

## IRM PROCEDURAL UPDATE

**DATE: 06/30/2016**

**NUMBER: wi-21-0616-1164**

**SUBJECT: Form 1095-A**

**AFFECTED IRM(s)/SUBSECTION(s): 21.6.3.4.2.16.4.1**

**CHANGE(s):**

**IRM 21.6.3.4.2.16.4.1 - Added IRPOL / BOE prints can be provided to taxpayers.**

1. General disclosure guidelines are found in IRM 21.1.3.2, *General Disclosure Guidelines*. The following information provides disclosure guidelines related to providing 3rd party health insurance data of another taxpayer, such as a health insurance policy purchased by an ex-spouse.
2. **When a 3rd party data discrepancy exists**, advise the taxpayer of the discrepancy and how to address it. Do not provide 3rd party data unless the taxpayer is unable to secure it from the Marketplace (see The Health Insurance Marketplace for a list of contact telephone numbers) or the owner of the policy. While Coverage Data Repository (CDR) should be used for research, if providing the 3rd party data, only data from the Form 1095-A can be provided (the Form 1095-A is the authoritative source). **Do not** provide CDR data.

**NOTE:** Form 1095-A data belonging to one individual may be disclosed to another taxpayer if the use of that data is directly related to resolving the other taxpayer's filing / reporting requirements. However, disclosure of another individual's Form 1095-A data can only be made **after** the filing of Form 1040 / 1040X where the reconciliation of APTC and/or the eligibility or amount of PTC is at issue.

3. Tax year 2014 data may be available on CC IRPOL. If not, use Business Objects Enterprise (BOE) to access Form 1095-A data. Only a limited number of employees will have access to BOE data; follow local procedures for referring requests to those employees.
4. Tax year 2015 and subsequent data is available via CC IRPOL. The format for CC IRPOL is: IRPOLAnnnnnnnnvvyydd. The document code (dd) for Form 1095-A is 07. For more information on CC IRPOL, see IRM 2.3.86, *Command Code IRPOL*.
5. If a taxpayer requests assistance in obtaining another individual's Form 1095-A data, the following information can be provided so that the taxpayer may comply with his or her own filing or reporting requirements:
  - o Recipient's name
  - o Policy number

- Covered individual(s) name (those shown on the return)
  - Number of covered individuals
  - Premium amount / month(s)
  - SLCSP amount / month(s)
  - APTC amount / month(s)
6. Data that **cannot** be disclosed include:
- Recipient / spouse SSN
  - Recipient / spouse DOB
  - Recipient spouse's name
  - Address
  - Covered individual(s) not being claimed on the taxpayer's return (the person requesting the data)
7. IRPOL / BOE prints can be provided to the taxpayer, but data shown in (6) must be sanitized.
8. The following are examples of when a taxpayer may request Form 1095-A data of another taxpayer:

**EXAMPLE:** Taxpayer A files a return claiming his daughter as a dependent. His ex-wife (Taxpayer B) provides the health insurance coverage for the daughter. When Taxpayer B purchased insurance via the Marketplace, she received advance payment of the premium tax credit. Even though the daughter was part of Taxpayer's B policy, Taxpayer A is required to reconcile the advance payment received on his daughter's behalf (by completing Part IV, Shared Policy Allocation).

**EXAMPLE:** Taxpayer A files a return claiming his son as a dependent. His son purchased insurance through an insurance marketplace and advance payments of the premium tax credit were paid on his behalf.

In both of these examples, Form 1095-A data belonging to another taxpayer may be disclosed to Taxpayer A who is required to reconcile the APTC even though the Form 1095-A is not his/her data. Keep in mind, the disclosure can only be made after Taxpayer A files and the discrepancy is identified.

The following is an example of a 3rd party data discrepancy call and suggested questions:

Taxpayer - I received this letter telling me I didn't reconcile the advanced premium tax credit. I don't understand, I reported everything on my Form 1095-A.

CSR - Is everybody shown on your return listed on your Form 1095-A?

Taxpayer - No

CSR - Did somebody else provide insurance for that person?

Taxpayer - Yes

CSR - You need to contact the person who provided the insurance for that person to see if advance premium tax credit was paid on their behalf, and if so, you are responsible for reconciling the advance payment by allocating the

policy amounts.

At that point, if the taxpayer is unable to secure the information, research CDR to identify what caused the discrepancy (such as researching by the individual's name / SSN who provided the insurance, by dependent's name / SSN to identify the policy / individual that provided the insurance) and then use BOE to provide the 1095-A data needed to complete the suspended return.

**NOTE:** Obviously the responses to the questions above may be different. CDR research (such as researching by the individual's name / SSN who provided the insurance, by all the dependent's names / SSNs to identify the policy / individual that provided the insurance) could be used to verify if multiple Forms 1095-A are on file. If only one form is on file this may indicate the data the taxpayer used on the original return is inaccurate. Once it's determined multiple forms are on file, then BOE may be needed.

**CAUTION:** If using data from a PTC calculator response to research BOE, do not use the policy number provided by AVS. AVS returns only the first 15 characters of a policy number, BOE requires an exact match. Research CDR to obtain the policy number.

9. For inquiries regarding an individual's own Form 1095-A or non-receipt of Form 1095-A, see IRM 21.3.6.5, *Health Coverage Statements*.