



MANUAL TRANSMITTAL

Department of the Treasury
Internal Revenue Service

5.1.10

OCTOBER 12, 2021

EFFECTIVE DATE

(10-12-2021)

PURPOSE

- (1) This transmits revised IRM 5.1.10, Field Collecting Procedures, Taxpayer Contacts.

MATERIAL CHANGES

- (1) The following table outlines changes made to IRM 5.1.10:

IRM #	IRM Subsection Title	IRM Changes
5.1.10.1.6	Terms/Definitions/ Acronyms	Added FOIA
5.1.10.2(1)	Pre-Contact	Added a new bullet 5 to verify the taxpayer has been provided a Publication 594
5.1.10.2(1)	Pre-Contact	Added wording to bullet 6 on active criminal investigation to provide example of research tools available
5.1.10.3(4)	Initial Contact	Added wording to (4) to included the Publication 594 with the Letter 725 if the taxpayer has not been issued a CP504.
5.1.10.3(4)	Initial Contact	Added wording to (4) to include language from SBSE-05-0421-0018, Interim Guidance for Initial Contact (IRM 5.1.10.3) on the issuance of a third-party contact notice along with an appointment letter until Collection Policy

IRM #	IRM Subsection Title	IRM Changes
5.1.10.7.2	Right to Representation	Changed the title from “Right to Representation” to “Right to Retain Representation”
5.1.10.8	Case Histories	Changed (11) to revise language on copying and pasting Counsel legal advice. Also provided an example of how to annotate the case history.
Throughout	Throughout	Editorial changes throughout the IRM to correct citations with italicized titles, broken links, etc.

EFFECT ON OTHER DOCUMENTS

This IRM supersedes IRM 5.1.10 dated March 24, 2020 and incorporates Interim Guidance Memorandum SBSE-05-0421-0018, Interim Guidance for Initial Contact (IRM 5.1.10.3).

AUDIENCE

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5.1.10

Taxpayer Contacts

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5.1.10.1
(11-20-2017)
Program Scope and Objectives

- (1) This IRM provides general guidance to Field Collection employees related to all aspects of taxpayer contact, including actions required prior to, during and following such contact. It defines and establishes initial contact criteria and includes relevant references to fair tax collection practices and taxpayer rights.
- (2) **Audience:** Revenue officers in Field Collection are the primary users of this IRM.
- (3) **Policy Owner:** Director, Collection Policy, SB/SE is the policy owner of this IRM.
- (4) **Program Owner:** SBSE, Collection Policy, Offer in Compromise (OIC) is the program owner of this IRM.
- (5) **Primary Stakeholders:** Field Collection revenue officers and group managers are the primary stakeholders for this IRM.
- (6) **Program Goals:** This guidance contains procedures for effective taxpayer contact for Field Collection employees. Following these procedures ensures the protection of taxpayer rights, emphasizes employee safety and protection, and leads to timely and effective case resolution.

5.1.10.1.1
(11-20-2017)
Background

- (1) This section provides procedural guidance to be followed by Field revenue officers when contacting taxpayers during civil law enforcement investigations to collect delinquent tax and secure delinquent returns. Revenue officers must contact taxpayers and/or their representatives during investigations. The guidelines in this section provide the procedures to be followed before, during, and after these contacts. They provide the basis for effective contact that protects taxpayer rights and the safety and security of taxpayers and revenue officers during contacts.

5.1.10.1.2
(11-20-2017)
Authority

- (1) The following authorities provide the basis for these guidelines:
 - IRC 6103
 - IRC 6304
 - IRC 7602(c)
 - Policy Statement 1–1, Mission of the Service
 - Privacy Act of 1974 (5 U.S.C. § 552a)
 - Freedom of Information Act (5 U.S.C. § 552)
 - IRC 7803(a)(3)

5.1.10.1.3
(11-20-2017)
Responsibilities

- (1) Director, Collection has executive oversight for all Collection programs.
- (2) Director, Headquarters Collection has executive oversight for all Headquarters Collection programs.
- (3) Director, Collection Policy is responsible for the policies and procedures in this IRM.
- (4) Director, Field Collection, has executive oversight for all Field Collection programs.
- (5) Field Collection Area Directors, territory managers and group managers are responsible for ensuring compliance by field personnel with these procedures.

- (6) Revenue officers are responsible for reading and implementing the procedures listed in this IRM.

5.1.10.1.4
(11-20-2017)

**Program Management
and Review**

- (1) **Program Reviews:** Operational reviews are conducted by the Collection Area Directors and Territory Managers annually to evaluate program delivery and conformance to administrative and program requirements. Group managers participate in one or more Embedded Quality (EQ) consistency reviews each year to assist in rating EQ attributes. Group managers perform annual and periodic case and performance reviews as described in IRM 1.4.50, Resource Guide for Managers, Collection Group Manager, Territory Manager and Area Director Operational Aid. Collection Policy performs periodic program reviews to identify trends and opportunities for improvement.
- (2) **Program Reports:** Collection managers utilize reports generated from the Integrated Collection System (ICS) and the ENTITY Case Management System to monitor and track inventory assignments and timely and appropriate case actions. Reports from the Embedded Quality Review system provide review information for managerial use in guiding revenue officers to promote timeliness, effectiveness, and accuracy of case actions.
- (3) **Program Effectiveness:** National quality reviews and consistency reviews are routinely conducted to measure program consistency, effectiveness in case actions, and compliance with policy and procedures. Trends reported in these reviews are used to promote and improve program effectiveness. Trends, recommendations and corrective actions issued during the course of program and operational reviews are used to identify opportunities for improvement and achieve program goals.

5.1.10.1.5
(11-20-2017)

Program Controls

- (1) Collection managers verify program and procedural compliance by conducting case consultations, case reviews, performance reviews, and security reviews. Prescribed internal controls are detailed in IRM 1.4.50, Resource Guide for Managers, Collection Group Manager, Territory Manager and Area Director Operational Aid, which communicates responsibility to Collection managers for promoting quality case work and required internal controls. The ICS, ENTITY Case Management, Embedded Quality Review, and National Quality Review Systems provide the case access, data, and reports used by managers to monitor internal controls.

5.1.10.1.6
(10-12-2021)

**Terms/Definitions/
Acronyms**

- (1) The following acronyms and terms are used in this chapter:

Acronyms

Acronym	Definition
Bal Due	Balance Due
BMF	Business Master File
CIP	Compliance Initiative Project
FOIA	Freedom of Information Act
FTD	Federal Tax Deposit
IA	Installment Agreement

Acronym	Definition
ICS	Integrated Collection System
IDRS	Integrated Data Retrieval System
IMF	Individual Master File
LLC	Limited Liability Company
NFTL	Notice of Federal Tax Lien
POA	Power of Attorney
TAS	Taxpayer Advocate Service
TFRP	Trust Fund Recovery Penalty

5.1.10.2
(10-12-2021)
Pre-Contact

- (1) Upon receipt of a new case, conduct an initial analysis by:
- Reviewing IDRS and the Integrated Collection System (ICS), as appropriate.
 - Reviewing ICS case history including Account Management Services (AMS) account information, noting actions already taken on cases worked in the Automated Collection System (ACS) call sites.
 - Creating ICS modules for balance due periods in notice status and inputting a STAUP via IDRS, as appropriate. Only create ICS modules for delinquent returns if you know a return should be filed. This filing requirement may not be apparent until after initial contact.
 - Determining if the taxpayer has an authorized representative. See IRM 5.1.10.7.2, Right to Representation.
 - Determining if the taxpayer has been issued a CP504, Final Balance Due Notice, as shown on the TXMODA notice history section, to verify that the taxpayer has been provided a Publication 594, The IRS Collection Process. If the TXMODA does not show that the taxpayer has been issued a CP504 on the tax module assigned, enclose the Publication 594 with the Letter 725, Meeting Scheduled with Taxpayer **or** the taxpayer should be given a Publication 594 and Publication 1660, Collection Appeal Rights upon initial contact.
 - Determining if a TC 914 (Active Criminal Investigation) is present on any module. In some active cases, Criminal Investigation (CI) may request that no contact be made with the taxpayer or the taxpayer's representative. Also, a closed CI case (TC 912) or an open probation case indicator (non-field other investigation 182) may have an associated criminal restitution-based assessment requiring special handling. (See IRM 5.1.5, Balancing Civil and Criminal Cases, for procedures on handling cases with CI investigations and restitution-based assessments.) Research services, for example PACER, Lexis/Nexis, or Accurint may provide information on criminal activity and can be requested through a Fraud Enforcement Advisor using the Specialist Referral System (SRS): <https://srs.web.irs.gov/>.
 - Determining if the case requires special handling. See IRM 5.1.12, Cases Requiring Special Handling .
 - Deciding what issues to address during initial contact with the taxpayer.

- Scheduling field contact within contact time frames. See IRM 5.1.10.3.1, Initial Contact Time Frames.
 - Use Form 10365, Investigation History, Initial Contact, to assist in preparing for initial contact.
- (2) Field employees face an inherent level of risk because of the nature of their work. There are important steps you can take when planning field visits to minimize the risk. Before going out on an appointment:
- Be alert for the potentially dangerous taxpayer (PDT) or caution upon contact (CAU) codes. See IRM 5.1.3.3.2, Guidelines for PDT/CAU Coded Cases.
 - Consider advising local law enforcement where you will be conducting official business. Do not name taxpayers.
 - Let your manager know and consider letting office staff know when you will be in the field.
 - Remember to use your official IRS ID Media when identifying yourself. Field employee credential covers can be used to provide a more professional appearance. Do not let anyone copy your credentials. See IRM 10.2.5, Identification Media.
 - Carry a toll-free employee verification number, if available, to provide to taxpayers and representatives who wish to verify the validity of your IRS credentials.
 - Consider pairing with a manager or co-worker if you have concerns about your safety in the field.
 - If there is a PDT/CAU indicator or other information indicating a risk to safety, consider an armed escort or have the taxpayer meet you in the office.
- (3) The Taxpayer First Act amended IRC 7602(c)(1)) and is effective for notices of third-party contacts and contacts of third parties made after August 15, 2019. Publication 1, Your Rights as a Taxpayer, and versions of the ICS-generated Letter 3164, Third Party Contact Letter, that predated the July 2019 revisions no longer satisfy the advance notice requirements of IRC 7602(c). A notice specifying that the IRS intends to contact third parties and specifying a time period (not to exceed one year) within which the contact(s) will be made generally must be issued at least 45 days before contact with a third party. When making initial contact, revenue officers should not initiate any third-party contacts unless advance notification has been provided and 45 days have passed.
- Note:** See IRM 25.27.1, Third Party Contact Program, for general IRC § 7602(c) procedures to follow when contacting anyone other than the taxpayer regarding the determination or collection of the taxpayer's tax liability, and IRM 5.1.1.12, Third Party Contacts, for Collection-specific procedures related to third-party contacts.
- (4) For a single member limited liability company (LLC) with employment tax liabilities that accrued prior to January 1, 2009, attempt to determine whether the LLC or its owner is the liable taxpayer. See IRM 5.1.21.12.2, Employer Identification Number Requirements for an LLC, and IRM 5.1.21.12.3, EIN Requirements for the Owner of a Disregarded Entity, for guidance on how to make this determination. Update LLC addresses on ICS as appropriate.

- (5) If you identify officers or potentially responsible persons during initial analysis of corporate trust fund accounts, be alert for prior unpaid TFRP or other employment tax delinquencies.
- (6) If the liability includes unpaid corporate trust fund taxes, calculate the trust fund portion of the liability. The Automated Trust Fund Recovery (ATFR) program may be used for this purpose. Print calculation page 4 for presentation during initial contact.
- (7) If a taxpayer has a valid representative for some, but not all open tax periods, contact may be made with the taxpayer to validate representation prior to beginning the investigation. The contact may be made by mail, telephone, or field visit. A taxpayer contact made to secure an updated Form 2848 or Form 8821 is not an investigative contact. Initial contact guidelines and requirements in IRM 5.1.10 will **not** be applied to this type of contact. See IRM 5.1.10.7.2 for additional information on validating representation.

Note: Form 8821 does not authorize individuals to represent taxpayers, only to inspect or receive confidential information.

- (8) The unique factors of each case will determine the amount of research needed prior to initial contact and the depth of the financial investigation required for locating and verifying asset information. Refer to IRM 5.1.11, Delinquent Return Investigations, for detailed pre-contact and contact guidelines for delinquent return investigations.

5.1.10.3
(10-12-2021)
Initial Contact

- (1) Make prompt contact on all taxpayer cases.
- (2) Make actual contact with the taxpayer or taxpayer's representative or document the actions taken to verify the taxpayer's current address if field contact is attempted but contact not made, both within the initial contact time period. (See IRM 5.1.10.3.1, Initial Contact Time Frames.
- (3) Determine how best to ensure an effective initial contact on each case consistent with guidelines contained in IRM 5.1.10.3.2, Effective Initial Contact. In most cases, you should try to make initial contact with taxpayers in the field. For additional information on initial contact in Abusive Tax Avoidance Transaction (ATAT) cases, see IRM 5.20.12.2, Initial Contact.

Note: Tax Examiners are not required to make field calls. All TE casework will be done in the office using the telephone, mail and online services. The first method of contact will be a telephone call. If contact is not made through a telephone call, follow procedures in IRM 5.1.10.5, Contact Letters , for use of pre-printed letters to correspond with the taxpayer.

- (4) You may attempt scheduling a field visit with a taxpayer or representative by sending an appointment letter, such as Letter 725, Meeting Scheduled with Taxpayer. If the taxpayer has not been issued a CP504, Final Balance Due Notice, for tax modules assigned, include Publication 594, The IRS Collection Process and Publication 1660, Collection Appeal Rights, with Letter 725. A completed Form 9297, Summary of Taxpayer Contact, should also be included, letting the taxpayer or representative know which items will be needed at the time of the appointment. The revenue officer should conduct the appointment to determine if a third-party contact is necessary. If third-party contact is necessary, see IRM 25.27.1.3, Notification Requirements. In special circum-

stances a revenue officer may issue the third-party contact notice (Letter 3164) required by section 7602(c)(1) at the same time the Letter 725 or other initial contact letter is issued when the revenue officer concludes that the third-party contact is the only means to obtain the necessary information. Such special circumstances, for example, would include prior experience with the same taxpayer who has demonstrated a pattern of uncooperative or unresponsive behavior that delays the collection of the tax due where third-party contacts were needed to obtain or verify necessary information. The revenue officer should consult with management prior to sending both letters simultaneously and document the ICS case history (establishing why they intend to contact third parties). Issuing an appointment letter does not represent taking a timely initial contact action unless it results in actual contact with the taxpayer or the representative within initial contact time frames as provided in IRM 5.1.10.3.1. If the taxpayer and/or representative receives an appointment letter and calls to confirm or reschedule, you should at a minimum ensure the taxpayer has received Pub 1 and answer any questions, confirm contact information and secure one or more levy sources.

Note: During the scheduled field visit, you are required to follow initial contact procedures, located in IRM 5.1.10.3.2. For initial contact procedures on ATAT cases, see IRM 5.20.12.2, Initial Contact.

- (5) If the taxpayer resides in a foreign country or in one of the U.S. Possessions or Territories, you may have limited ability to make telephone or field contact. In such cases make initial contact via registered mail whenever U.S. Postal regulations permit such use. See IRM 5.1.9.3.1(3), Notice of Collection Due Process (CDP) Hearing Rights, for details concerning situations where U.S. Postal Service is not available. **The following only applies to taxpayers reachable during normal business hours during the revenue officer's tour of duty.** If you have located any phone numbers for the taxpayer during your pre-contact research and analysis **and** verified advance third-party notification requirements have been met, you must make a reasonable effort to contact the taxpayer by telephone before a registered letter will meet the initial contact requirements. A reasonable effort will include two attempts within the initial contact time frame.
- (6) Form 2246, Field Contact Card, is used to advise taxpayers or third parties how to contact the assigned revenue officer regarding an official IRS matter. It can be left at the taxpayer's business establishment, residence, or with other persons if the taxpayers are not in when called upon. To avoid unauthorized disclosure, confidential tax information must not be written on Form 2246. As a general rule, the time frame for taxpayers to respond should be two business days. Revenue officers may use other reasonable time frames as warranted by the circumstances of the case. The time frame provided will serve to establish a date for follow-up action should the taxpayer fail to respond. When a taxpayer or representative calls in response to a field contact card, revenue officers will follow the actions described for appointment letters in IRM 5.1.10.3(4).
- (7) If initial contact with a taxpayer is not done in the field and is required (see the table below), the reason why it was not done in the field must be documented in the ICS history. The following table contains the criteria for valid initial contact:

If	Then the following will be considered a valid initial contact
Taxpayer has no representative on record	Field visit to taxpayer's address of record, regardless of whether actual contact is made.
Taxpayer has a representative	<ol style="list-style-type: none"> 1. Telephone contact with representative. 2. Field visit to representative's address of record, regardless of whether actual contact is made.
Telephone message left for representative to call back	A second telephone call within initial contact time frame. (See IRM 5.1.10.3.1.)
Representative's telephone number of record is out of service, is incorrect, or a ringing phone goes unanswered	A letter to the representative, a field visit to the representative's place of business, or a field visit to the taxpayer's address of record, regardless of whether actual contact is made. (Direct contact with the taxpayer is only appropriate if it has been determined that the taxpayer is no longer represented.)
Other	Taxpayer or representative contacts the revenue officer prior to initial contact attempt.

The above actions will be considered reasonable efforts to contact the taxpayer directly. If actual contact is not made through these efforts, take locator, enforcement and/or other actions as appropriate to resolve the case.

- (8) All contacts and contact attempts should be documented in the ICS history, including efforts to verify taxpayer's address.
- (9) If the taxpayer has a representative with a valid power of attorney, then contact will be made with the representative. When contacting the POA, follow guidelines for effective initial contact (IRM 5.1.10.3.2). For BMF taxpayers, if initial contact is not at the taxpayer's place of business, and the contact does not result in full payment, a field visit to the taxpayer's place of business must still take place, as soon as practical. Visiting the taxpayer's business, assessing the operation, and viewing the assets will contribute to an informed collectibility determination. For IMF taxpayers with a representative, the initial contact does not have to be at the individual's residence; however, a field appointment to view the property or other assets and secure a financial statement will be necessary if the initial contact does not result in full payment.

Reminder: During initial contact with a taxpayer, present your title, last name, and official IRS credentials. For more information see IRM 10.2.5, Identification Media, and IRM 10.2.6, Civil Enforcement and Non-Enforcement Pocket Commissions.

- (10) Revenue officers will attempt to secure, review, and discuss financial statements in person in the field. If you are unable to secure a financial statement on initial contact, attempt to secure as much preliminary information as possible, e.g., verify receipt of Pub 1, returns due, number of employees, payroll, asset and income information, levy sources, etc. Document the ICS history accordingly. Schedule a face-to-face follow-up appointment to complete the financial statement at the taxpayer's business, residence, or representative's office unless the meeting will put the revenue officer at risk. If a risk is identified and documented, an appointment should be scheduled at the revenue officer's post of duty. If the representative is not in the local area, and for additional guidance regarding securing financial statements, refer to IRM 5.15.1.2(4)-(10), Financial Analysis Handbook . If the taxpayer is unwilling to meet but agrees to provide the financial information, the financial statement may be secured by phone or correspondence. A field call must still be made to verify the assets if not already made. If the taxpayer is unwilling to meet in person, warn the taxpayer of enforcement action that may take place for failure to comply with the requests for information, and proceed with appropriate enforcement and/or administrative actions if the taxpayer is still unwilling to comply.

Note: The revenue officer has discretion to provide the financial statement to the taxpayer in advance when there is a planned visit to discuss the Collection Information Statement during the interview.

- (11) The public's trust in the Agency has been affected by various external factors, such as the rise of IRS impersonation scams. Impersonation scams take many forms, such as phone calls, letters, and emails, in which IRS impersonators may threaten or intimidate taxpayers. Field employees working directly with taxpayers may face additional scrutiny or safety concerns due to taxpayer suspicion that they are not legitimate IRS employees. Skeptical taxpayers may contact local police despite being presented IRS-issued identification. In some cases, responding police officers may not be satisfied with the official identification and may ask to contact the IRS for verification. If you are asked by local law enforcement to provide a contact for verification of identity, advise them to please call the Department of Treasury BEP Police Operations Center at (202) 874-0911. Use the HSPD-12 identification to verify your identity.

5.1.10.3.1
(02-26-2016)
**Initial Contact Time
Frames**

- (1) Make initial taxpayer contact (within 45 calendar days from the date of case receipt, except for the following types of cases):

- a. On FTD Alerts, within 15 calendar days from date of receipt
- b. On CIP Leads, within 60 calendar days from date of receipt.

(See the table in IRM 5.1.10.3 for what constitutes a valid initial contact.)

- (2) The date of case receipt is the **Employee Assign Date** on ICS. ICS begins the calculation for initial contact due date on the first workday after assignment. If the assignment is on a Saturday (IDRS initial case assignments), the calculation begins on Monday, or Tuesday if Monday is a holiday. It ends the calculation on a workday. If the initial contact due date falls on a non-workday,

ICS sets the initial contact due date to the next workday. This is the date that will appear in the systemic history reflecting the initial contact due date (ICDD). Notifications of when the ICDD expires are issued two weeks before the date expires and also on the day of expiration if no action is taken.

- (3) These time frames were established as guidance for revenue officers throughout the IRS. Document the ICS history with the reason for any delay.

Note: The initial contact time frames in (1) above are the **maximum** time frames for field contact. However, try to make initial contact as soon as possible after case receipt, ideally within the first week of assignment.

- (4) To ensure that ICS registers the contact, choose one of the following items from the ICS Taxpayer Contact pick list (see IRM 5.1.10.8 regarding mandatory use of the ICS pick list) to document the contact :

- Attempted Contact (Contact Type *F*, if field contact was attempted).
- TP or POA Contact, if actual contact was made.

Note: When working an offer in compromise, see IRM 5.8.4.7, Additional Initial Offer Actions.

5.1.10.3.2
(03-24-2020)
Effective Initial Contact

- (1) An effective initial contact is the cornerstone to timely and effective case resolution. To be effective in your case approach and resolution strategy, create and follow a clear plan of action, and schedule simultaneous case actions where appropriate.
- (2) While actual contact with the taxpayers or representatives is the objective of the initial contact attempt, information gathered from neighbors and other third parties can also result in an effective contact. Do not initiate any third-party contacts until the 46th day following the date that advance notice of third-party contacts was provided. See IRM 5.1.18, Locating Taxpayers and Their Assets , for further guidance.
- (3) As part of the initial contact do the following:
- Determine whether the taxpayer received Pub 1 , Your Rights as a Taxpayer.
 - Explain the collection process to the taxpayer and the taxpayer's rights under that process.

If	Then
The taxpayer did not receive Publication 1	The revenue officer will provide the taxpayer with a copy and allow the taxpayer time to review it
The taxpayer has any questions about the provisions covered in Publication 1	The revenue officer will take the time to answer the questions
During the initial contact, or during subsequent contacts, the taxpayer requests to have the case reviewed by a supervisor	The revenue officer will give the taxpayer the name, telephone number and address of his/her supervisor

- (4) On initial contact, document that you asked taxpayers **if they received Pub 1 and if they had any questions**. Checking the appropriate items on the ICS History pick list will satisfy the documentation requirements for Publication 1. This documentation is necessary only **once** in a continuing case investigation.

Note: Investigation of an offer in compromise is not considered a continuation of the Bal Due investigation

- (5) During initial contact with a taxpayer,
- Request immediate full/part payment of all delinquent accounts (including accounts in notice status) and explain the various forms of payment such as check, money order, electronic payment, credit card, and electronic federal tax payment system (EFTPS) for future federal tax deposits as well as balance due payments. See IRM 5.1.24.5.2, Initial Contact with a Client of a Third-Party Payer, when third-party payer actions may be the cause of delinquency.
 - Request immediate filing of all delinquent returns.
 - Secure verification of filing and payment, including copies of the EFTPS acknowledgement numbers or FTD receipts (prior to January 1, 2011) to confirm taxpayer is current with FTDs, when the taxpayer indicates that the tax was paid, the returns were filed, or both.
 - If the liability is incorrect, allow the taxpayer the opportunity to file an amended or corrected return, or determine whether an adjustment or payment tracer is necessary.
 - Determine and document the taxpayer's compliance with current filing, payment, and deposit requirements, including type of depositor. The ICS Full Compliance Check screen can be used to document compliance. See IRM 5.1.10.8 for instances when use of the pick list is mandatory.
 - Determine the reason for the delinquency and advise the taxpayer how to avoid future delinquencies. The ICS pick list Cause and Cure can be used to document this information.

Reminder: Advise taxpayers that they remain responsible for the deposit and payment of employment taxes even though they may have entered into a third-party payer arrangement with a payroll service provider or professional employer organization.

- Advise the taxpayer that until the case is resolved they are to file tax returns through you and provide proof of current electronic estimated tax

payments (or make payments through you.) In addition, if the taxpayer is in business, also request EFTPS acknowledgment numbers, as they are due.

Note: Compliance verification Form 15015, Form 15016, and Form 14784 are available on the Publishing website to assist revenue officers with compliance monitoring verification.

Note: Consider securing payroll summary sheets from the taxpayer to verify the correct amount is being deposited.

Note: See Pub 15, Employer's Tax Guide for additional information on depositing taxes.

- h. Determine whether the taxpayer is a federal contractor. If the taxpayer is a federal contractor, obtain the name of the federal contracting agency and the contract number.

Exception: If you detect fraud indicators, see IRM 5.1.11.7.2, Referral to Criminal Investigation, for how to proceed.

- (6) If the taxpayer is unable to comply with the above, proceed as follows:

If	Then
Tax is due	Request the maximum amount payable that day to avoid additional penalty and interest.
Returns are due or the taxpayer is unable to provide proof of filing	<p>Attempt to secure sufficient information so that an accurate return can be prepared if the taxpayer fails to file by the specified date. Such information might include the following:</p> <ul style="list-style-type: none">• income amounts• income sources• filing status• gross wages paid• withholding amounts• bank accounts• merchant accounts (If the taxpayer accepts card payments, see IRM 5.11.6.16.2, Determining the location of the Merchant Account)• contract identifying the third-party payer arrangement, such as use of a payroll service provider or employee leasing (professional employer organization)

If	Then
Tax is due and the taxpayer is unable to pay in full or provide proof of full payment	If the taxpayer does not qualify for an installment agreement (guaranteed, streamlined, or in-business trust fund express) or such an agreement cannot be established on initial contact (see IRM 5.14, Installment Agreements), attempt to secure a complete Collection Information Statement (CIS) and discuss other collection alternatives. If a complete CIS cannot be secured, schedule a face-to-face appointment to complete the financial statement. At a minimum , secure basic asset information, such as: bank accounts, credit card processor and the location of the merchant account, primary accounts receivable, employer and wage information, real and personal property owned. See IRM 5.15.1, Financial Analysis Handbook See IRM 5.12.2, Notice of Lien Determinations, regarding lien notice determinations to ensure coordination with any response dates and deadlines.
Other action is required (i.e., payment tracer, adjustment)	Secure sufficient information to take the necessary action.

- (7) If the case is not resolved during the initial contact, discuss a realistic plan for case resolution with the taxpayer, establish and document a plan for resolving the case, such as: full pay (FP) by a specified date, installment agreement (IA), etc. This plan may be updated when it changes. For example, a plan to resolve a case as CNC (hardship) may change to FP when significant assets and/or income are discovered. Schedule appropriate follow-up dates that move the case toward resolution.
- (8) Routinely keep taxpayers informed of the status and resolution of their cases, and advise them that they will receive annual notices of taxes still owing until all taxes are paid in full, even if they are currently working with an IRS employee.
- (9) When the taxpayer is required to take action such as file returns, provide information, or pay the balance, explain and document the following:
 - a. What action is expected and the deadline for completing the action. Form 9297, Summary of Taxpayer Contact, will be used in face-to-face meetings to list the information/documents required and the deadline date for receipt. The taxpayer will receive the original and you will retain a

copy in the case file. The ICS history will be documented with a brief summary statement referencing the Form 9297. The ICS pick list item "Form 9297 Provided" can be used to document this information. There may be some instances when the Form 9297 will not be used, for example, in potential fraud cases. If the Form 9297 is not used, briefly state why Form 9297 was not used in the history. The Form 9297 will be used for any subsequent deadlines set in face-to-face meetings. (Form 9297 is not mandatory during telephone contacts.)

- b. What specific type of enforcement action may result for failure to comply (not necessarily the particular asset, bank account, etc.) Document the ICS history with the specific consequences for failure to comply. The ICS pick list item Deadline Communicated can be used to document this information. (See IRM 5.1.10.8 for instances when use of the pick list is mandatory.)
- c. What forms of payment, such as check, money order, electronic payment, credit card, EFTPS for future Federal Tax Deposits, etc., are available and acceptable.

Note: Do not use "Warned of Enforcement Action" or "WEOA" or any similar abbreviation when documenting the ICS history unless you include the specific type of enforcement action(s) you advised the taxpayer or representative you would take if the taxpayer did not comply.

Note: Actions proposed by the taxpayer or representative and agreed to by the revenue officer should be treated as required actions.

- (10) When appropriate, issue Letter 1058, Notice of Intent to Levy and Notice of Your Right to a Hearing, and all required enclosures. Typically, the letter is delivered when a deadline is set for the taxpayer to take a specific action. (See IRM 5.11.1.3 for other factors related to delivering L-1058.) Use discretion when issuing the L-1058 on initial contact with an IMF-only balance due taxpayer.

Caution: Only individual Shared Responsibility Payment (SRP) assessments are not subject to levy or the filing of Notices of Federal Tax Liens. See IRM 5.11.1.4.14, Affordable Care Act's (ACA) Individual Shared Responsibility Payment (SRP), for information regarding treatment of Notices of Levy where there are SRP assessments. See IRM 5.12.2.3.1.1, Affordable Care Act's (ACA) Shared Responsibility Payment (SRP) Exception, for information regarding treatment of Notices of Federal Tax liens (NFTL) where there are SRP assessments.

- (11) Take the following additional actions when contacting a corporation for unpaid trust fund taxes:
 - a. Identify individuals who are potentially responsible for depositing and paying over trust fund taxes.
 - b. Explain the Trust Fund Recovery Penalty (TFRP) provisions to the responsible or potentially responsible person(s) and present a copy of the TFRP calculation to them along with Notice 784, Could You Be Personally Liable for Certain Unpaid Federal Taxes? See IRM 5.1.10.2 (6). Advise them that the IRS can assess the TFRP personally against those it determines liable for the penalty in that amount and collect it against their personal income and assets. See IRM 5.7.8.4, Pyramiding Taxpayers, for information about Form 944 filers.

Note: At this point, do not state that the IRS has decided who is liable for the TFRP, only that whoever is liable is subject to it.

- c. Begin the TFRP investigation if full payment is not secured. Attempt to conduct interviews with all potentially responsible persons using Form 4180, Report of Interview with Individual Relative to Trust Fund Recovery Penalty or Personal Liability for Excise Taxes. See IRM 5.7.4, Investigation and Recommendation of the TFRP .

Note: The decision to conduct an IMF compliance check when investigating a corporate liability should be made on a case by case basis. Do not routinely conduct cross compliance checks of employees who may be handling the tax matters of a corporation solely on the basis of the individual's employment with the business.

- (12) Take the following additional actions when contacting a sole proprietor or partnership:
 - a. Verify compliance with IMF filing and paying requirements.
 - b. Explain that sole proprietors and general partners are personally liable for employment and excise taxes incurred in the operations of the business.
 - c. Attempt to secure the personal asset information of the proprietor or partner(s). If a complete CIS cannot be secured, establish a deadline for providing required information. At a minimum, secure basic asset information.
 - d. In the event TFRP provisions are applicable, follow procedures for corporations described in (11) above.
- (13) Take the following additional actions when contacting a limited liability company (LLC). (See IRM 5.1.21, Collecting from Limited Liability Companies, for a comprehensive discussion of the treatment of LLCs with respect to Collection.)
 - a. Verify the owner(s) of the LLC during the period(s) of delinquency.
 - b. Determine the classification of the LLC to identify whether the entity or its owner(s) are liable for the type of federal tax to be collected. See IRM 5.1.21.13, Federal Taxation of an LLC , for more details concerning treatment of different entities, for example, sole proprietorships, partnerships, corporations and associations.
 - c. When the LLC is disregarded and not treated as an entity separate from its single member/owner, refer to IRM 5.1.21.12.3, Employer Identification Number Requirements for the Owner of a Disregarded Entity. When the revenue officer determines that the LLC is disregarded and its owner is liable for the type of tax to be collected:
 - Explain that the owner is directly liable for the taxes arising from the operation of the LLC.
 - Verify compliance with the owner's filing and paying requirements.
 - Attempt to secure asset information of the owner. If a complete CIS cannot be secured, establish a deadline for providing required information. At a minimum, secure basic asset information.
 - In the event TFRP provisions are applicable for a non-owner, follow procedures for corporations described in (11) above.

Note: Employment tax liabilities incurred on wages paid on or after January 1, 2009 must be reported and paid using the name and EIN of the LLC, not the Single Member Owner (SMO) as noted in IRM 5.1.21.12.2(4).

- d. When the LLC is identified as the liable taxpayer, follow procedures for corporations described in (11) above. (Also refer to IRM 5.1.21.12.2 , Employer Identification Number Requirements for an LLC.)

5.1.10.4
(12-11-2018)
**Responding to
Taxpayers**

- (1) You are required to respond promptly to customer requests or concerns. Return calls as soon as practicable after receiving a voice message. Check messages at least daily (more than once when able) to ensure taxpayers receive a timely response.
- (2) When out of the office for extended periods of time, leave a message on the telephone (and email for IRS personnel only) to direct the caller to an alternate person for assistance. Voice greetings should contain a secure fax number where taxpayers/practitioners can send requested information.
- (3) When leaving a calling card or phone message for a taxpayer to return a call, provide a specific date and time for the call to be returned.

5.1.10.5
(11-20-2017)
Contact Letters

- (1) Some of the pre-printed letters available to correspond with taxpayers include the following:

Letter	Purpose of Letter
Letter 725	To set up an appointment with a taxpayer.
Letter 729	To address unfiled returns.
Letter 728	To provide the current balance due.
Letter 3220	To provide the balance due after receipt of payment.
Letter 3221	To respond to an inquiry regarding the balance due.
Letter 3586 (CG)	To schedule an appointment to conduct a Trust Fund Recovery Penalty interview.
Letter 4222	To notify taxpayer of case resolution.
Letter 4223	To notify taxpayer of case closed as currently uncollectible.

- (2) **Any letter required by statute (Letters 1058, 2975, 3164, 3172, 2439, etc.) relating to a joint return under IRC § 6013 must be sent separately to each individual who filed the joint return.**

- (3) This requirement also extends to letters not required by statute that contain the elements of a notice and demand (amount of tax due stated and payment of tax due demanded) such as Letters 728, 3220, and 3221.
- (4) When the owner of a limited liability company (LLC) is the liable taxpayer, Letters 1058, 2975, 3172, and 2439 must be issued to the owner, not to the LLC. For example, see IRM 5.1.21.6.1, Collection Due Process Notice.

Reminder: All correspondence to taxpayers must include your title, last name, employee identification number, and telephone number.

Reminder: If the taxpayer is represented by a POA, with a valid Form 2848 on file, the Form 2848 will specify whether the taxpayer wants copies of all correspondence to be sent to the POA.

5.1.10.6
(02-26-2016)
**Fair Tax Collection
Practices**

- (1) IRC § 6304 imposes certain restrictions with respect to IRS communications with taxpayers regarding unpaid tax. This provision specifically prohibits the IRS from harassing or abusing taxpayers.
- (2) This law applies to communications with all taxpayers, including business entities.
- (3) Violations of IRC § 6304 could subject the United States to civil action (IRC § 7433) by the taxpayer. Violations of IRC § 6304 could also subject IRS employees to termination for misconduct.

5.1.10.6.1
(03-24-2020)
Contacting Taxpayers

- (1) Some contacts cannot be made without the prior consent of the taxpayer or the permission of a court of competent jurisdiction. These include the following:
 - a. Contacting the taxpayer at any unusual time or place, or at a time or place an employee knows, or should know, is inconvenient to the taxpayer.
 - b. Contacting the taxpayer at work if there is reason to believe the employer does not allow such contact.
 - c. Directly contacting a taxpayer if the IRS knows the taxpayer has an authorized representative and knows or can readily ascertain the representative's name and address.

Note: Contacting a taxpayer to update or validate representation when all periods are not listed on Form 2848 does not constitute a violation of taxpayer rights nor does it constitute a bypass procedure because the taxpayer is not represented with respect to the unresolved periods.

Exception:

- The representative consents to the employee directly contacting the taxpayer.
 - The representative unreasonably delays or hinders collection. (See IRM 5.1.23.6, Bypassing a Taxpayer's Representative.)
- (2) Employees can generally assume that it is convenient to contact the taxpayer after 8:00 a.m. and before 9:00 p.m. local time Monday through Friday at the taxpayer's location, unless there is reason to know otherwise.

- (3) Take all necessary precautions to protect your safety and security when in the field. (See IRM 5.1.3, Safety, Security, and Control.) Some considerations for personal safety include:
 - Conduct a careful pre-contact analysis to identify and mitigate potential risks.
 - Observe and evaluate your surroundings for potential dangers.
 - Defend yourself against further assaults if assaulted and immediately leave the area.
 - Call 911 for police and medical assistance.
 - Make notes of the incident.
 - Contact your manager and TIGTA.
- (4) Do not make contact with third parties until the 46th day after advance third-party notice requirements have been met.

5.1.10.6.2
(02-26-2016)

No Trespassing Signs

- (1) The following guidance for entering areas with posted “No Trespassing” signs addresses what is legally permissible in terms of federal, state and local laws. However, Collection field work by its very nature demands the exercise of common sense and good judgment. Beyond what is legally permitted, your safety and the safety of taxpayers must be the highest priority in deciding how to approach the following situations. If the circumstances you encounter make you significantly concerned for your safety, leave and request the assistance of a TIGTA agent to accompany you on a second attempt to contact the taxpayer. (See IRM 5.1.3.5.1, When to Request Armed Escort.) Document the ICS history accordingly.

Note: A “No Trespassing” sign includes any sign that advises or commands others not to enter a property, and may use several different expressions, for example, “Keep out,” “Do Not Enter,” “Private Property,” etc.

5.1.10.6.2.1
(02-26-2016)

Private Residences

- (1) You can approach a front door to make contact or deliver a summons or other document requiring personal service even if there is a “No Trespassing” sign posted. **If the taxpayer or third party then tells you to leave, you should leave.**
- (2) Always use caution and only enter areas of a private residence that are commonly understood to be open to the public, such as the area of the front door, porch, or a driveway. Secure permission from the taxpayer if you wish to access non-public areas of the premises.
- (3) Approach premises with “No Trespassing” signs in rural areas more cautiously than in urban or suburban residences with posted “No Trespassing” signs. If you see “No Trespassing” signs in rural -- possibly fenced -- residential premises, you may wish to leave and request the assistance of a TIGTA agent to accompany you on a second attempt to contact the taxpayer. (See IRM 5.1.3.5.1.) Document the ICS history accordingly.

5.1.10.6.2.2
(06-07-2013)

Businesses

- (1) If you encounter a “No Trespassing” sign in a public shopping area, you can treat the sign as a warning to someone who has no legitimate business being there, such as a loiterer or a shoplifter. **If the taxpayer tells you to leave, you should leave.**

5.1.10.6.3
(06-07-2013)
**Gated and Restricted
Access Properties**

- (1) For gated multi-residence properties with security personnel on site, request access to the taxpayer's residence from the security guard. If the security guard denies access, ask to speak to the guard's supervisor and request access through the supervisor. If unable to speak to the guard's supervisor or if the supervisor also denies access, secure the telephone number of the management office or officer of the multi-residence property, for example a condominium association officer, and request access through this source.
- (2) For gated multi-residence properties without security personnel on site, attempt to locate information about the management of the multi-residence property, for example, a condominium association officer, and request access through this source.

Note: Do not attempt to trail another car or another person authorized to enter.

- (3) For gated single dwellings with or without security personnel, summonses and other letters and documents may be delivered to the security guard on site or taped to the entry gate, door or fence.
- (4) Exhibit 5.1.10-1 provides sample language that may be used in a letter provided to security personnel in the event that they want a documented explanation of the IRS purpose in wishing to contact the taxpayer.

5.1.10.6.4
(03-24-2020)
**Promoting Public
Confidence**

- (1) It is IRS policy not to use methods which are threatening or harassing to the public. See Policy Statement 1-1, (found in IRM 1.2.1). IRC § 6304 prohibits employees from harassing, oppressing, or abusing any person in connection with the collection of any unpaid tax.
- (2) The following actions are considered violations:
 - a. Using or threatening to use violence or other criminal means to harm the physical person, reputation, or property of any person.
 - b. Using obscene, profane, or abusive language.
 - c. Causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with the intent to annoy, abuse, or harass any person at the called number.
 - d. Placing telephone calls without meaningful disclosure to the taxpayer of the caller's identity.
- (3) If you place telephone calls to third parties **only** to acquire location information (taxpayer's place of abode and phone number at such place, or place of employment) in connection with the collection of unpaid tax, you should identify yourself by name only. Do not identify yourself by title or as an IRS employee unless the third party expressly requests that information.
- (4) At times, third party contact by telephone may result in obtaining information with respect to the determination or collection of the taxpayer's liability, such as a levy source. In such instances, you should identify yourself as an IRS employee and follow third party contact procedures, including the reprisal determination. Do not initiate any third-party contacts until the 46th day following the date that advance notice of third-party contacts was provided. (See IRM 25.27.1, Third Party Contact Program, for general IRC § 7602 (c) procedures to follow when contacting anyone other than the taxpayer regarding the deter-

mination or collection of the taxpayer's tax liability, and IRM 5.1.1.12, Third Party Contacts for Collection-specific procedures related to third party contacts.)

- (5) When you attempt to contact a taxpayer by telephone and someone other than the taxpayer answers the phone, do not identify yourself as an IRS employee or state the reason for the attempted contact. However, if you seek information about the taxpayer from the person who answered the phone that may help in determining or collecting the liability, follow third party contact procedures and make a reprisal determination. Follow the guidelines in IRM 10.5.1.6.7.2, Answering Machine or Voicemail, for leaving messages involving confidential information on answering machines/voice mail when trying to contact taxpayers or their representatives.

Note: If unable to verify the taxpayer has received advance notice that third party contacts may be made, do **not** seek information about the taxpayer from the third party and do **not** identify yourself as an IRS employee unless expressly asked.

- (6) The use of cellular and cordless devices carries certain inherent security vulnerabilities. Precautions must be taken when discussing sensitive taxpayer information using these devices. Refer to IRM 10.5.1.6.7.1, Cell Phone and Cordless Device, for guidelines on communications of sensitive but unclassified information. Classified information should never be discussed using a cellular or cordless phone.
- (7) When a taxpayer states he or she has been the victim of identity theft, follow the guidelines in IRM 5.1.28, Identity Theft for Collection Employees, for standard documentation requirements and detailed procedures for resolving the case. Also, see IRM 25.23.2, Identity Protection and Victim Assistance - General Case Processing.

5.1.10.7 (11-20-2017) Taxpayer Rights

- (1) Awareness of taxpayer rights is vitally important. The IRS adopted the Taxpayer Bill of Rights (TBOR) in June 2014. Employees are responsible for being familiar with and acting in accordance with taxpayer rights. See IRC 7803(a)(3), Execution of Duties in Accord with Taxpayer Rights. The following taxpayer rights are in Pub 1, and are addressed in IRM 5.1.9, Collection Appeal Rights, and throughout IRM Part 5.

- The right to be informed
- The right to quality service
- The right to pay no more than the correct amount of tax
- The right to challenge the IRS's position and be heard
- The right to appeal an IRS decision in an independent forum
- The right to finality
- The right to privacy
- The right to confidentiality
- The right to retain representation
- The right to a fair and just tax system

For additional information about TBOR, see <http://irweb.irs.gov/AboutIRS/tbor/default.aspx>.

5.1.10.7.1

(11-20-2017)

Rights During Interviews

- (1) If a taxpayer states during any interview that he or she wishes to consult with an authorized representative, the employee will suspend the interview to permit such consultation **regardless of whether the taxpayer may have answered one or more questions**. If the interview is suspended, allow a minimum of 10 business days for the consultation with an authorized representative. The employee should inform the taxpayer of the consequences if the representative fails to contact the employee within ten business days. Form 9297 should be prepared and delivered to the taxpayer. (See IRM 5.1.10.3.2.) While an interview may be suspended, there are situations when collection should not be delayed, such as:

- when delay might result in the disappearance, disbursement or dispersion of the asset or
- if the seizure is being made pursuant to a writ issued by a court.

Exception: If the interview is being conducted because of a summons, it should not be suspended by the IRS. (See IRM 25.5.5.4.7, Noncompliance by the Witness or a Representative.) If a summoned taxpayer appears and wishes to suspend the interview to consult with an authorized representative, do not agree to suspend the interview. Inform the taxpayer(s) that an interview may usually be suspended for that purpose, but not when it is required by a summons. IRC §7521(b)(2) . However, if the summoned person refuses to submit to questioning and to the request for documents, that person cannot be compelled to remain and continue the interview.

- (2) The taxpayer has the right to make an audio recording of an in-person interview, when the interview relates to the determination or collection of tax.
- (3) The right to make an audio recording does not extend to telephone interviews. If you become aware that a taxpayer or representative is recording or attempts to record a telephone conversation, advise the taxpayer or representative that the recording must be stopped. If the recording is not stopped, politely terminate the call, and document the case file accordingly. (For additional guidance see IRM 5.1.12.3, Taxpayer Recording of Interviews .)

5.1.10.7.2

(10-12-2021)

Right to Retain Representation

- (1) Taxpayers have the right to be represented in their tax matters by the following:
- An attorney
 - A certified public accountant
 - An individual enrolled to practice before the IRS
 - An officer or full time employee of the taxpayer organization (e.g., corporation)
 - A member of the taxpayer's immediate family
 - An individual given a special appearance authorization (e.g., student or law graduate at a Low Income Taxpayer Clinic)

A fiduciary stands in the position of a taxpayer and acts as the taxpayer, not as a representative. A Form 56, Notice Concerning Fiduciary Relationship, must be on file to notify the IRS of the existence of a fiduciary relationship. A fiduciary may authorize another individual to represent or perform certain acts on behalf of the taxpayer by filing a Form 2848. The fiduciary must sign the form on behalf of the taxpayer.

- (2) If the taxpayer has a representative, secure a written power of attorney. Form 2848, Power of Attorney and Declaration of Representative, may be used. A taxpayer may authorize the IRS to provide confidential tax return information to a third party designated on Form 8821, Tax Information Authorization, but this form does not authorize the third party to represent the taxpayer. For detailed information on taxpayer representation and disclosure to a designee, see IRM 5.1.23.5, Processing a Third Party Authorization , and IRM 11.3.3, Disclosure to Designees and Practitioners.
- (3) If all open periods are not reflected on Form 2848 or Form 8821:
 - a. Contact may be made with the taxpayer to secure an updated form prior to beginning the investigation. A contact made to update or validate a taxpayer's representation is not an investigative contact, and the initial contact requirements in IRM 5.1.10.3 will not apply. The collection investigation, which includes attempting to secure returns, collect delinquent tax, and secure financial information, should not be initiated with the taxpayer while attempting to validate representation.
 - b. If the taxpayer fails to provide updated representation within an established time frame, initiate the collection investigation with the taxpayer for the periods for which the taxpayer has no representation. Enforcement action for failing to provide representation is not appropriate. If the taxpayer withdraws representation, the revenue officer should proceed with the investigative contact for all tax periods directly with the taxpayer under the guidelines in IRM 5.1.10.3.
 - c. There is no requirement to delay contact with a representative until all open periods are reflected on the Form 2848. A representative may be contacted for investigative purposes regarding the periods for which representation has been validated; however, caution must be exercised when contacting a representative not to disclose tax information for tax periods not covered. To minimize the risk of a disclosure violation, do not solicit from the representative an updated Form 2848 or Form 8821 when all open periods are not reflected on the form. Initial contact requirements apply to investigative contact with the representative.

Note: The revenue officer is within his or her rights to carefully address any future compliance concerns not listed on the Form 2848 with the representative under IRC 6103(k)(6) while exercising caution not to improperly disclose tax return information. For more information about investigative disclosure provisions IRM 5.1.10.

- (4) Unenrolled return preparers are not permitted and should not be allowed to act as a taxpayer representative before Collection.
- (5) Students and law graduates at Low Income Taxpayer Clinics (LITCs) or Student Tax Clinic Programs (STCPs) may represent taxpayers under a special appearance authorization issued by the Director, Low Income Taxpayer Clinic Program Office, Taxpayer Advocate Service (TAS). See Delegation Order 25-18 (Rev. 4) (effective April 8, 2021). See IRM 1.2.2.14.18. Subject to any limitations set forth in the special appearance authorization, they may fully represent taxpayers before any IRS office and are eligible to perform any and all acts listed on a properly executed Form 2848. The instructions to Form 2848 require that such students and law graduates must attach a copy of the letter from TAS authorizing practice before the Internal Revenue Service.

5.1.10.7.3
(11-20-2017)
Other Taxpayer Rights

- (1) Taxpayers generally have the right to designate the application of voluntary payments to their accounts.
- (2) Taxpayers are entitled to request and receive receipts for any payments made on their accounts, whether in current or delinquent status.

Note: If a cash payment is received, issue Form 809, Receipt for Payment of Taxes (see IRM 5.1.2.6.2, Cash Payments). Usually, the taxpayer's canceled checks, copies of bank checks, or money orders serve as receipts for non-cash payments. However, a receipt will be issued if requested by the taxpayer.
- (3) Taxpayers have the right to submit an offer to compromise a tax liability. See IRM 5.8, Offer in Compromise.
- (4) A taxpayer may have a right to an installment agreement. See IRM 5.14, Installment Agreements.
- (5) Taxpayers may request that their case be transferred to another IRS office. Generally, such requests will be honored if the taxpayer has a valid reason.
- (6) Taxpayers have the right to contact TAS at any time during the collection process, especially if they are experiencing, or will experience, a financial hardship as a result of the IRS's actions. Revenue officers must provide Form 911, Request for Taxpayer Advocate Service Assistance (And Application for Taxpayer Assistance Order) and explain a taxpayer's right to seek help from TAS.
- (7) Taxpayers have the right to request a list of third-party contacts from the IRS at any time. The request can be made either verbally or in writing. See IRM 25.27.1.5, Providing Taxpayers with TPC List.

5.1.10.7.4
(02-26-2016)
Privacy Act of 1974

- (1) The Privacy Act of 1974 (5 U.S.C. § 552a) creates a series of requirements governing the record-keeping practices of federal agencies, as they relate to the collection, maintenance, and disclosure of information pertaining to individuals. The statute also provides individuals with certain rights of access to agency records pertaining to them. For a more detailed discussion of IRS implementation of the Privacy Act, and IRS employee responsibilities under the statute, see IRM 10.5.6.2, Privacy Act General Provisions (formerly IRM 11.3.14), and IRM 10.5.6.7, Privacy Act Accounting for Disclosures (formerly IRM 11.3.19).
- (2) Taxpayers seeking access to records pertaining to an open case should, to the extent possible, be given access to their records as part of the normal administrative process without having to resort to a formal Privacy Act or Freedom of Information Act (5 U.S.C. § 552) request. However, when a taxpayer insists upon the more formalized procedures of the Privacy Act or the Freedom of Information Act, the taxpayer should be directed to the disclosure office having responsibility for the records. Any written request received by Collection personnel which cites the Privacy Act or Freedom of Information Act should be forwarded to the appropriate disclosure office for handling in accordance with the provisions of IRM 11.3, Disclosure of Official Information.
- (3) Although taxpayers have certain rights of access to agency records under the Privacy Act, as well as the Freedom of Information Act, returns and return in-

formation are confidential in accordance with IRC § 6103(a). Returns and return information shall be disclosed only as authorized by IRC § 6103 and the underlying Treasury Regulations.

- (4) Collection employees are authorized by IRC § 6103(k)(6) and Treasury Regulation 301.6103(k)(6)-1 to disclose return information to the extent necessary to obtain information which may be related to a Collection investigation and which is not otherwise reasonably available. No special permission or authorization is needed to make investigative disclosures under the circumstances and conditions described in Treasury Regulation 301.6103(k)(6)-1, so long as the collection employee is performing official duties for collection activity.

Note: IRC § 6103(k)(6) and Treasury Regulation 301.6103(k)(6)-1 permit the disclosure of return information in the investigatory process, but do not authorize the disclosure of the taxpayer's return. See IRM 11.3.21, Investigative Disclosure for more detail on investigative disclosures.

Note: Authorization to disclose the taxpayer's return information under IRC § 6103 should not be confused with authorization to contact third parties under IRC § 7602(c). If the IRS contacts a third party to obtain information about the taxpayer, then the advance notice and record keeping requirements of IRC § 7602(c) must be met unless the taxpayer authorizes the contact.

5.1.10.8
(10-12-2021)
Case Histories

- (1) Collection will use the Integrated Collection System (ICS) history functionality to record actions and decisions taken on cases. It is extremely important that ICS history entries be clear, accurate, concise, complete, and timely. Entries should be made in chronological order and should be recorded the day the action occurs or as soon as practical thereafter.
- (2) Certain actions taken by ICS users generate systemic history entries. Management may determine the type and degree of additional documentation required. Items such as resolution plan, action expected of taxpayers, target dates established, taxpayer compliance, plan for next actions, enforcement actions, financial analysis, etc., should be included as part of the ICS history. ICS pick lists are available to record many of these actions. ICS pick lists must be used when documenting the following actions: taxpayer contact, taxpayer or asset location activity, FTD verification, and closing narrative (for BMF accounts.) Not all items in the Taxpayer Contact and the Taxpayer Asset Location pick list "submenus" will be applicable in every case. Pick list items in these submenus are mandatory only when applicable to the contact or action. For example, if Pub 594, The IRS Collection Process, is not discussed, no entry is required. However if discussed, the pick list should be used to document the action.

Note: Numerous other sections of IRM Part 5 require that other specific actions be documented in the ICS history.

- (3) A history entry should be made to reference an action even though a form or document relative to the action is in the case file.
- (4) When related IMF and BMF accounts are present, the cases should be cross-referenced; separate histories are maintained by ICS.

- (5) When a Non-Master File account is present with a related Master File account sharing a TIN, ICS maintains separate histories and permits narrative history to be written to both history files with one posting.
- (6) When Form 2747, Investigation History, exists for the older part of the case history, it should remain associated with the case file when the case is closed.
- (7) ICS users accessing a non-assigned case are encouraged to write a brief narrative history explaining the access.
- (8) All requests for deletion of ICS history must be in writing. The request should state exactly which history entry is to be deleted and explain why the request is being made, e.g., history documented in the wrong case. The concurrence of the territory manager must be noted on the request prior to the deletion. The ICS/Entity Quality Analyst performing the deletion should maintain the request with a print of the history before and after the deletion until the case records are deleted from the ICS archives. Entries in the wrong case may present disclosure issues. See IRM 11.3.38.5, Reporting Suspected Willful Unauthorized Accesses or Disclosures, for further guidance on how to report inadvertent disclosures.
- (9) The Internal Revenue Service (IRS) Restructuring and Reform Act of 1998 (RRA 98), Section 3707, prohibits the use of any tax protester designation to describe the taxpayer. Terms such as "frivolous argument" or "tax avoidance argument" are acceptable terms to use. You may document the taxpayer's behavior by using such terms as "frivolous filer", "frivolous arguments" or "tax avoidance". Refer to *The Truth About Frivolous Tax Arguments* on the IRS website for information about common frivolous "legal" arguments made by individuals and groups who oppose compliance with federal tax laws. The document also responds to some of the more common frivolous arguments made in collection due process cases brought pursuant to IRC § 6320 or IRC § 6330.
- (10) Taxpayer records of any kind, including copies of checks, cannot be maintained by Collection personnel after disposition of the account. All records must be disposed of in accordance with approved records control schedules.
- (11) Do not copy and paste emails or other communications to or from IRS Counsel (legal advice) into case histories. Including such communications in case histories may make it more difficult to assert a legal privilege in withholding the legal advice in response to a discovery or Freedom of Information Act (FOIA) request. Instead, include the legal advice in the case file with a notation of the fact of the legal advice in the case history, for example, legal advice received from IRS Counsel on January 10 2020, see case file.

5.1.10.9
(03-24-2020)
Timely Follow-ups

- (1) The deadline given to a taxpayer or representative to comply with a request for information or action should be reasonable with respect to the information or action requested. When setting a deadline, ensure that sufficient time is calendared to carry out follow-up actions if the deadline is not met.
- (2) When a taxpayer or representative misses a specific deadline, initiate follow-up action within fifteen (15) calendar days unless special circumstances warrant a delay, such as in some International cases. Such circumstances should be clearly documented.

Note: The ICS calendar system is the preferred method for scheduling and documenting follow-up actions.

- (3) If the TP requests an extension, use your discretion in granting it. Document your decision and its basis. Issue Form 9297 when a new deadline is set in face-to-face meetings with the taxpayer or representative.
- (4) Follow-up action should move the case toward resolution. Remember to create and update a plan of action that moves your case toward resolution and to schedule simultaneous case actions where appropriate. Follow-up actions include, but are not limited to, the following:
 - Filing Notice of Federal Tax Lien (IRM 5.12, Federal Tax Lien)
 - Issuing Notice of Levy (IRM 5.11, Notice of Levy)
 - Issuing a summons (IRM 25.5, Summons)
 - Taking seizure action (IRM 5.10, Seizure and Sale)
 - Taking suit action (IRM 5.17.4, Suits by the United States)
 - Issuing Letter 903, Letter to Employer - You Haven't Deposited Federal Employment Taxes. (IRM 5.7.2, Letter 903 Process)
 - Completing the TFRP process (IRM 5.7, Trust Fund Compliance)

Caution: Only individual Shared Responsibility Payment (SRP) assessments are not subject to levy or the filing of Notice of Federal Tax Liens. See IRM 5.11.1.4.14, Affordable Care Act's (ACA) Individual Shared Responsibility Payment (SRP), for information regarding treatment of Notices of Levy where there are SRP assessments. See IRM 5.12.2.3.1.1, Affordable Care Act's (ACA) Shared Responsibility Payment (SRP) Exception, for information regarding treatment of Notices of Federal Tax liens (NFTL) where there are SRP assessments.

Note: A phone call or letter to a taxpayer or representative to inquire about a missed deadline is not considered an appropriate follow-up action.

- (5) Take follow-up actions simultaneously, as appropriate.

Exhibit 5.1.10-1 (10-28-2011)**Sample Language to Request Entry to Gated Property**

In connection with their duties, Internal Revenue Service Officers are, at times, required by law to make direct contact with individual citizens. Accordingly, it becomes necessary for a Revenue Officer employed by the Internal Revenue Service in the performance of his or her official duties to attempt contact with a taxpayer at his or her personal residence. We hereby request that you permit entry to Internal Revenue Service personnel who present the appropriate credentials.

