified volunteers may interview taxpayers over the phone while preparing their return. The alternative process used to prepare returns must be approved by the responsible IRS Territory Manager to ensure all procedures are in place as described in the Quality Site Requirements (QSR). Most importantly, the taxpayer's and government's interests must be properly protected. In some cases, the taxpayer information must be left at the site to be prepared and returned to the taxpayer. Adequate security and privacy is expected to ensure taxpayer records are properly safeguarded.

Requesting the Information

When preparing tax returns, only information that is necessary and relevant should be requested. The information provided is entrusted to the volunteer with the taxpayer's confidence that it will not be shared or used in any unauthorized manner.

Information such as name, address, Social Security Numbers (SSN), birth dates, marital status, bank account information for direct deposit, and other basic information is necessary to prepare the return. Documents that are relevant to ensure identity and accuracy include:

- A photo identification (ID) such as valid driver's license (U.S.), employer ID, school ID, state ID (U.S.), Military ID, national ID, visa, or passport. However, judgment should be used to accept any other valid form of identification. For example, the site coordinator can allow proof of identity in a situation of an elderly person with a disability who has an expired driver's license and passport but also provides a valid birth certificate. IRS-tax law certified volunteers preparing tax returns are required to confirm the identity of the taxpayer to avoid identity theft and tax fraud. If a taxpayer cannot substantiate their identity, or if the volunteer is uncomfortable accepting the items presented as proof of identity, the taxpayer should be advised to return with an acceptable form of identification. Exceptions to requiring Photo ID should only be made under extreme circumstances and should not be the norm. For example, there may be limited situations where an exception may apply to a person with a disability, the elderly, or other unique circumstances. The exception does not include taxpayers known to the site.
- Original or copies (paper or electronic) of social security cards are required to be reviewed prior to tax preparation. If the taxpayer cannot present a social security card, the following documents are acceptable substitutes: a letter from the Social Security Administration (SSA), Form SSA-1099, Medicare cards that include the letter "A" after the SSN, and/or any other verification issued from the SSA Office. SSA verification documents with a truncated SSN, (i.e., ***-**-1234), can be used as acceptable documents at the site coordinator's discretion. For taxpayers or dependents who do not qualify for SSN, their IRS-issued ITIN card or letter will be required. Volunteers should confirm the SSN or Individual Taxpayer Identification Number (ITIN) and the correct spelling of names for all individuals listed on the tax return. The mismatch of names and SSN or ITIN information is one of the top reasons for delays in processing electronic tax returns.

Sharing the Information

Information provided for tax return preparation should not be shared with anyone who does not have a need to know. Individuals have a need to know if their involvement is required to process the information to its final disposition. Examples of "need to know" include sharing information for the purpose of obtaining guidance in tax return completion; electronically transmitting the return; and reviewing a tax return and source documents used to prepare the return. This includes returns submitted through the Virtual VITA/ TCE Model when a taxpayer is not present. It is not acceptable to share information with others, even another volunteer, if their involvement in the tax return preparation is not required. For instance, sharing income information, birth dates, or even the marital status of taxpayers with other volunteers, taxpayers, family, or friends as a matter of curiosity or interest, is not acceptable.

Sharing Taxpayer Information Through Non-Traditional Channels

Information sharing is normally done face-to-face in the VITA/TCE program. However, there may be situations where other communication channels may be more efficient in the process of preparing, completing and filing tax returns. For example:

- A volunteer needs advice from a more experienced preparer with an entry on the tax return. The more experienced preparer is offsite.
- The taxpayer's return has rejected due to a mismatch between the name and SSN on the return. The site coordinator must contact the taxpayer to obtain the corrected information needed to resolve the Reject Code.
- The taxpayer consents to any Virtual VITA/TCE process (using the Form 14446, *Virtual VITA/TCE Site Model Taxpayer Consent*) to prepare, review, and/or submit their return. Any process utilized under Virtual VITA/TCE must be documented on the Form 14446.

In these cases, non-traditional means for sharing PII and other sensitive information may be used to accomplish this goal. These recommendations have been developed in an effort to balance the security of taxpayer information with the potential impact on VITA/TCE partners impacted by these provisions. Volunteers and taxpayers should be advised of the

risks of using non-face-to-face methods for sharing information (lost/stolen packages, accidents, information received/ accessed by an unintended recipient) so that they can make an informed decision about how best to proceed with the preparation of their tax return. Reasonable controls should be implemented to ensure the security of information sharing between parties. Please refer to the list of non-traditional communication channels (below) for a full list of recommended best practices designed to provide additional safeguards for the data of the taxpayers you serve:

1. US Mail:

- Permitted to send information between sites, and between sites and taxpayers.
- Volunteers should consider the use of certified mail when communicating with the taxpayer under the following circumstances:
 - » Site is mailing personally identifiable information back to the taxpayer.
 - » Site is unable to advise the taxpayer beforehand that the personally identifiable information will be mailed.
- Taxpayers should be encouraged to use certified mail when sending information back to the site.

2. Courier (in-house or nationally/locally recognized delivery service):

- Permitted to share information between parties.
- Using a courier service provides additional safeguards such as package tracking and delivery confirmation.

3. Email:

- Permitted. Both parties should consider using a supplemental program that secures the message with a password.
- There are several software programs available for download for both partners and taxpayers. Note that although some programs are free, there are others that may charge a fee.
- Before emailing information to taxpayers, the volunteer and taxpayer should agree on unique passwords/identifiers to ensure the secure transmission of information between parties.
- Volunteers should not use a public computer to send email.
- Sensitive email messages should be deleted from the computer and/or server once they are no longer needed.

4. Telephone (Voice Communications):

- Permitted to share information.
- As with email above, both the volunteer and the taxpayer should consider using a unique password/identifier to be used when a phone call is placed to clarify personally identifiable information needed to prepare, review, and/or submit the return.
- The volunteer and taxpayer can use the same unique password/identifier combination for email transmissions (outlined the bullet above) as with telephone communications.
- When any call is made between the volunteer and the taxpayer, each party should share their unique password before discussion begins about the taxpayer's return or other personally identifiable information.
- If a site is utilizing the recommended password/identifier protocol and the taxpayer cannot provide the password/identifier, it is recommended that the volunteer should inform the taxpayer that the call cannot continue, ask the taxpayer to locate the correct password, and courteously disconnect the call.
- If the taxpayer cannot subsequently locate their password/identifier, it is recommended that they should return to the site to provide the information needed to complete the return preparation process.

- If taxpayers call a volunteer site unprompted (without an authentication protocol in place), the volunteer should advise the taxpayer that they cannot discuss the taxpayer's return and that they must return to the site to resolve their issue.

5. Telephone (Text Communications):

- Not permitted to be initiated by the site.
- If the taxpayer initiates contact via text, the site should advise the taxpayer of the risk of sharing personally identifiable information via text message.

6. Fax Machine:

- Permitted to share information.
- Taxpayers should be advised of the risks of using a public fax machine to transmit documents (data may remain in the queue while forms are being faxed).
- If a public fax machine is used to receive a transmission, the volunteer or taxpayer should be present to receive the fax. Individuals should be advised about the risks of transmitting documents to an unattended fax machine.

7. Videoconferencing:

- Permitted to share information.
- Volunteers should not share personally identifiable information during the videoconference session (and advise the taxpayer to do likewise). If the taxpayer insists on sharing PII, the volunteer should consider discontinuing the videoconference session.
- Partners who utilize this channel should consider options (such as closed captioning or chat features) that allow hearing-impaired clients to utilize this technology effectively. Note that there may be costs incurred for utilizing these options.

8. File Sharing Program:

- Permitted to share information.
- Partners should acquire a program that maintains minimally-acceptable levels of security (user authentication with password, 128-bit encryption, and audit trail capability) so that user activities can be monitored. There may be a partner cost involved.

Disclosure and Use of Taxpayer Information

On December 28, 2012, Treasury and the IRS published final Treasury Regulations under 26 CFR 301.7216-2. The final regulations provide updated guidance effecting tax return preparers' use and disclosure of tax return information related to maintaining and compiling lists for solicitation of tax return preparation services and disclosure and use of statistical compilations of data in support of their tax return preparation business.

All volunteer sites using or disclosing taxpayer data for purposes other than preparing a current, prior, or subsequent year tax return must secure the taxpayer's consent to use and disclose the data. See Revenue Procedure 2013-14.

Exception: All volunteer sites using or disclosing anonymous aggregate data for fundraising, marketing, publicity, or other uses related to the volunteer sites' tax return preparation business are not required to secure the taxpayers' consent. Under the regulations, a statistical compilation is anonymous if it does not include any personally identifiable information, such as the taxpayer's name, SSN/ITIN, address or other personal information, and does not disclose cells containing data from fewer than ten tax returns.

This exception does not apply to the use or disclosure in marketing or advertising of statistical compilations containing or reflecting dollar amounts of refund, credit, or rebate, or percentages relating thereto.

| Using and Disclosing Taxpayer Information for: | Are the Two Consents (Use and Disclosure) Required? |
|---|---|
| Preparing current, prior, or subsequent year tax returns. | No |
| For purposes other than preparing current, prior, or subsequent year tax return. | Yes |
| To report the number of returns (number of types of return such as Earned Income Tax Credit (EITC), Child Tax Credit (CTC), etc.) prepared to use for fundraising, marketing, publicity or other uses related to the volunteer sites tax return preparation business. | No |
| To report any data containing return dollar amounts for marketing or advertising or any other non-fundraising activities. | Yes |
| To report any data containing return dollar amounts for fundraising activities. | No |

IRS partners required to obtain consent are encouraged to solicit both a consent to use and a consent to disclose. Tax return preparers must obtain consent to use or disclose tax return information before tax return information is used or disclosed. **Tax return preparation services must be provided regardless of the taxpayer’s decision on whether to agree to the use and disclosure of their data. Taxpayers who choose not to consent to the use or disclosure of their data must not be denied services;** however, the services provided may be limited to tax return preparation and tax return preparers must not use or disclose their data. Each partner/volunteer organization must evaluate the uses of taxpayer information against IRC 7216 requirements to ensure compliance.

Consent Requirements

Partners are required to provide written notice to the taxpayer and receive signed consent on both notices when using or disclosing taxpayer information for purposes other than preparing a current, prior, or subsequent year tax return. Partners must customize consents to be specific for their particular use and disclosure.

There are two types of consents:

- 1) Consent to “disclose”, taxpayer information. **Disclose** means the giving out of information, either voluntarily or to be in compliance with legal regulations or workplace rules, and,
- 2) Consent to “use” taxpayer information. **Use** means the act or practice of employing something.

These notices cannot be combined. They must be kept separate. Consents must meet the minimum requirements provided in 26 CFR 301.7216-3(a)(3) and must include the requirements defined in Revenue Procedure 2013-14 or its successor. The consent must:

- Identify the intended purpose of the disclosure or use.
- Identify the recipients and describe the specific authorized disclosure or use of the information.

- Identify the specific taxpayer information to be used or disclosed.
- Include the mandatory language outlined in Rev. Proc. 2013-14 or its successor.
- Include the consent duration if other than one year.
- Use 12-point type font on 8 ½ by 11-inch paper or, for an electronic consent, be in the same type as the web site's standard text; and Include the taxpayer's signature and date.
- Separate consents are required for disclosure and use, although multiple uses may be included in the same use consent and multiple disclosures may be included in the same disclosures consent. (**Note:** Multiple disclosures consents and multiple use consents must provide the taxpayer with the opportunity, within the separate written document, to affirmatively select each separate disclosure and use.)

Consent notices are valid for one year unless otherwise specified in the written notice to the taxpayer. Under IRC 6531, the period of limitations for prosecuting a violator of IRC 7216 is three years after failure to comply. It is recommended that partners maintain signed copies of the consent notice for three years. Consent notices may be maintained in paper or electronic format.

During the return preparation process, the preparer should enter the taxpayer's PIN based on the taxpayer's preference, "Consent Granted" or "Consent Denied," confirming the taxpayer's decision. (Note: Preparers can only enter the taxpayer's PIN on behalf of the taxpayer when the taxpayer has signed a paper consent. If the taxpayer does not sign a paper consent, then the taxpayer must enter his or her own PIN in the software.) The consents are included in the print packet defaults for TaxWise.

If the preparer is entering the consent PIN and date into TaxWise, the taxpayer must sign and date a paper consent form before entering the consent PIN and date into TaxWise. The site may give the signed paper consent form to the taxpayer or maintain at the site. Whether the signed copy is given to the taxpayer or maintained at the site, a copy of the consent in TaxWise with the PIN must be provided to the taxpayer for his/her records. Maintaining the electronic copy of the signed consent in TaxWise will meet the three years retention requirement.

Mandatory Statements

The following statements must be included in consents to disclose and consents to use tax return information. Select one of the following consent statements to Disclose (whichever applies) and the consent statement to Use for the taxpayers signature.

Consent to "Disclose" (such as , financial aid, establishment of a bank account, relational EFINs, other government agency assistance or bank products):

Required Statements:

Federal law requires this consent form be provided to you. Unless authorized by law, we cannot disclose your tax return information to third parties for purposes other than the preparation and filing of your tax return without your consent. If you consent to the disclosure of your tax return information, Federal law may not protect your tax return information from further use or distribution.

You are not required to complete this form to engage our tax return preparation services. If we obtain your signature on this form by conditioning our tax return preparation services on your consent, your consent will not be valid. If you agree to the disclosure of your tax return information, your consent is valid for the amount of time that you specify. If you do not specify the duration of your consent, your consent is valid for one year from the date of signature.

If you believe your tax return information has been disclosed or used improperly in a manner unauthorized by law or without your permission, you may contact the Treasury Inspector General for Tax Administration (TIGTA) by telephone at 1-800-366-4484, or by e-mail at complaints@tigta.treas.gov.

Consent to “Use” (such as, financial aid, establishment of a bank account, relational EFINs, other government agency assistance, or bank products):

Required Statements:

Federal law requires this consent form be provided to you. Unless authorized by law, we cannot use your tax return information for purposes other than the preparation and filing of your tax return without your consent.

You are not required to complete this form to engage our tax return preparation services. If we obtain your signature on this form by conditioning our tax return preparation services on your consent, your consent will not be valid. Your consent is valid for the amount of time that you specify. If you do not specify the duration of your consent, your consent is valid for one year from the date of signature.

If you believe your tax return information has been disclosed or used improperly in a manner unauthorized by law or without your permission, you may contact the Treasury Inspector General for Tax Administration (TIGTA) by telephone at 1-800-366-4484, or by e-mail at complaints@tigta.treas.gov.

Multiple Disclosures or Multiple Uses Within a Single Consent Form

A taxpayer may consent to multiple uses within the same written document or multiple disclosures within the same written document.

- Disclosure consents and use consents must be provided in separate documents.
- Multiple disclosure consents and multiple use consents must provide the taxpayer with the opportunity, within the separate written document, to affirmatively select each separate disclosure or use.
- The taxpayer must be provided the mandatory consent language for each separate disclosure or use.
- The mandatory statements need only be stated once in a multiple disclosure or multiple use consent.

Disclosure of Entire Return:

If a consent authorizes the disclosure of a copy of the taxpayer’s entire tax return or all information contained within a return, the consent must provide that the taxpayer has the ability to request limits on what tax return information is disclosed.

Use of Wireless Devices in the VITA/TCE Programs

IRS recommends partners/volunteers use wired connections when transmitting taxpayer information via the Internet. If partners/volunteers, after assessing their individual risks, decide to use wireless devices to transmit taxpayer information to CCH Small Firm Services (TaxWise), at a minimum, partners/volunteers should use:

1. Wi-Fi Protected Access-2 (WPA2) certified equipment and software. WPA2 uses government strength encryption in the Advanced Encryption Standard (AES).
2. AES with a minimum of 256 bit encryption.

3. WPA2 Robust Security Network (RSN) framework should be used with authentication to establish a secure wireless connection between WLAN (Wi-Fi Local Area Networks) devices.
4. The default SSID (Service Set Identifier) should not be used. The SSID character string should not reflect names associated with VITA, TCE, IRS, or tax preparation.

Partners/volunteers are encouraged to use TaxWise Online (TWO) when using wireless devices since all taxpayer data is stored on a secure server located in the CCH Small Firm Services data center. Partners/ volunteers are expected to exercise caution to ensure taxpayer return and personal information is properly safeguarded. Partners/volunteers must have sufficient knowledge of the equipment (computer, software, routers, and wireless devices) they use to adequately assess their security risks and take reasonable steps to mitigate those risks.

Maintaining and Ensuring Confidentiality of Taxpayer Information

Partners and volunteers must protect physical and electronic data gathered for tax return preparation both during and after the filing season.

Protecting the Information

Once the tax return is complete and the taxpayer has left, volunteers and sponsors must ensure the individual information provided during return preparation is protected. Protecting the information is not limited to preventing its theft but to ensuring it is recoverable. If on-line tax preparation software is not used, partners should regularly make back up copies of the data they process in the event of computer failure. The software provided by IRS for tax preparation automatically encrypts tax data whether it is stored on the user's computer or on removable media. This action reduces the chance that the taxpayer could be harmed by the inability to file a return. For returns electronically filed, the IRS requires that certain documents be retained. For a complete list of the documents required to be retained, refer to Publication 3189, *Volunteer e-file Administration Guide*.

Copies of tax returns (electronic or paper) or related information must not be maintained by any individual volunteer unless it complies with IRC 7216 or return retention guidelines outlined in Publication 1345, *Handbook for Authorized IRS e-file Providers of Individual Income Tax Returns* and Publication 3189, *Volunteer e-file Administration Guide*.

VITA and TCE volunteers are not required to retain Form 8879, *IRS e-file Signature Authorization* and supporting documents such as Form W-2 and 1099. The taxpayer(s) must sign and date the Form 8879, after reviewing the return and confirming the information is accurate. The volunteer should return the signed Form 8879 to the taxpayer along with a copy of their tax return. Forms 8879 are not sent to the IRS.

Providing a Safe Environment for Information

Partners and volunteers must implement a process to ensure information is adequately protected at all times. The process must:

- Ensure the information provided during the course of tax return preparation is under the care of volunteers at all times and in accordance with partner security and safeguarding guidance/directives.
- Position computer screens so unauthorized individuals cannot see taxpayer information.

- Use locked storage for documents that must be retained after the taxpayer leaves the site. These documents include but are not limited to tax returns, Forms W-2, W-8 BEN, and 1099. Keep devices (i.e. diskettes, CDs, flash drives, pen drives, key drives, thumb drives, etc.) containing taxpayer information secure.
- Use unique user IDs to limit volunteer return access to protect taxpayer information. Volunteers should not use the same user names to prepare tax returns.
- Label and account for the devices.
- Secure the equipment used for electronic tax return preparation and filing.
- Use passwords to prevent unauthorized access to the computer and software. Note: You are the key to safeguarding taxpayer information and the integrity of the VITA/TCE program. Do NOT provide your password to anyone.
- Ensure portable equipment is under the care of a volunteer at all times.
- Use limited or controlled access locations for storing equipment.
- Guard equipment connected to the Internet with virus protection software.
- Ensure information is not accessible to general computer users who share equipment.
- Use data encryption processes when available to secure data stored on computers and on back-up devices.
- Ensure computer settings do not store passwords and any other key information that could provide access to information on the computer.
- Record the make, model and serial number of all computer equipment used and keep in a secure location. This can save valuable time if it is necessary to report the equipment as lost or stolen.

Back up disks containing tax return information provided to the IRS for storage are subsequently used for tax administration purposes by IRS. Based on this, the disks become “return information” protected by 26 U.S.C. 6103. At this point, they cannot be returned to a partner or volunteer for any use.

Reporting Stolen and Lost Equipment

With heightened attention on security of data and computers used in support of the volunteer program, it is necessary to ensure incidents of stolen and lost equipment (including partner owned) is reported to the IRS.

As a condition of IRS loaned equipment, the recipient of loaned equipment agrees to notify IRS within 48 hours if equipment is stolen or lost.

Partners should provide what is readily available to their local relationship manager or territory office. The territory office must complete incident assessment and documentations within 10 days to assist IRS with documentation, partners are asked to provide the following:

- Serial number
- Barcode

- Make
- Model of computer or printer
- Description of what occurred
- Taxpayer data at risk (include number of records)
- Was computer encrypted
- If not encrypted, did the computer have a strong password
- Was or will taxpayers be notified of theft/loss (if notified, method used)
- A copy of police report filed with local law enforcement (if applicable)

Stolen and Lost Information – Taxpayer Notification

No matter how diligent partners and volunteers are in protecting information, there is always a chance that it will be stolen or lost. If this occurs, notify the appropriate authorities and then thoroughly evaluate the incident. Be sure to take action to prevent other losses of equipment. Because each incident of loss is unique, partners should evaluate the circumstances surrounding the loss and decide whether the risk of identity theft warrants notification of the individuals whose information may have been compromised.

The following table depicts situations that have occurred and may prove helpful in evaluating risk and determining whether taxpayer notification should be considered. All examples assume that individual tax return information is present.

| Situation | Risk Assessment |
|---|---|
| A laptop and bag are stolen. The passwords to the computer programs were recorded on a note card in the bag. | Risk is high because the password was with the computer and makes the data easily accessible. |
| A laptop is stolen. Passwords are required to access the programs on the computer and they were not compromised. The software program used to prepare returns encrypts the data and return information is only stored within this software. | Risk is low. Use of passwords and encryption greatly reduce the risk of compromised data. |
| A folder with information reports (Forms W-2, 1099) and/or Forms 8453 or 8879 is stolen from the site by an angry taxpayer. | Risk is high because the information is easily accessible. |
| A disk containing return information is lost. The data on the disk was saved using a tax preparation software program that encrypts the data when saved to a disk. | Risk is low. Use of encryption on the disk greatly reduces the risk of compromised data. |

A laptop is stolen with encryption and the passwords are not compromised but the briefcase contained a return acknowledgement report for accepted returns.

Risk is high. The information on the return acknowledgement report is easily accessible.

Deleting Taxpayer Information

Information may not be stored on partner owned or IRS loaned equipment once the filing season activities are completed. The information on all computers (both partner owned and IRS loaned) not using TaxWise Online, must be deleted (securely wiped) as part of the site closing activities. Deleting the information properly will prevent unauthorized disclosure of confidential information. IRS provided software encrypts all tax return data stored on the user's computer or on removable media.

Providers of electronic filing are reminded that they are required to retain a complete copy of the electronic portion of the tax return (which may be retained on magnetic media) until December 31 of the current tax year, which can be readily and accurately converted into an electronic transmission that the IRS can process.

Disposing of Taxpayer Information

Once taxpayer information is no longer required, it must be returned to the taxpayer or properly disposed of including burning or shredding the data.

Identity Theft

Nationwide, identity theft continues to grow at an alarming rate. In 2004, IRS developed a strategy to address the problem of identity theft related tax administration issues. The IRS strategy continues to evolve, but continues to focus on three priority areas that are fundamental to addressing the identity theft challenge: victim assistance, outreach and prevention.

- Victim assistance: The IRS is working to speed up case resolution and provide more training for employees who assist victims of identity theft.
- Outreach: The IRS is educating taxpayers so they can prevent and resolve tax-related identity theft issues quickly.
- Prevention: The IRS is implementing new processes for handling returns, new filters to detect fraud, new initiatives to partner with stakeholders and a continued commitment to investigate the criminals who perpetrate these crimes.

Every December, the IRS Identity Protection Specialized Unit (IPSU) mails Notice CP01A to taxpayers previously identified as identity theft victims. The notice includes a six-digit Identity Protection Personal Identification Number (IP PIN) to be entered on the tax return. Taxpayers are mailed Notice CP01A every year as long as the identity theft indicator remains on their account (usually three years). Use the most recent IP PIN regardless of the tax year.

Refer to the IRS Identity Protection Home Page at <http://www.irs.gov/uac/Identity-Protection> to stay current on what the IRS is doing to combat this growing problem. On this page, you will find a wide range of information. Depending upon the circumstances, the information found there will cover a variety of scenarios involving identity theft, ranging from contacting the IRS with a case of identity theft to providing tips to help keep taxpayers' records safe.

How to assist taxpayers who may be victims of identity theft at VITA/TCE sites?

Being sensitive towards victims of identity theft is critical to assisting taxpayers through a confusing and frustrating situation. Remember victims of identity theft are:

- Victimized by identity thieves – mostly through no fault of their own and
- Trying to comply with tax laws – file tax return and pay their fair share of taxes

When assisting taxpayers who are victims or may be victims of identity theft at VITA/TCE site, you should:

| If... | Then... |
|---|--|
| IP PIN was issued to primary and/or secondary taxpayer. | Ensure the IP PIN is input correctly on the tax return. |
| Taxpayer received an IP PIN but did not bring it with them. | <ol style="list-style-type: none"> 1. Complete tax return for the taxpayer. 2. Provide taxpayer with a complete copy of the tax return. (Provide two copies if the taxpayer will mail the tax return.) 3. Refer to Replacing Lost or Missing IP PIN below. 4. If taxpayer wants to e-file, arrange for the taxpayer to provide the IP PIN by returning to the site or via telephone. |
| Taxpayer received an IP PIN but misplaced or lost it. | <ol style="list-style-type: none"> 1. Complete tax return for the taxpayer. 2. Provide taxpayer with a complete copy of the tax return. (Provide two copies if the taxpayer will mail the tax return.) 3. Refer to Replacing Lost or Missing IP PIN below. 4. If the taxpayer receives original or a replacement IP PIN and wants to e-file, arrange for the taxpayer to provide the IP PIN by returning to the site or via telephone. |
| Taxpayer did not receive IP PIN but IRS rejected the e-filed tax return because the IP PIN was not input. | <ol style="list-style-type: none"> 1. Refer to Replacing Lost or Missing IP PIN below. 2. Provide taxpayer with two complete copies of the tax return. 3. If the taxpayer receives the original or a replacement IP PIN and taxpayer wants to e-file, advise the taxpayer to provide the IP PIN by returning to the site or via telephone. 4. If IPSU don't provide the IP PIN, advise taxpayer to follow IPSU instructions in mailing the tax return. There may be processing delays as IRS verifies the taxpayer's identity. |
| IRS rejected the taxpayer's tax return because the taxpayer's primary/secondary SSN was previously used. | <ol style="list-style-type: none"> 1. Advise the taxpayer to contact the IPSU for assistance. If required, the IPSU will advise the taxpayer to complete Form 14039 Identity Theft Affidavit, and to mail it with their tax return to the IRS. 2. Provide the taxpayers two copies of their tax return. |

Replacing a Lost or Missing IP PIN

If a taxpayer did not receive his/her new IP PIN or the taxpayer misplaced it, the taxpayer has two options:

1. A taxpayer can register and create a user profile to get his/her current IP PIN at <http://www.irs.gov/uac/Get-An-Identity-Protection-PIN>. The registration process will require the taxpayer to provide specific personal information and answer a series of questions to validate his/her identity.
2. Contact IPSU at 1-800-908-4490, to receive a replacement IP PIN if the taxpayer is unable or unwilling to create an account on IRS.gov. **CAUTION:** Using a replacement IP PIN will cause a delay in processing the tax return and the issuance of any refund the taxpayer may be entitled to.

Protection of Partner/Volunteer Information

Volunteer Safety

If a volunteer is threatened by a taxpayer at anytime, first contact your local police department or 911 to have the taxpayer immediately removed from the facility. In addition, the incident should be reported to:

- Treasury Inspector General for Tax Administration - TIGTA 1-800-366-4484
- Local IRS territory office, and/or
- VOLTAX referral e-mail at WI.VolTax@irs.gov

Partners and site coordinators must keep confidential any personal volunteer information provided.

Volunteer information is available to IRS employees for the purposes of administering the volunteer tax return preparation program. Information pertaining to a potential volunteer, such as the name, home address, phone number, photo, foreign language skill and other pertinent information may be provided to a partner for purposes of ensuring that the potential volunteer is provided an opportunity to participate in the program. Similar information pertaining to current volunteers may also be provided to a partner to help coordinate maximum efficient use of volunteer skills. This information must be kept confidential and should not be disclosed to unauthorized individuals.

Release of Partner Information

IRS will protect the information provided to the extent allowable by law. However, in some situations, IRS may be compelled to provide information requested under 5 U.S.C. 552, Freedom of Information Act (FOIA). For example, a FOIA request for copies of the Application to Participate in the IRS E-file Program, Form 8633, could require the release of the applicant's name, business address and whether the applicant is licensed or bonded in accordance with state or local requirements. IRS cannot control how the information provided through a FOIA is used by the requester.

Volunteer Standards of Conduct

The mission of the VITA/TCE Programs is to assist eligible taxpayers in satisfying their tax responsibilities by providing free tax return preparation. To establish the greatest degree of public trust, volunteers are required to maintain the highest standards of ethical conduct and provide quality service.

All VITA/TCE volunteers (whether paid or unpaid workers) must complete the Volunteer Standards of Conduct Training, and sign Form 13615, *Volunteer Standards of Conduct Agreement*, prior to working at a VITA/TCE site. In addition, return preparers, quality reviewers, and VITA/TCE tax law instructors must certify in tax law prior to signing this form. This form is not valid until the site coordinator, sponsoring partner, instructor, or IRS contact confirms the volunteer's identity and signs and dates the form. To maintain confidence in the VITA/TCE Programs, IRS enhanced Form 13615. The intent is to provide guidance to volunteers and a structure for regulating ethical standards.

As a volunteer in the VITA/TCE Programs, you must:

1. Follow the Quality Site Requirements (QSR).
2. Not accept payment, solicit donations, or accept refund payments for federal or state tax return preparation.
3. Not solicit business from taxpayers you assist or use the knowledge you gained (their information) about them for any direct or indirect personal benefit for you or any other specific individual.
4. Not knowingly prepare false returns.
5. Not engage in criminal, infamous, dishonest, notoriously disgraceful conduct, or any other conduct deemed to have a negative effect on the VITA/TCE Programs.
6. Treat all taxpayers in a professional, courteous, and respectful manner.

For detailed information and further guidelines on the Volunteer Standards of Conduct refer to Publication 1084, *VITA/TCE Volunteer Site Coordinator's Handbook*.

Failure to Comply with the Standards of Conduct

Failure to comply with these standards could result in, but is not limited to, the following:

- Your removal from all VITA/TCE Programs.
- Inclusion in the IRS Volunteer Registry to bar future VITA/TCE activity indefinitely.
- Deactivation of your sponsoring partner's site VITA/TCE EFIN.
- Removal of all IRS products, supplies, loaned equipment, and taxpayer information from your site.
- Termination of your sponsoring organization's partnership with the IRS.
- Termination of grant funds from the IRS to your sponsoring partner.
- Referral of your conduct for potential TIGTA and criminal investigations.

Volunteer and Partner Registry

Volunteers and partners released from the VITA/TCE Programs for performing egregious actions can be added to the **IRS-Volunteer Registry**. The IRS SPEC Director will determine if a volunteer or partner should be added to the registry. The purpose of the registry is to notify IRS employees of volunteers and partners who were removed from the VITA/TCE Programs due to egregious actions. The registry will include partner or individual names, locations, and affiliated agency or sponsors. The volunteers and/or partners on this list are unable to participate in the VITA/TCE Programs indefinitely. Egregious actions include, but are not limited to one of the following willful actions:

- Creating harm to taxpayers, volunteers or IRS employees
- Refusing to adhere to the Quality Site Requirements
- Accepting payments for return preparation at VITA/TCE sites
- Using taxpayer personal information for personal gain
- Knowingly preparing false returns
- Engaging in criminal, infamous, dishonest, notorious, disgraceful conduct
- Any other conduct deemed to have a negative impact on the VITA/TCE Programs

If at any time a volunteer becomes uncomfortable with the information and/or documentation provided by a taxpayer, the volunteer should not prepare the tax return.

Because the U.S. tax system is based on voluntary compliance, taxpayers are able to compute their own tax liability. Most taxpayers compute their tax accurately, but at times unscrupulous taxpayers and preparers evade the system by filing fraudulent returns. For this reason, some sponsoring organizations may choose to perform background checks on their volunteers.

The VITA/TCE Programs are operated by sponsoring partners and/or coalitions outside of the IRS. However, IRS is responsible for the oversight of these programs. Generally, volunteers are selected by partners and not by the IRS. An IRS-tax law certified preparer serves an important role. In fact, IRS partners and its volunteers are the most valuable resources in the volunteer tax preparation program.

IRS has the responsibility for providing oversight to protect the VITA/TCE Programs' integrity and maintain taxpayer confidence. IRS recognizes your hard work and does not want it overshadowed by a volunteer's lapse in judgment.

To maintain confidence in the VITA/TCE Programs, IRS enhanced Form 13615, *Volunteer Standards of Conduct Agreement*. The intent is to provide guidance to volunteers and a structure for regulating ethical standards. If conduct violating the standards occurs at a VITA/TCE site, IRS-SPEC will recommend corrective action. If the site cannot remedy the conduct, then IRS-SPEC will discontinue its relationship and remove any government property from the site.

In cases of malfeasance, illegal conduct, and/or management practices that violate the Volunteer Standards of Conduct, IRS-SPEC may terminate a grant. A volunteer's conduct could put a site or partner in jeopardy of losing its government funding.

Taxpayer Review and Acknowledgement

After the return is finished and quality reviewed, An IRS-tax law certified preparer **must** briefly discuss the filing status, exemptions, income, adjusted gross income, credits, taxes, payments, and the refund or balance due with the taxpayer. If the taxpayer has any questions, concerns, or requires additional clarification about the return, the volunteer must assist the taxpayer. If necessary, ask the site coordinator for assistance if you are unable to help the taxpayer.

Before asking the taxpayer to sign the return (either by signing Form 1040, *U.S. Individual Income Tax Return*; signing Form 8879, *IRS e-file Signature Authorization*; or entering a self-select PIN), advise the taxpayer that he/she is ultimately responsible for the information on their tax return. Explain that by signing the return, they are guaranteeing under penalties of perjury that they have examined the return and its accompanying forms and schedules for accuracy.

Criminal Investigation

Honest taxpayers and tax preparers preserve the tax system's integrity. To sustain confidence in the VITA/ TCE Programs, volunteers should report violations that raise substantial questions about another volunteer's honesty, trustworthiness, or fitness as a tax preparer.

Taxpayers and return preparers who violate the tax law are subject to various civil and criminal penalties. Any person who willfully aids or assists in, or procures, counsels, or advises the preparation or presentation of a materially false or fraudulent return is subject to criminal punishment.

If a site coordinator determines a volunteer has violated the Volunteer Standards of Conduct, the site coordinator needs to immediately remove the volunteer from all site activities and notify both the partner and SPEC with the details of the violation. The site coordinator can notify SPEC by either contacting their relationship manager or using the External Referral Process (VOLTAX). If the site coordinator contacts the territory, the territory will use the Internal Referral Process to elevate the referral to Headquarters.

It is critical that Headquarters be notified as quickly as possible of any potential misconduct by any volunteer to preserve the integrity of the VITA/TCE Programs.

IRS-SPEC will refer violations to the IRS Criminal Investigation Division or the Treasury Inspector General for Tax Administration. You can anonymously report a violation by e-mailing WI.Voltax@irs.gov.

Impact on VITA/TCE Programs

As a volunteer, you positively affect the lives of taxpayers. Unfortunately, one volunteer's unethical behavior can cast a cloud of suspicion on the entire volunteer tax preparation program. IRS-SPEC has closed volunteer preparation sites due to unethical behavior, which left taxpayers without access to free tax preparation in their community. The consequences to the tax site or sponsoring organization may include:

- Terminating the partnership between the IRS and sponsoring organization
- Discontinuing IRS support
- Revoking or retrieving the sponsoring organization's grant funds
- Deactivating IRS EFIN
- Removing all IRS products, supplies, and loaned equipment from the site

- Removing all taxpayer information and
- Disallowing use of IRS-SPEC logos

Taxpayer Impact

A taxpayer is responsible for paying only the correct amount of tax due under the law. However, an incorrect return can cause a taxpayer financial stress. Although a return is accepted, it may not be accurate. Acceptance merely means the required fields are complete and that no duplicate returns exist.

It is imperative that volunteers correctly apply the tax laws to the taxpayer's situation. While you may be tempted to bend the law to help taxpayers, this will cause problems down the road.

Depending on the tax issue, a taxpayer may receive a refund and later receive a letter from the IRS questioning the return. While a letter does not conclusively mean the return is wrong, it begins a tax controversy process and can create anguish for the taxpayer.

The taxpayer may be subject to the examination process including appeals, litigation, and collection. If additional tax is assessed, interest and penalties quickly accrue from the date the return was originally due until the actual payment date.

A taxpayer who cannot pay the full balance due may be able to make installment payments, but interest and penalties will continue to accrue until full payment is remitted. Moreover, the IRS may file a notice of federal tax lien upon all property or rights belonging to the taxpayer. This can have a chilling effect on the taxpayer as it becomes public knowledge and appears on his/her credit reports. In addition, if a taxpayer refuses or neglects to pay the tax, the IRS can use levies and seizures to satisfy balance due accounts. The law provides some protections for taxpayers, but in general, a taxpayer who fails to pay their tax is subject to enforcement action.

In some instances, if tax collection would cause a taxpayer significant hardship, the taxpayer may be able to find relief. A significant hardship means a serious deprivation, not simply economic or personal inconvenience to the taxpayer. In this case, collection action may be suspended, but interest and penalties will continue to accrue until the balance is paid in full.

As illustrated above, the tax controversy process can be long and drawn-out. If you ever sense that a taxpayer is not telling the truth, don't ignore it. Conduct a thorough interview, paying special attention to the information you are uncomfortable with to ensure there is no misunderstanding. If that does not resolve the matter, refer the taxpayer to your site manager. Remember, if you are not comfortable with the information provided from the taxpayer, you are not obligated to prepare the return.

By following the Volunteer Standards of Conduct and correctly applying the laws to the facts, you can save the taxpayer this trouble in the future.

Form 13533, *Partner Sponsor Agreement*

Form 13533, *Partner Sponsor Agreement*, is requested annually. The Sponsor Agreement reiterates the key principles of privacy and confidentiality. By signing this agreement, the sponsor agrees to ensure their volunteers are aware of the standards of conduct, privacy and confidentiality key principles. National and local SPEC offices must secure and maintain a signed Form 13533 for each partner. All grant recipient sponsor agreements are maintained in the Atlanta Headquarters office. All local partner agreements are maintained in the territory office partner file.

Form 13533-A, FSA Remote Sponsor Agreement

Form 13533-A, *FSA Remote Sponsor Agreement*, is requested annually. The FSA Remote model provides taxpayers with access to free self-prep tax software, while assistance is provided by third-party electronic means. By signing this agreement, the sponsor agrees to adhere to the volunteer standards of conduct, and provides assurances that they will not receive any compensation from the user in exchange for access through the established web portal. National and local SPEC offices must secure and maintain a signed Form 13533-A for each partner.

Potential Consequences

All partners participating in the VITA/TCE Programs with the IRS, all VITA and TCE sponsors agree to (by signing and dating) take all the reasonable steps necessary to ensure that information provided by taxpayers remains confidential. This includes instructing volunteers that such information is strictly confidential and must not be discussed with anyone without a need to know and that the provisions relating to disclosure of tax information of 18 USC 1905, applies to volunteers as if they were employees of the United States. Disclosure of confidential information can result in fines or imprisonment.

The Volunteer Protection Act of 1997 excludes conduct that is willful or criminal, grossly negligent, or reckless, or conduct that constitutes a conscious, flagrant indifference to the rights or safety of the individual harmed by the volunteer. If a volunteer discloses information, fails to protect personal information or is otherwise flagrantly irresponsible with information entrusted to him/her, criminal charges or a civil law suit could be brought against the volunteer.

Another potential consequence of failure to adequately protect taxpayer information is that the IRS may discontinue the relationship with the partner or volunteer. Federal financial assistance may no longer be provided such as software, computer equipment or electronic filing privileges.

Reference Materials

For further information and guidance please refer to the following:

- **Publication 1345** – *Handbook for Authorized IRS e-file Providers*
- **Publication 3189** – *Volunteer e-file Administration Guide*
- **Publication 1101** – *Application Package and Guidelines for Managing a TCE Program*
- **Publication 1084** – *Volunteer Site Coordinator’s Handbook*
- **Publication 4600** – *Safeguarding Taxpayer Information*
- **Publication 4535 (EN/SP)** – *Identity Theft Prevention and Victim Assistance*
- **Publication 5027 (EN/SP)** – *Identity Theft Tool Kit*

Referring Problems

In general, the site coordinator is the first point of contact for resolving any problems you encounter. If you feel you cannot take an issue to your site coordinator, email IRS at WI.VolTax@irs.gov, and/or contact your local relationship manager.

If you suspect an individual or company is violating the tax laws, you may report this activity on Form 3949-A, *Information Referral*. You may complete this form online at www.irs.gov/pub/irs-pdf/f3949a.pdf. Print the form and mail to: Internal Revenue Service, Fresno, CA, 93888.

Refer taxpayers who are victims of identity theft and that theft has affected their current federal income tax return to: Identity Theft Toll-free Hot-line at 1-800-908-4490. You may prepare returns for taxpayers who bring in their CP01A Notice or special PIN (six digit IP PIN). Include the IP PIN on the software main information page.

If a taxpayer believes that he or she has been discriminated against, a written complaint should be sent to the Department of the Treasury - Internal Revenue Service at the following address:

Operations Director, Civil Rights Division
Internal Revenue Service, Room 2413
1111 Constitution Avenue, NW
(Email complaints) edi.civil.rights.division@irs.gov.

Refer taxpayers with account questions such as balance due notices and transcript or installment agreement requests to local Taxpayer Assistance Center or call IRS toll free at 1-800-829-1040. Refer federal refund inquiries to www.irs.gov and click on "Where's My Refund" or call 1-800-829-1954 or 1-800-829-4477. Refer state/local refund inquiries to the appropriate revenue office.

If taxpayers come into a VITA/TCE site with a tax problem, and they have been unsuccessful in resolving their issue with the IRS, the Taxpayer Advocate Service may be able to help. The taxpayer's Local Taxpayer Advocate can offer special help to a taxpayer experiencing a significant hardship as the result of a tax problem. For more information, the taxpayer can call toll free 1-877-777-4778 (1-800-829-4059 for TTY/TDD).

The organizational official whose signature appears on the Sponsor Agreement, Form 13533, is authorized to sign this assurance and commit the "Partner" to the above provisions.

If a taxpayer believes that he or she has been discriminated against, they can send a written complaint to the Civil Rights Division at the street or e-mail address shown in Paragraph 4 of the Statement of Assurance below.

Statement of Assurance Concerning Civil Rights Compliance

By signing the Sponsor Agreement, Form 13533, the organization agrees to comply with the following civil rights laws and assurances in consideration of and for the purpose of obtaining federal property or other federal financial assistance from the Internal Revenue Service.

1. Title VI of the Civil Rights Act of 1964 (Pub L. 88-352), as amended, which prohibits discrimination on the basis of race, color, or national origin; Section 504 of the Rehabilitation Act of 1973 (Pub L. 93-112) as amended which prohibits discrimination on the basis of disability; Title IX of the Education Amendments of 1972 (Pub L. 92-318), as amended, which prohibits discrimination on the basis of sex in education programs or activities; and the Age Discrimination Act of 1975 (Pub L. 94-135), as amended, which prohibits discrimination on the basis of age; in accordance with those laws and the implementing regulations.

As clarified by Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, national origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with Title VI, the “Partner” and its “Sub-Recipients” must take reasonable steps to ensure that LEP persons have meaningful access to its programs in accordance with Department of Treasury implementing regulations and Department of Justice LEP Policy Guidance. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary. The Partner and its Sub-Recipients are encouraged to consider the need for language services for LEP persons served or encountered both in developing budgets and in conducting programs and activities. Assistance and information regarding LEP obligations may be found at <http://www.lep.gov> or by contacting the IRS Civil Rights Division.

2. The Partner will conduct its activities so that no person is excluded from participation in, is denied the benefits of, or is subject to discrimination, as prohibited by the statutes identified in paragraph 1, in the distribution of services and/or benefits provided under this federal financial assistance program.
3. To compile and submit information to the Internal Revenue Service (IRS) Civil Rights Division concerning its compliance with Title VI of the Civil Rights Act of 1964 (Pub L. 88-352), as amended, Section 504 of the Rehabilitation Act of 1973 (Pub L. 93-112), as amended, Title IX of the Education Amendments of 1972 (Pub L. 92-318), as amended, and the Age Discrimination Act of 1975 (Pub L.94-135), as amended, in accordance with those laws and the implementing regulations. All civil rights assurances signed by partners will be maintained by the IRS. Civil rights assurances signed by sub-recipients will be maintained by partners.
4. Within 30 days of any finding issued by a federal or state court or by a federal or state administrative agency that the “Partner” has discriminated on the basis of race, color, national origin (including limited English proficiency), disability, sex (in education programs or activities), or age in the delivery of its services or benefits, a copy of such finding shall be forwarded to the IRS Civil Rights Division at one of the following:

Operations Director, Civil Rights Division
Internal Revenue Service
Room 2413
1111 Constitution Avenue, NW Washington, D.C. 20224
edi.civil.rights.division@irs.gov

5. To inform the public that persons who believe they have been discriminated against on the basis of race, color, national origin (including limited English proficiency), disability, sex (in education programs or activities), or age, in the distribution of services and benefits resulting from this federal financial assistance program may file a complaint with the Director, Civil Rights Division, at the above address. Civil Rights posters indicating the process for filing complaints of discrimination for the public must be conspicuously displayed at all times at each “Partner’s” location, as well as by its sub-recipients.
6. To forward to the Civil Rights Division for investigation, all complaints of discrimination filed by the public against the “Partner” that is directly related to the services and/or benefits provided by this IRS federal financial assistance program.

Statement of Assurance Filing Requirement

A signed Form 13533, *Sponsor Agreement*, is required annually from partners and its sub-recipients receiving federal financial assistance. Partners and its sub-recipients receiving federal financial assistance are obligated to comply with this assurance for one year from the date the Form 13533, *Sponsor Agreement*, is signed or the grant project end date, whichever is later.

The organizational official whose signature appears on the *Sponsor Agreement*, Form 13533, is authorized to sign this assurance and commit the “Partner” to the above provisions.

Exhibit 1

Form **13533**
(October 2015)

Department of the Treasury - Internal Revenue Service

VITA/TCE Partner Sponsor Agreement

We appreciate your willingness and commitment to serve as a sponsor in the Volunteer Income Tax Assistance (VITA) or Tax Counseling for the Elderly (TCE) volunteer tax return preparation programs.

To uphold taxpayers' civil rights, maintain program integrity and provide for reasonable protection of information provided by the taxpayers serviced through the VITA/TCE Programs, it is essential that partners and volunteers adhere to the strictest standards of ethical conduct and the following key principles be followed.

- Partners and volunteers must keep confidential the information provided for tax return preparation.
- Partners and volunteers must protect physical and electronic data gathered for tax return preparation both during and after filing season.
- Partners using or disclosing taxpayer data for purposes other than current, prior, or subsequent year tax return preparation must secure the taxpayer's consent to use or disclose their data.
- Partners and volunteers must delete taxpayer information on all computers (both partner owned and IRS loaned) after filing season tax return preparation activities are completed.
- Partners and site coordinators are expected to keep confidential any personal volunteer information provided.
- Partners will educate and enforce the Volunteer Standards of Conduct and Civil Rights Laws and the impact on volunteers, sites, taxpayers and the VITA/TCE Programs for not adhering to them.

1. Sponsor Name:

2. Street Address:

3. City:

4. State:

5. Zip Code:

6. Telephone Number:

7. E-Mail Address:

Please review this form and Form 13615 *Volunteer Standards of Conduct*. By signing and dating this form, you are agreeing:

- To the key principles,
- All volunteers participating in your return preparation site will complete the volunteer standards of conduct training, and
- All volunteers will agree to the Volunteer Standards of Conduct by signing and dating Form 13615.
- To uphold the civil rights assurances as listed in the Pub 4299, *Privacy, Confidentiality and Civil Rights*
- Form 13615 will be validated and signed by a partner designated official (Site Coordinator, partner, instructor or IRS contact).

The IRS may terminate this agreement and add you to a volunteer registry, effective immediately for disreputable conduct that could impact taxpayers' confidence in any VITA/TCE Programs operated by you or your coalition members.

Sponsor Signature

Date

Print Name

Title

Privacy Act Notice

The Privacy Act of 1974 requires that when we ask for information we tell you our legal right to ask for the information, why we are asking 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 information is 5 U.S.C. 301.

We are asking for this information to assist us in contacting you relative to your interest and/or participation in the IRS volunteer income tax preparation and outreach programs. The information you provide may be furnished to others who coordinate activities and staffing at volunteer return preparation sites or outreach activities. The information may also be used to establish effective controls, send correspondence and recognize volunteers.

Your response is voluntary. However, if you do not provide the requested information, the IRS may not be able to use your assistance in these programs.

Exhibit 2

Form **13533-A**
(February 2014)

Department of the Treasury - Internal Revenue Service

FSA Remote Sponsor Agreement

We appreciate your willingness and commitment to serve as a sponsor of a Facilitated Self Assistance (FSA) Remote site, by promoting web link(s) to a third-party provider offering free online tax preparation services to taxpayers.

To maintain program integrity and provide for reasonable protection of information provided by the taxpayers serviced through the FSA Program, it is essential that partners adhere to the following key principles:

- Partner agrees not to connect the promotion of the above referenced web link(s) with any request for compensation or donation from the user.
- Partner agrees to refer any taxpayer questions about the FSA Program back to the third-party provider website for resolution.
- Partner agrees not to engage in criminal, infamous, dishonest, notoriously disgraceful conduct, or other conduct deemed to have a negative effect on the FSA Program.

1. Sponsor name

2. Street address

3. City

4. State

5. ZIP code

6. Telephone number

7. Email address

By signing and dating this form, you are agreeing to the key principles outlined above.

Website where FSA link will be located _____

The IRS may terminate this agreement and add you to a volunteer registry, effective immediately for disreputable conduct that could impact taxpayers' confidence in the FSA Program operated by you or your coalition members

Sponsor signature

Date

Name (*print*)

Title

Privacy Act Notice

The Privacy Act of 1974 requires that when we ask for information we tell you our legal right to ask for the information, why we are asking 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 information is 5 U.S.C. 301. We are asking for this information to assist us in contacting you relative to your interest and/or participation in the IRS volunteer income tax preparation and outreach programs. The information you provide may be furnished to others who coordinate activities and staffing at volunteer return preparation sites or outreach activities. The information may also be used to establish effective controls, send correspondence and recognize volunteers. Your response is voluntary. However, if you do not provide the requested information, the IRS may not be able to use your assistance in these programs.