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Department of the Treasury
Internal Revenue Service

21.3.11

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EFFECTIVE DATE

(01-01-2025)

PURPOSE

- (1) This transmits revised IRM 21.3.11, Taxpayer Contacts, Information Returns Reporting Procedures.

MATERIAL CHANGES

- (1) IRM 21.3.11.1.1, Background - In (2), added ACA and IRIS to IR Application for TCC. In (3), added Affordable Care Act (ACA) Application for Transmitter Control Code (TCC), Information Returns Intake System (IRIS) Application for Transmitter Control Code (TCC), Form 1098, Mortgage Interest Statement, Form 15397, Application for Extension of Time to Furnish Recipient Statements, and Form 5498, IRA Contribution Information. Updated Form 1099 to Form 1099 series; Form 1099 is obsolete. Removed Form 1094-B, Transmittal of Health Coverage Information Returns, Form 1094-C, Transmittal of Employer-Provided Health Insurance Offer and Coverage Information Returns, Form 1095-B, Health Insurance Coverage, Form 1095-C, Employer-Provided Health Insurance Offer and Coverage, and Form 8966, FATCA Report.
- (2) IRM 21.3.11.1.3, Roles and Responsibilities - Updated title of IRM 10.8.1, Policy and Guidance.
- (3) IRM 21.3.11.1.6, Terms and Acronyms - In (2), added Affordable Care Act (ACA) and removed duplicate Information Returns Intake System (IRIS).
- (4) IRM 21.3.11.1.7, Related Resources - In (1), added Affordable Care Act (ACA) Information Returns (AIR) to relevant information provided in IRM 3.42.9.
- (5) IRM 21.3.11.1.8, Technical Services Operation Scope of Inquiry - In (4), added Bloomberg Tax. In (6), updated order of bullet list.
- (6) IRM 21.3.11.2.1, Privacy, Governmental Liaison and Disclosure - Updated title of subsection. In (4), added title of IRM 10.5.1, Privacy Policy. In (7), updated title of IRM 10.5.4, Incident Management Program and other verbiage related to reporting loss or theft.
- (7) IRM 21.3.11.2.2, Taxpayer Advocate Service (TAS) - In (1), updated TAS Standard Language.
- (8) IRM 21.3.11.3.1, Publications, Forms, Instructions and Other Reference Materials - In (1), added Publication 15-T, Federal Income Tax Withholding Methods, Publication 5903, IRIS App for TCC Tutorial and Publication 5911, IR App for TCC Tutorial. Removed Publication 51, (Circular A), Agricultural Employer's Tax Guide and Publication 521, Moving Expenses because they are obsolete. In (2), Added Form 15397, Application for Extension of Time to Furnish Recipient Statements.
- (9) IRM 21.3.11.4.2, Referring Customers to Other Areas and Resources - In (1), removed Form 940EZ because it is obsolete.
- (10) IRM 21.3.11.5, Electronic Filing Requirement - In (1), updated timeframe that the number of returns remains at 250. In (3), removed all content as it is already incorporated in 21.3.11.5.1, 21.3.11.5.2, 21.3.11.5.3, and 21.3.11.5.4.
- (11) IRM 21.3.11.5.1, The FIRE System - In (4) and (6), removed leap year notes.
- (12) IRM 21.3.11.5.2, Information Returns (IR) Application for Transmitter Control Code (TCC) - In (3), updated referenced publication.

- (13) IRM 21.3.11.5.3, Information Returns Intake System (IRIS) - Removed Taxpayer Portal from the title so the title covers both transmission methods. Added content about Application-to-Application (A2A) Intake Channel and IRIS publications.
- (14) IRM 21.3.11.5.4, Information Returns Intake System (IRIS) Application for Transmitter Control Code (TCC) - Added section for information on IRIS Application for TCC.
- (15) IRM 21.3.11.6, Notices Addressed in TSO - Updated notice descriptions.
- (16) IRM 21.3.11.6.2, Notice CP 2100 and Notice CP 2100A - In (2) and (3), updated Form 1099 to Form 1099 series; Form 1099 is obsolete. In (5), updated from one-page letter to three-page letter.
- (17) IRM 21.3.11.6.2.3, Incorrect Name/TINs or Not Currently Issued TINs - In (5), updated Form 1099 to Form 1099 series; Form 1099 is obsolete.
- (18) IRM 21.3.11.6.2.4, Spring Pass Notice Corrections - In (1), updated years in the example/scenario.
- (19) IRM 21.3.11.6.2.6, Verifying the Receipt of a Notice - In (3), changed “filer” to “customer” in table. In (6), updated InformationFilingSupport(IFS) Lead to TSO IFS Leads.
- (20) IRM 21.3.11.6.2.7, Encryption Codes - Referenced IRM 3.42.9.13.2. for procedures and removed (2) because this escalation guidance is not necessary.
- (21) IRM 21.3.11.8, Information Return Penalties - In (1), updated Form 1099 to Form 1099 series; Form 1099 is obsolete.
- (22) IRM 21.3.11.9, Waivers from Filing Information Returns Electronically - In (4), added title to Form 8508, Application for a Waiver from Electronic Filing of Information Return.
- (23) IRM 21.3.11.10.2, Individual Taxpayer Identification Number (ITIN) Inquiries - In (4), updated Publication 51 to Publication 15 in the ITIN Inquiries table.
- (24) Editorial changes made throughout the IRM section including:
 - Incorporation of Plain Language Standards
 - Corrections to typographical errors
 - Updated terminology
 - Updated Wage & Investment (W&I) to Taxpayer Services (TS)

EFFECT ON OTHER DOCUMENTS

IRM 21.3.11 dated 12/06/2023 is superseded.

AUDIENCE

The primary audience is Customer Service Section employees in the Technical Services Operation, Electronic Products and Services Support.

RELATED RESOURCES

- (1) This IRM should be used in conjunction with IRM 3.42.9, IRS e-file of Information Returns, and IRM 3.42.7, EPSS Help Desk Support.

Charlotte A. Trout
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21.3.11

Information Returns Reporting Procedures

Table of Contents

21.3.11.1 Program Scope and Objectives

21.3.11.1.1 Background

21.3.11.1.2 Authority

21.3.11.1.3 Roles and Responsibilities

21.3.11.1.4 Program Management and Review

21.3.11.1.5 Program Controls

21.3.11.1.6 Terms and Acronyms

21.3.11.1.7 Related Resources

21.3.11.1.8 Technical Services Operation Scope of Inquiry

21.3.11.2 Impact on Other Offices

21.3.11.2.1 Privacy, Governmental Liaison and Disclosure

21.3.11.2.2 Taxpayer Advocate Service (TAS)

21.3.11.2.3 Privacy and Information Protection

21.3.11.3 Resources/Research

21.3.11.3.1 Publications, Forms, Instructions and Other Reference Materials

21.3.11.4 Assistor Procedures

21.3.11.4.1 Responding to the Customer

21.3.11.4.2 Referring Customers to Other Areas and Resources

21.3.11.5 Electronic Filing Requirement

21.3.11.5.1 The FIRE System

21.3.11.5.2 Information Returns (IR) Application for Transmitter Control Code (TCC)

21.3.11.5.3 Information Returns Intake System (IRIS)

21.3.11.5.4 Information Returns Intake System (IRIS) Application for Transmitter Control Code (TCC)

21.3.11.6 Notices Addressed in TSO

21.3.11.6.1 Notice CP 2000/Underreporter Inquiries

21.3.11.6.2 Notice CP 2100 and Notice CP 2100A

21.3.11.6.2.1 Payments Subject to Backup Withholding

21.3.11.6.2.2 Missing TINs

21.3.11.6.2.3 Incorrect Name/TINs or Not Currently Issued TINs

21.3.11.6.2.4 Spring Pass Notice Corrections

21.3.11.6.2.5 Erroneous Backup Withholding

21.3.11.6.2.6 Verifying the Receipt of a Notice

21.3.11.6.2.7 Encryption Codes

21.3.11.7 Notice of Penalty

21.3.11.8 Information Return Penalties

- 21.3.11.9 Waivers from Filing Information Returns Electronically
- 21.3.11.10 Other Types of Inquiries Received in Technical Services Operation (TSO)
 - 21.3.11.10.1 Reclassification of Employees
 - 21.3.11.10.2 Individual Taxpayer Identification Number (ITIN) Inquiries
- 21.3.11.11 Substitute Forms

21.3.11.1
(01-01-2023)
Program Scope and Objectives

- (1) **Purpose:** The Electronic Products and Services Support (EPSS) organization is a stand-alone organization reporting to the Director, Customer Accounts Services (CAS) in the Taxpayer Services (TS) Division. EPSS is a centralized office for the management of IRS electronic products and services within TS:CAS. The EPSS vision is to advance Internal Revenue Service (IRS) electronic business opportunities to meet the changing demands of the future while delivering a positive customer experience. The mission is to support customer-valued e-solutions for Service-wide electronic products and services. Visit the *EPSS* web site located on the Taxpayer Services The Insider for more information.
- (2) EPSS Technical Services Operation (TSO) serves as a focal point for the electronic processing related to the Information Reporting Program (IRP). TSO coordinates, develops, maintains, and controls operational aspects of the IRP where businesses, financial institutions, federal, state, and local governments submit information returns electronically through the Filing Information Returns Electronically (FIRE) System. TSO supports the issuance of the Transmitter Control Code (TCC) through the Information Returns (IR) Application for Transmitter Control Code (TCC).
- (3) **Audience:** These procedures are used by TSO employees who provide telephone support to the issuer/employer community. They are also intended for managers, analysts, business owners, and others who provide support to internal and external stakeholders regarding the Information Reporting Program.
- (4) **Policy Owner:** Director, EPSS.
- (5) **Program Owner:** EPSS, TSO.
- (6) **Primary Stakeholders:** All IRS users of the Information Return Program.
- (7) **Program Goals:** To provide direction and support to information return external stakeholders. Direct customers to appropriate resources to resolve issues relative to electronic and paper filing requirements.

21.3.11.1.1
(01-01-2025)
Background

- (1) TSO consists of four segments:
 - Customer Service Section (CSS)
 - Filing Information Returns Electronically (FIRE) Support (FS)
 - Information Filing Support (IFS)
 - Products and Services Support (PSS)
- (2) TSO provides help via telephone and electronic mail received from the issuer/ employer community regarding the filing of information returns, and actions needed to participate in the electronic filing program. Inquiries relate to the preparation and submission of electronic files, resolution of electronic filing error conditions, questions regarding the ACA/IR/IRIS Application for TCC, and supporting programs. TSO assistors don't provide a legal opinion or position, and don't answer individual tax law inquiries. See IRM 21.3.11.1.8, Technical Services Operation Scope of Inquiry.
- (3) Supported forms and programs are:
 - Affordable Care Act (ACA) Application for Transmitter Control Code (TCC)

- Affordable Care Act (ACA) registration and testing
 - Foreign Account Tax Compliance Act (FATCA) International Compliance Management Model (ICMM)
 - Information Returns (IR) Application for Transmitter Control Code (TCC)
 - Information Returns Intake System (IRIS) Application for Transmitter Control Code (TCC)
 - Form 1042-S, Foreign Person's U.S. Source Income Subject to Withholding
 - Form 1097-BTC, Bond Tax Credit
 - Form 1098, Mortgage Interest Statement
 - Form 1098 series
 - Form 1099 series
 - Form 15397, Application for Extension of Time to Furnish Recipient Statements
 - Form 3921, Exercise of an Incentive Stock Option Under Section 422(b)
 - Form 3922, Transfer of Stock Acquired Through an Employee Stock Purchase Plan Under Section 423(c)
 - Form 5498, IRA Contribution Information
 - Form 5498 series
 - Form 8027, Employer's Annual Information Return of Tip Income and Allocated Tips
 - Form 8508, Application for a Waiver from Electronic Filing of Information Returns
 - Form 8955-SSA, Annual Registration Statement Identifying Separated Participants with Deferred Vested Benefits
 - Form 8596, Information Return for Federal Contracts
 - Form 8809, Application for Extension of Time to File Information Returns
 - Form 10301, CD Encryption Code Authorization for CP2100/972CG Notices
 - Form W-2, Wage and Tax Statement
 - Form W-2 C, Corrected Wage and Tax Statement
 - Form W-2 G, Certain Gambling Winnings
 - Form W-3, Transmittal of Wage and Tax Statements
 - Form W-3 C, Transmittal of Corrected Wage and Tax Statements
- (4) Users of the IRS Information Return Program include, but are not limited to, the following:
- Attorneys
 - Certified Public Accountants (CPAs)
 - Financial Institutions
 - Foreign Financial Institutions
 - Governmental Agencies
 - Government Contractors
 - Information Return Filer/Issuer
 - Intermediate Service Providers (ISPs)
 - Large Corporations
 - Software Developers
 - State Taxing Authorities
 - Taxpayer Assistance Centers (TACs)
 - Transmitters
- (5) The E-Help Support System (EHSS) provides a holistic view of a customer's contact history with the EPSS Help Desks. Each contact with the customer is documented in EHSS as an Interaction/Incident. An Interaction/Incident is the

electronic version of a customer's contact. If the Interaction/Incident is still open and the customer is providing/requesting additional information on the same issue, document and update the activities section of the Interaction/Incident.

Note: It may not be necessary to create an Interaction for a call being transferred. See IRM 3.42.7.14.5.2, Escalating/Transferring Interactions.

(6) The assistors create Interactions/Incidents to record the customer information, problem details, and resolution of the issue.

21.3.11.1.2
(01-01-2024)

Authority

(1) TSO is guided by the following legal and regulatory authorities in relation to the Information Return Program:

- Treas.Reg. 7803(a)(3), Taxpayer Bill of Rights
- Protecting Americans from Tax Hikes (PATH) Act
- IRS Restructuring and Reform Act of 1998 (RRA 98)
- Taxpayer First Act, Section 2301
- Treasury Decision 9972, which implements Taxpayer First Act, Section 2301
- IRM 1.2, Servicewide Policies and Authorities

(2) The Taxpayer Bill of Rights (TBOR) lists rights that already existed in the tax code, putting them in simple language and grouping them into 10 fundamental rights. Employees are responsible for being familiar with and acting in accord with taxpayer rights. See IRC 7803(a)(3), Execution of Duties in Accord with Taxpayer Rights. For additional information about the TBOR, see *Taxpayer Bill of Rights*.

21.3.11.1.3
(01-01-2025)

Roles and Responsibilities

(1) All employees complete duties in accordance with Policy Statement 1-236 (Rev. 1), Fairness and Integrity in Enforcement Selection. Refer to IRM 1.2, Servicewide Policies and Authorities.

(2) All assignments are executed in accordance with the *Taxpayer Bill of Rights* as listed in IRC 7803(a)(3).

(3) The Director of EPSS is responsible for supporting customer-valued e-solutions for Service-wide electronic products and services.

(4) The TSO Operation Chief is responsible for serving as a focal point for electronic information return processing.

(5) TSO is responsible for preserving the privacy and security of taxpayer data received through the FIRE System. All employees must be aware of all requirements pertaining to transmitter/filer and taxpayer data as described in IRM 10.8.1, Policy and Guidance.

21.3.11.1.4
(01-01-2024)

Program Management and Review

(1) EPSS manages TSO CSS using the following reviews and certifications.

(2) **Continual EHSS Knowledge Management Article Certification** - Knowledge Management articles used to ensure consistent and accurate customer responses are housed in the E-Help Support System (EHSS); and scheduled for continual certification by the assigned Program Management analyst.

- (3) **Assistor Certification** - New employees are certified by their manager as ready to respond to customer inquiries correctly and completely. During the on-the-job training (OJT) managers must certify students can perform satisfactorily prior to release from OJT.
- (4) **EPSS Program Letter** - The Program Letter is prepared on an annual basis by the Operation Support (OS) staff. It covers all expectations and aspects of the telephone program, such as, forecasting and staffing requirements, call demand forecasts, level of service (LOS), average handle time (AHT). Joint Operations Center (JOC) reports are used to monitor the telephone program in conjunction with E-Workforce Management which facilitates resource management and adherence.
- (5) **Quality Measure** - Is based on five principles, Customer Accuracy, Procedural Accuracy, Regulatory Accuracy, Professionalism, and Timeliness. Quality review goals include frequency, method of sampling and annual performance targets which are communicated via the EPSS Program Management Letter. Reviews are performed with the use of Contact Recording (CR) and Embedded Quality (EQ).

21.3.11.1.5
(12-05-2019)

Program Controls

- (1) The following program controls are used to oversee TSO CSS to ensure the information employees use to respond to customer contacts is accurate and current.
- (2) **EPSS Communications and Review Process** - The communications are used to convey a variety of topics, unexpected system issues, technical, procedural and administrative issues. Subject Matter Experts (SMEs), within each Operation have been identified to review the communications to ensure readability and overall quality.
- (3) **EPSS IRM Review** - IRM authors and coordinators control requests for IRM reviews to the Operations. This complies with the requirements in IRM 1.11.9.3.1, Requesting Employee Feedback.
- (4) **Publication Review** - Publication authors and coordinators control requests for Publication reviews to the Operations.
- (5) **EHSS Solutions** - Solutions also known as Knowledge Management Articles provide guidance for assistors to resolve customers' issues and provide quality customer service. The Operation Support Program Management analyst provides quality control for managing the content of the solution database and assists with the continuous certification of the content.

21.3.11.1.6
(01-01-2025)

Terms and Acronyms

- (1) The following definitions are used in this IRM.
 - Filer - Any person required to file an information return.
 - Transmitter - Sends electronic information return data directly to the IRS on behalf of a business or individual.
- (2) The following acronyms are used in this IRM.
 - Affordable Care Act (ACA)
 - Customer Service Section (CSS)
 - E-Help Support System (EHSS)
 - Electronic Products and Services Support (EPSS)
 - Employer identification number (EIN)

- Filing Information Returns Electronically (FIRE)
- Filing Information Returns Electronically (FIRE) Support (FS)
- Foreign Account Tax Compliance Act (FATCA)
- Individual taxpayer identification number (ITIN)
- Information Filing Support (IFS)
- Information Reporting Program (IRP)
- Information Returns (IR) Application for Transmitter Control Code (TCC)
- Information Returns Intake System (IRIS)
- Internal Revenue Manual (IRM)
- Internal Revenue Service (IRS)
- International Compliance Management Model (ICMM)
- Products and Services Support (PSS)
- Social Security Administration (SSA)
- Taxpayer Advocate Service (TAS)
- Taxpayer identification number (TIN)
- Technical Services Operation (TSO)

21.3.11.1.7
(01-01-2025)
Related Resources

- (1) The following lists the primary sources of guidance used by TSO CSS to provide consistent, accurate and professional responses to customers' questions.
- IRM 3.42.7, EPSS Help Desk Support - Provides guidance pertaining to use of the telephone system, etiquette and the use of E-Help Support System (EHSS).
 - IRM 3.42.9, IRS e-file of Information Returns - Provides information relevant to Affordable Care Act (ACA) Information Returns (AIR), Filing Information Returns Electronically (FIRE) System and Information Returns Intake System (IRIS) processes.
 - IRM 21.3.11, Information Returns Reporting Procedures - Provides guidance, scope and responsibilities.
 - EPSS SERP Portal - The portal is the repository for the relevant IRMs, Job Aids and Tools used by employees to provide accurate and professional responses to customer questions and document EHSS.

21.3.11.1.8
(01-01-2025)
**Technical Services
Operation Scope of
Inquiry**

- (1) TSO scope is to direct customers to the resources they need to address their issue(s) and does not include providing detailed or complex responses. The areas discussed in (2) through (5) below are beyond the level of service and are considered Out-of-Scope (OOS).
- (2) Tax form and schedule preparation defined as:
- a. Use of taxpayer information to provide "line-by-line" assistance in the completion of all or most of a form/schedule.
 - b. Performance of "line-by-line" computations and guidance on what to enter on each line (although not necessarily every line).
 - c. Verification of form/schedule entries after completion by the taxpayer.
- (3) Tax planning defined as a request as to whether one course of action is favored over another.
- (4) Legal opinions are not provided; however, assistors can refer customers to the applicable law or revenue procedure number as documented in instructions and publications. Use of Bloomberg Tax and LexisNexis is Out-of-Scope and would indicate a highly complex tax issue. See (5).

- (5) Highly complex tax issues are inquiries requiring analysis and interpretation to achieve inquiry resolution.
- (6) Probe to determine the customer's topic of inquiry. Below are a few examples:
 - Identify the purpose for the call
 - Identify the form
 - Determine if the customer has access to the internet
 - Identify the customer's role, are they a transmitter, accountant, owner/ issuer for a business etc.
 - Determine what actions the customer wants to achieve, for example, file a paper return, apply for a transmitter control code (TCC) to file electronically, correct an electronic file
- (7) Assistors should determine and advise customer of their options for obtaining the information requested. Provide essential elements of information on tax law topics and guide customers to resources available for self-help. Below are some examples of essential elements of information:
 - Due dates of returns and location of the source information
 - Instruction on how to obtain a form
 - Related publications as it may relate to a form or tax law topic
 - Recommendation for the customer to contact a paid preparer for inquiry resolution

21.3.11.2
(01-01-2019)

Impact on Other Offices

- (1) Employees are required to be aware of the policies and procedures of other IRS offices that impact TSO. This section details some of those offices.

21.3.11.2.1
(01-01-2025)

Privacy, Governmental Liaison and Disclosure

- (1) The office of disclosure within Privacy, Governmental Liaison and Disclosure (PGLD) administers the provisions of IRC 6103, Confidentiality and Disclosure of Tax Returns and Return Information. All IRS employees are responsible for ensuring taxpayer confidentiality is protected, and tax records are properly safeguarded and disclosed only as provided by law.
- (2) TSO employees must take measures to prevent the unauthorized disclosure of information. When giving information, verify the customer is authorized to receive it. Disclose only what is necessary when giving information to authorized third parties.
- (3) Answering machines and voice mail are frequently used when communicating with taxpayers, representatives, and other IRS employees. These systems are not secure and must not be used to transmit sensitive information, including tax information, except as provided in IRM 10.5.1.6.7.2, Answering Machine or Voicemail.
- (4) PGLD has developed rules to deal with disclosures of sensitive but unclassified (SBU) data (including personally identifiable information (PII) and tax information) when using cell phones or other cordless devices. Refer to IRM 10.5.1.6.7.1, Cell Phone or Cordless Device. The definitions for PII and SBU are in IRM 10.5.1, Privacy Policy, along with examples and exceptions.
- (5) IRM 21.2.3, Transcripts, provides information regarding the Services policy to cease faxing taxpayer transcripts.

- (6) Answers to other questions on Disclosure, the Freedom of Information Act (FOIA), and the Privacy Act, can be found in IRM 11.3.1, Introduction to Disclosure. Additionally, the *Disclosure and Privacy Knowledge Base* site offers information on multiple topics, including who can access tax data, through the “Access and Authorization” link. If you still have disclosure questions after reviewing the information on this site, consult with your lead or manager. Disclosure has a Help Desk, and the number can be found under “Disclosure Basics and Contacts,” “Contact Disclosure.”

Note: The Disclosure Help Desk is for IRS use ONLY, and the number cannot be given to the customer.

- (7) Employees must report any inadvertent unauthorized disclosure of SBU data, including PII and tax information, whether it be electronically, verbally or in hardcopy form, or the loss or theft of an IT asset or ‘Bring Your Own Device’ (BYOD) Asset, immediately upon discovery, to their manager and to the appropriate office by filling out the appropriate form located on the *Report Losses, Thefts or Disclosures of Sensitive Data; Report Lost or Stolen IT Assets and BYOD Assets* page. Also refer to IRM 10.5.4, Incident Management Program.

21.3.11.2.2
(01-01-2025)
**Taxpayer Advocate
Service (TAS)**

- (1) The Taxpayer Advocate Service (TAS) is an independent organization within the Internal Revenue Service (IRS), led by the National Taxpayer Advocate, that helps taxpayers and protects taxpayer rights. TAS offers free help to taxpayers when a tax problem is causing financial difficulty, when they’ve tried and been unable to resolve their issue with the IRS, or when they believe an IRS system, process, or procedure just isn’t working as it should. TAS strives to ensure that every taxpayer is treated fairly and knows and understands their rights under the Taxpayer Bill of Rights. TAS has at least one taxpayer advocate office located in every state, the District of Columbia, and Puerto Rico. See IRM 13.1.7, Taxpayer Advocate Service (TAS) Case Criteria, if additional information is required.
- (2) While the IRS is continually working to serve customers in a quality manner, some taxpayers still have difficulty getting solutions to their problems or getting timely and appropriate responses to their inquiries. Per IRC 7803(c), Congress established the Office of the Taxpayer Advocate (referred to as TAS) and its functions within the IRS to assist these taxpayers. The Case Advocate will conduct an independent review of actions taken or need to be taken to resolve the problems taxpayers are experiencing.
- (3) Employees should not view TAS Case Criteria as a means of excluding taxpayers from TAS, but rather, as a guide to TAS case acceptance. The criteria under which TAS accepts a case should not govern whether a taxpayer is entitled to relief.
- (4) Refer taxpayers to the Taxpayer Advocate Service when the contact meets TAS criteria and you can’t resolve the taxpayer’s issue the same day. The definition of “same day” is within 24 hours. “Same day” cases include cases you can completely resolve in 24 hours, as well as cases in which you have taken steps within 24 hours to begin resolving the taxpayer’s issue. **Do not refer these “same day” cases to TAS unless they meet TAS criteria and the taxpayer asks to be transferred to TAS.** Refer to IRM 13.1.7.5, Same Day Resolution by Operations. When referring cases to TAS, use Form 911,

Request for Taxpayer Advocate Service Assistance (and Application for Taxpayer Assistance Order), and forward it to TAS in accordance with your local procedures.

Note: It is important all IRS employees handle potential TAS cases with the taxpayer's best interest in mind. For more information, refer to IRM 21.1.3.18, Taxpayer Advocate Service (TAS) Guidelines. Provide the taxpayer with the number for the NTA case intake line, 877-777-4778 or TTY-TDD, 800-829-4059. The taxpayer should be advised TAS is available if they are not satisfied with the service received.

- (5) An IRS employee should make a referral to TAS if the employee receives a taxpayer contact and cannot initiate action to resolve the inquiry or provide the relief requested. A taxpayer does not have to specifically request TAS assistance to be referred to TAS. IRS employees will advise taxpayers of the option to seek TAS assistance when appropriate. TAS will request documentation from the taxpayer if it is needed to support the requested relief or required by the IRM.
- (6) The following types of cases should not be referred to TAS:
 - a. Cases where the taxpayer's complaint or inquiry only questions the constitutionality of the tax system; or
 - b. Cases where the focus of the taxpayer's inquiry is solely to employ frivolous tax strategies to avoid or delay filing federal tax returns or paying federal taxes.

21.3.11.2.3
(01-01-2024)

**Privacy and Information
Protection**

- (1) The Office of Privacy, Governmental Liaison and Disclosure (PGLD) is responsible for protecting the sensitive information and privacy of taxpayers and employees; ensuring only authorized disclosures and data. Identity theft is a crime where someone unlawfully possesses, transfers, or uses another's identifying information in connection with an unlawful activity. Information can include but is not limited to a Social Security number (SSN), birth date, address, bank account information, and tax records.
- (2) If you receive a call from a taxpayer who has received a suspicious, bogus, or phishing email claiming to be from the IRS, advise the taxpayer to send (forward) the email to the electronic mailbox, *phishing@irs.gov*. The IRS does not:
 - Initiate taxpayer communications through email
 - Request detailed personal information through email
 - Send email requesting personal identification numbers (PINs), passwords or similar access information for credit cards, banks, or other financial accounts
- (3) See IRM 21.1.3.23, Scams (Phishing) and Fraudulent Schemes, and IRM 25.23, Identity Protection and Victim Assistance, for additional information. Also visit the Disclosure and Privacy Knowledge Base Site for additional information at *Disclosure and Privacy Knowledge Base - Home (sharepoint.com)*.

21.3.11.3
(01-01-2019)
Resources/Research

- (1) Assistors have the training and resources available to them to perform their job (i.e., assisting and educating the customer). Assistors aid and educate the customer through publications, instructions for specific forms, Internal Revenue Manuals (IRMs), Knowledge Articles, and EPSS Communications. Assistors receive recruit training when appropriate, on the job training, and Continuing Professional Education (CPE).

21.3.11.3.1
(01-01-2025)
**Publications, Forms,
Instructions and Other
Reference Materials**

- (1) The following is a list of publications used by TSO to provide general information and self-help tools related to the filing of information returns. The list is not all inclusive.
- Publication 15, (Circular E), Employer's Tax Guide
 - Publication 15-A, Employer's Supplemental Tax Guide
 - Publication 15-B, Employer's Tax Guide to Fringe Benefits
 - Publication 15-T, Federal Income Tax Withholding Methods
 - Publication 17, Your Federal Income Tax (For Individuals)
 - Publication 54, Tax Guide for U.S. Citizens and Resident Aliens Abroad
 - Publication 334, Tax Guide for Small Business (For Individuals Who Use Schedule C)
 - Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities
 - Publication 517, Social Security and Other Information for Members of the Clergy and Religious Workers
 - Publication 525, Taxable and Nontaxable Income
 - Publication 535, Business Expenses
 - Publication 560, Retirement Plans for Small Businesses (SEP, SIMPLE, and Qualified Plans)
 - Publication 575, Pension and Annuity Income
 - Publication 590-A, Contributions to Individual Retirement Arrangements (IRAs)
 - Publication 590-B, Distributions from Individual Retirement Arrangements (IRAs)
 - Publication 926, Household Employer's Tax Guide
 - Publication 957, Reporting Back Pay and Special Wage Payments to the Social Security Administration
 - Publication 963, Federal-State Reference Guide
 - Publication 969, Health Savings Accounts and Other Tax-Favored Health Plans
 - Publication 970, Tax Benefits for Education
 - Publication 1141, General Rules and Specifications for Substitute Forms W-2 and W-3
 - Publication 1179, General Rules and Specifications For Substitute Forms 1096, 1098, 1099, 5498, and Certain Other Information Returns
 - Publication 1187, Specifications for Electronic Filing of Form 1042-S, Foreign Person's U.S. Source Income Subject to Withholding
 - Publication 1220, Specifications for Electronic Filing of Forms 1097, 1098, 1099, 3921, 3922, 5498, and W-2G
 - Publication 1223, General Rules and Specifications for Substitute Forms W-2c and W-3c
 - Publication 1239, Specifications for Electronic Filing of Form 8027, Employer's Annual Information Return of Tip Income and Allocated Tips
 - Publication 1281, Backup Withholding for Missing and Incorrect Name/TIN(s) (Including instructions for reading tape cartridges and CD/DVD Formats)

- Publication 1516, Specifications for Electronic Filing of Forms 8596, Information Returns for Federal Contracts
 - Publication 1586, Reasonable Cause Regulations and Requirements for Missing and Incorrect Name/TINs on Information Returns (Including instructions for reading CD/DVDs)
 - Publication 1779, Independent Contractor or Employee
 - Publication 1976, Do you Qualify for Relief under Section 530?
 - Publication 4341, Information Guide for Employers Filing Form 941 or Form 944 - Frequently Asked Questions about the Reclassification of Workers as Employees
 - Publication 4810, Specifications for Electronic Filing of Form 8955-SSA, Annual Registration Statement Identifying Separated Participants With Deferred Vested Benefits
 - Publication 5164, Test Package for Electronic Filers of Affordable Care Act (ACA) Information Returns (AIR)
 - Publication 5165, Guide for Electronically Filing Affordable Care Act (ACA) Information Returns for Software Developers and Transmitters
 - Publication 5258, Affordable Care Act (ACA) Information Returns (AIR) Submission Composition and Reference Guide
 - Publication 5717, Information Returns Intake System (IRIS) Taxpayer Portal User Guide
 - Publication 5718, Information Returns Intake System (IRIS) Electronic Filing Application to Application (A2A) Specifications
 - Publication 5719, Information Returns Intake System (IRIS) Test Package for Information Returns
 - Publication 5903, IRIS App for TCC Tutorial
 - Publication 5911, IR App for TCC Tutorial
- (2) The following lists instructions, forms, and other reference materials that TSO may refer to the customer to provide general information and self-help tools related to the filing of information returns. The list is not all inclusive.
- Form 8027, Employer's Annual Information Return of Tip Income and Allocated Tips
 - Form 8508, Application for a Waiver from Electronic Filing of Information Returns
 - Form 8809, Application for Extension of Time to File Information Returns
 - Form 8955-SSA, Annual Registration Statement Identifying Separated Participants with Deferred Vested Benefits
 - Form 10301, CD Encryption Code Authorization for CP2100/972CG Notices
 - Form 15397, Application for Extension of Time to Furnish Recipient Statements
 - *General Instructions for Certain Information Returns (Forms 1097, 1098, 1099, 3921, 3922, 5498, and W-2G)*
 - *General Instructions for Forms W-2 and W-3 (Including Forms W-2AS, W-2CM, W-2GU, W-2VI, W-3SS, W-2c, and W-3c)*
 - *Instructions for the Requester of Form W-9*
 - *Instructions for Form 1096*
 - *Instructions for Form 1097-BTC, Bond Tax Credit*
 - *Instructions for Form 1098, Mortgage Interest Statement*
 - *Instructions for Form 1098-C, Contributions of Motor Vehicles, Boats, and Airplanes*
 - *Instructions for Forms 1098-E and 1098-T, Student Loan Interest Statement and Tuition Statement*

- *Instructions for Form 1098-F, Fines, Penalties, and Other Amounts*
- *Instructions for Form 1098-Q, Qualifying Longevity Annuity Contract Information*
- *Instructions for Forms 1099-A and 1099-C, Acquisition or Abandonment of Secured Property and Cancellation of Debt*
- *Instructions for Form 1099-B, Proceeds From Broker and Barter Exchange Transactions*
- *Instructions for Form 1099-CAP, Changes in Corporate Control and Capital Structure*
- *Instructions for Form 1099-DIV, Dividends and Distributions*
- *Instructions for Form 1099-G, Certain Government Payments*
- *Instructions for Forms 1099-INT and 1099-OID, Interest Income and Original Issue Discount*
- *Instructions for Form 1099-K, Merchant Card and Third Party Payments*
- *Instructions for Form 1099-LS, Reportable Policy Sale*
- *Instructions for Form 1099-LTC, Long-Term Care and Accelerated Death Benefits*
- *Instructions for Forms 1099-MISC and 1099-NEC, Miscellaneous Information and Nonemployee Compensation*
- *Instructions for Form 1099-PATR, Taxable Distributions Received From Cooperatives*
- *Instructions for Form 1099-Q, Payments From Qualified Education Programs (Under Section 529 and 530)*
- *Instructions for Forms 1099-R and 5498, Distributions From Pensions, Annuities, Retirement or Profit-Sharing Plans, IRAs, Insurance Contracts, etc.*
- *Instructions for Form 1099-S, Proceeds From Real Estate Transactions*
- *Instructions for Form 1099-SB, Seller's Investment in Life Insurance Contract*
- *Instructions for Forms 1099-SA and 5498-SA, Distributions From an HSA, Archer MSA, or Medicare Advantage MSA, and HSA, Archer MSA, or Medicare Advantage MSA Information*
- *Instructions for Forms 3921 and 3922, Exercise of an Incentive Stock Option Under Section 422(b) and Transfer of Stock Acquired Through an Employee Stock Purchase Plan Under Section 423(c)*
- *Instructions for Form 5498-ESA, Coverdell ESA Contribution Information*
- *Instructions for Forms W-2G and 5754*

21.3.11.4
(01-01-2014)
Assistor Procedures

- (1) TSO assistors use standardized procedures to efficiently provide consistent responses to customers. This section establishes uniform procedures for telephone and written responses.

21.3.11.4.1
(01-01-2019)
Responding to the Customer

- (1) CSS receives inquiries via telephone and email.
- (2) When receiving inquiries through the telephone take the following actions:
- Greet the customer
 - Provide professional and courteous service
 - Probe the customer
 - Target the customer's issue
 - Authenticate as appropriate
 - Research the applicable resources
 - Provide the applicable general guidance and self-help documents (Form Instructions, Publications, etc.)

- Refer if appropriate
 - Verify customer's comprehension
 - Close the conversation
- (3) You may receive inquiries through the EHSS email system. When responding to the inquiry perform the following actions:
- Determine the customer's issue
 - Create your response
 - Prepare complete and professional answers
 - Use prepared answers from Knowledge Articles (Solutions), if available
 - Refer questions to other functions. See IRM 21.3.11.4.2, Referring Customer to Other Areas and Resources
 - Provide appropriate sources to address the issue(s) (e.g., publications, specific form instructions, etc.)
 - Review your response
 - Ensure the response is professional and courteous
 - Ensure the response doesn't quote tax law and doesn't include opinion or interpretation of tax law

Note: See IRM 3.42.7.14, Standardized Telephone Procedures, and IRM 3.42.7.14.2, Telephone Etiquette, for further guidance.

- (4) When providing an answer, cite the appropriate reference that supports the answer provided (e.g., publications, form instructions, IRMs, etc.). Citing an appropriate reference while speaking to the customer ensures the information/ answer provided is accurate. Additionally, by confirming the reference, we are educating the customer. In some instances, a reference may not be required. A reference is not necessary when you cannot answer the customer's question(s) and must refer or transfer a call without providing a response.

21.3.11.4.2
(01-01-2025)

**Referring Customers to
Other Areas and
Resources**

- (1) Questions relating to the following forms should be referred as follows:

| Referral Telephone Numbers | | |
|----------------------------|---|------------------|
| Form | Title | Telephone Number |
| 940 | Employer's Annual Federal Un-employment (FUTA) Tax Return | 800-829-4933 |
| 941 | Employer's Quarterly Federal Tax Return | 800-829-4933 |
| 943 | Employer's Annual Tax Return for Agricultural Employees | 800-829-4933 |
| 944 | Employer's Annual Federal Tax Return | 800-829-4933 |
| 945 | Annual Return of Withheld Federal Income Tax | 800-829-4933 |

| Referral Telephone Numbers | | |
|--|--|---|
| Form | Title | Telephone Number |
| 1040 Series | U.S. Individual Income Tax Return | 800-829-1040 |
| 1042 | Annual Withholding Tax Return for U.S. Source Income of Foreign Persons | 267-941-1000 |
| 1042-S (Tax law and paper reporting) | Foreign Person's U.S. Source Income Subject to Withholding | 267-941-1000 |
| 8027 | Employer's Annual Information Return of Tip Income and Allocated Tips | 800-829-4933 (If specialized research is needed.) |
| 8955-SSA (Tax law and paper reporting) | Annual Registration Statement Identifying Separated Participants with Deferred Vested Benefits | 877-829-5500 |
| SS-4 | Application for Employer Identification Number | 800-829-4933 |
| SS-5 | Application for Social Security Card | 800-772-1213 |
| SS-8 | Determination of Worker Status for Purposes of Federal Employment Taxes and Income Tax Withholding | 800-829-1040 |
| W-8 series | W-8BEN, W-8ECI, W-8EXP, W-8IMY (Certificates of Foreign Status) | 267-941-1000 |

- (2) To address calls related to other unsupported products not listed above see Knowledge Management Article (Solution) KM000243, EPSS and Unsupported Product Contact Information.

21.3.11.5
(01-01-2025)
Electronic Filing Requirement

- (1) The Department of the Treasury and the Internal Revenue Service published final regulations reducing the threshold for filing returns and other documents electronically (e-file). These regulations require filers of 10 or more information returns in a calendar year beginning in 2024, tax year 2023, to file those information returns electronically. The 10-or-more return requirement does not apply separately to each type of information return and it does not apply separately to corrected returns. Corrected information returns **MUST** be filed electronically if the original return was required to be submitted electronically. Corrected information returns are not counted when calculating the aggregate number of information returns to determine if you are required to file electronically. For returns due in calendar years 2023 and prior, the number of returns remains at 250. For more information about the regulations and the reduced threshold to electronically file, refer to *Treasury Decision 9972*.

- (2) Employers filing 10 or more Form W-2, Wage and Tax Statement, must file those returns electronically. Form W-2, Wage and Tax Statement, is filed with the Social Security Administration (SSA). Advise the customer to call the SSA's Employer Reporting Branch at 1-800-772-6270 for format and specifications.
 - The SSA also has an online wage reporting program that allows filers of Form W-2, Wage and Tax Statement, to file electronically by entering wage data directly from their personal computers. Advise employers to contact the SSA directly at Business Services Online, 888-772-2970 or refer the customer to the *SSA website* and select Menu and then Business Services Business & Government to register.
- (3) Affordable Care Act forms are electronically filed via the Affordable Care Act (ACA) Information Return (AIR) System. See IRM 3.42.9.22, Affordable Care Act (ACA) Electronic Filing for more information.

21.3.11.5.1
(01-01-2025)
The FIRE System

- (1) The FIRE System is how transmitters send information returns electronically to the IRS. It is an internet-based system. There is a *FIRE Production System* and a *FIRE Test System*.
- (2) If customers question whether they are required to file electronically, probe to determine the type of forms they are filing. Then provide them with an appropriate source to the information, such as a link to the:
 - *General Instructions for Certain Information Returns (Forms 1097, 1098, 1099, 3921, 3922, 5498, and W-2G)*
 - Publication 1220, Specifications for Electronic Filing of Forms 1097, 1098, 1099, 3921, 3922, 5498 and W-2G
 - Publication 1187, Specifications for Electronic Filing Form 1042-S, Foreign Person's U.S. Source Income Subject to Withholding
 - Publication 1239, Specifications for Electronic Filing of Form 8027, Employer's Annual Information Return of Tip Income and Allocated Tips
 - Publication 4810, Specifications for Electronic Filing of Form 8955-SSA, Annual Registration Statement Identifying Separated Participants With Deferred Vested Benefits
- (3) If they have 10 or more information returns, they are required to file them electronically unless they are granted a waiver with Form 8508, Application for a Waiver from Electronic Filing of Information Returns, from the electronic filing requirement. **Customers requesting information for Form 1042-S, Form 8027, or Form 8955-SSA should be directed to FIRE Support.**
- (4) If they have less than 10 information returns and it is prior to February 28, they can do one of the following:
 - File the forms on paper.
 - Buy software to produce the file themselves.
 - File the returns through a third party or transmitter.
- (5) If the customer decides to buy software, explain procedures to apply for a Transmitter Control Code (TCC). The Information Returns (IR) Application for Transmitter Control Code (TCC) located on the FIRE webpage must be used to apply for a TCC. Advise the customer a transmitter must have an EIN to receive a TCC. Social Security numbers (SSN) are not accepted when applying for a TCC to file returns electronically. See IRM 3.42.9.7 Information

Returns (IR) Application for Transmitter Control Code (TCC) and Information Return Intake System Application for TCC, for additional information.

- (6) If they have 10 or more forms or it is after February 28,
 - Inform the customer they could be subject to a penalty if they file on paper.
 - Inform the customer they can search the web for software and third party providers.

21.3.11.5.2
(01-01-2025)
**Information Returns (IR)
Application for
Transmitter Control
Code (TCC)**

- (1) Issuers and Transmitters are required to use the Information Returns (IR) Application for Transmitter Control Code (TCC) to request an original or additional FIRE TCC via IRS.gov.
- (2) The Information Returns Application for Transmitter Control Code, also referred to as IR TCC or IR Application for TCC, is an on-line application housed within the External Systems Access Management (ESAM) platform accessible to the external customer via the Registered User Portal (RUP). For more information, see IRM 3.42.9.7 Information Returns Application for Transmitter Control Code (TCC) and Information Returns Intake System Application for TCC.
- (3) Refer to Publication 5911, IR App for TCC Tutorial for guidelines on requesting and maintaining an IR TCC.

21.3.11.5.3
(01-01-2025)
**Information Returns
Intake System (IRIS)**

- (1) The Information Returns Intake System (IRIS) is used to file information returns electronically with the IRS. Taxpayer Portal and Application-to-Application (A2A) Intake Channel are the two transmission methods that are available for taxpayers to electronically file. For additional information on the IRIS platform, refer to IRM 3.42.9.23 , Information Returns Intake System (IRIS) Electronic Filing and the following publications:
 - Publication 5717, Information Returns Intake System (IRIS) Taxpayer Portal User Guide
 - Publication 5718, Information Returns Intake System (IRIS) Electronic Filing Application to Application (A2A) Specifications
 - Publication 5719, Information Returns Intake System (IRIS) Test Package for Information Returns

21.3.11.5.4
(01-01-2025)
**Information Returns
Intake System (IRIS)
Application for
Transmitter Control
Code (TCC)**

- (1) Issuers, Transmitters, and Software Developers (SWD) are required to use the Information Returns Intake System (IRIS) Application for Transmitter Control Code (TCC) to request an original or additional IRIS TCC via IRS.gov.
- (2) The Information Returns Intake System Application for Transmitter Control Code, also referred to as IRIS TCC or IRIS Application for TCC, is an on-line application housed within the External Systems Access Management (ESAM) platform accessible to the external customer via the Registered User Portal (RUP). For more information, see IRM 3.42.9.7, Information Returns Application for Transmitter Control Code (TCC) and Information Returns Intake System Application for TCC.
- (3) Refer to Publication 5903, IRIS App for TCC Tutorial for guidelines on requesting and maintaining an IRIS TCC.

21.3.11.6
(01-01-2025)

Notices Addressed in TSO

- (1) TSO helps with the following notices:
- CP 2000 - Notice to taxpayer to request verification for unreported income, payments or credits (underreporting).
 - CP 2100 - Notice to large issuer pertaining to missing and/or incorrect payee names/TINs on information returns.
 - CP 2100A - Notice to issuer pertaining to missing and/or incorrect payee names/TINs on information returns.
 - CP 972CG - Notice to taxpayer regarding proposed penalties for their information return filing.
 - CP 215 - Notice to inform the taxpayer that a civil penalty has been assessed.

21.3.11.6.1
(12-05-2019)

Notice CP 2000/Underreporter Inquiries

- (1) This section provides information about the handling of calls received pertaining to Notice CP 2000.
- (2) Generally, the calls TSO receives about the CP 2000 notices are from an employer or issuer that filed duplicate Forms 1099 or Forms W-2, Wage and Tax Statement. The notice could also be issued because an employer or issuer overstated the gross income of an employee or payee on an information return. Refer the customer to *Understanding Your CP 2000* on IRS.gov.
- (3) CP Notices 541 - 546 and CP 2000 are commonly referred to as “C” notices or underreporting notices because they relate to IRC 3406(a)(1)(c). TSO employees are not trained to answer questions about CP Notices 541 - 546. Advise the customer to respond to the notice.
- (4) When calls about CP 2000 notices are received, the assistor must verify the type of notice and the number of payees/employees involved.
- If there is only one payee/employee involved, advise the customer to file a corrected return. Copy A must be filed with the IRS or SSA, a copy must also be provided to the payee/employee along with a letter of explanation as to how the error was made. The payee/employee will then have to answer the notice and provide a copy of the corrected form and letter of explanation to the IRS.
 - If the notice involves more than one payee/employee, CSS will create an Interaction and escalate the case to Information Filing Support (IFS) Lead Provider Group. The computer assistants in IFS are trained to research the files to determine the error(s) and take corrective actions.
- (5) The computer assistants must refer to IRM 3.42.9.14, Underreporter Inquiries for procedures.

21.3.11.6.2
(01-01-2025)

Notice CP 2100 and Notice CP 2100A

- (1) This section provides guidelines for identifying and resolving inquiries concerning Computer Paragraph (CP) Notice CP 2100 and Notice CP 2100A.
- (2) Notice CP 2100 and Notice CP 2100A calls are the largest volume of inquiries TSO receives during a typical year. The notices are commonly referred to as “B” notices because they relate to IRC 3406(a)(1)(A) and (B). This code section requires issuers to withhold a percent of certain payments they make to recipients of Form 1099 series. This is called backup withholding. See Publication 1281, Backup Withholding for Missing and Incorrect Name/TINs (Including instructions for reading tape cartridges and CD/DVD Formats).

- (3) Filers of a Form 1099 series (subject to backup withholding) can receive notification from the IRS that they have filed forms with incorrect payee names and taxpayer identification numbers (TINs) or have filed forms with missing payee TINs.
- (4) There are two seasons for mailing of these notices; September - October and April. The largest mailing is the September - October time frame.
- (5) The notice contains a three-page letter and a listing of the payee names identified by the IRS as having a Possible Payee Name/TIN Discrepancy. TSO assists the customer in determining the correct action to take in response to the notice.
- (6) If 50 or fewer error documents are reported on the listing, a Notice CP 2100A is issued. If more than 50 error documents are reported, a Notice CP 2100 is issued. If there are 250 or more errors, the issuers are issued a CD/DVD.
- (7) Publication 1281, Backup Withholding for Missing and Incorrect Name/TINs, (Including instructions for reading tape cartridges and CD/DVD Formats) is your source of information for responses to questions about Notices CP 2100/CP 2100A.

21.3.11.6.2.1
(01-01-2024)
**Payments Subject to
Backup Withholding**

- (1) Not all reportable payments are subject to backup withholding. Advise the customer to review form instructions for each payment type they plan to report to determine if they will be subject to backup withholding; also Publication 1281, Backup Withholding for Missing and Incorrect Name/TIN(s) (Including instructions for reading tape cartridges and CD/DVD Formats), Frequently Asked Question #4 provides a quick reference. In general, the form instructions will provide information regarding the following types of payments (list is not all inclusive):
 - Rent
 - Commissions
 - Royalties
 - Fees and other forms of compensation
 - Gains
 - Profits
 - Interest and Dividends
 - Original issued discounts
 - Gross proceeds
 - Gambling winnings
 - Taxable grants
 - USDA agricultural subsidy
 - Payment card and third-party network transactions

21.3.11.6.2.2
(01-01-2019)
Missing TINs

- (1) The IRS considers a TIN to be missing if it's not provided or if it's obviously incorrect. A TIN containing more or less than 9-digits, alpha characters, or all the same digits (22-2222222) is considered a missing TIN.
- (2) When a call is received saying the TIN Status on the listing received from the IRS is Missing TINs, advise the customer to review the flowcharts in Part 6 of Publication 1281, Backup Withholding for Missing and Incorrect Name/TIN(s) (Including instructions for reading tape cartridges and CD/DVD Formats). The flowcharts are a great visual tool that clearly outlines the necessary steps to

correct the issue. The customer should not submit corrected files to the IRS, they only need to ensure their records are updated for the next filing.

- (3) If the customer insists on additional assistance refer to the flowcharts in Publication 1281, Backup Withholding for Missing and Incorrect Name/TIN(s) (Including instructions for reading tape cartridges and CD/DVD Formats) and guide the customer through the process.

21.3.11.6.2.3
(01-01-2025)
**Incorrect Name/TINs or
Not Currently Issued
TINs**

- (1) An Incorrect Name/TIN means the name on the information return for the indicated TIN does not match IRS or Social Security Administration (SSA) records.
- (2) A Not Currently Issued TIN means the TIN on the information return does not show as being assigned on IRS and/or SSA records.
- (3) Advise the customer to refer to the flowcharts in Part 6 of Publication 1281, Backup Withholding for Missing and Incorrect Name/TIN(s) (Including instructions for reading tape cartridges and CD/DVD Formats) for resolution.
- (4) If the customer insists on additional assistance refer to the flowcharts in Publication 1281, Backup Withholding for Missing and Incorrect Name/TIN(s) (Including instructions for reading tape cartridges and CD/DVD Formats) and guide the customer through the process.
- (5) One of the most common errors for an incorrect name/TIN mismatch is in the case of a sole proprietor. Refer customers to Publication 1281, Backup Withholding for Missing and Incorrect Name/TIN(s) (Including instructions for reading tape cartridges and CD/DVD Formats), Frequently Asked Question #27 which states, "A sole proprietor may have an SSN or an EIN. However, they must always furnish their individual name, regardless of whether they use an SSN or an EIN." Remind customers if they have the individual's name in their records, but failed to report it on Name Line 1 of the Form 1099 series they filed, they don't have to do a solicitation. They must use the individual's name in the future. If they do not have the individual's name in their files, they must make the solicitation.

21.3.11.6.2.4
(01-01-2025)
**Spring Pass Notice
Corrections**

- (1) For a notice received during the Spring Pass, a correction may be necessary for the immediate past filing season. A correction is not required for the tax year of the notice or any year prior to the tax year on the notice. For example, a notice received in April 2024, shows an incorrect digit in a payee TIN. The error is determined to be due to a clerical error on the part of the issuer on an information return for tax year (TY) 2022.
In this scenario:

- No correction is necessary for TY 2022.
- Probe the customer to determine if an information return was filed for this payee for TY 2023.
- If return was filed for TY 2023, probe to determine if the clerical error was carried over to the TY 2023 filing.
- If the TY 2023 return was incorrect, advise the customer a correction is necessary for TY 2023.

- (2) Advise the customer to refer to the *General Instructions for Certain Information Returns (Forms 1097, 1098, 1099, 3921, 3922, 5498, and W-2G)*, Part H (Pa-

per Corrections) or Publication 1220, Specifications for Electronic Filing of Forms 1097, 1098, 1099, 3921, 3922, 5498, and W-2G.

21.3.11.6.2.5
(12-03-2020)
Erroneous Backup Withholding

- (1) If an issuer or broker withholds under IRC 3406 from a payee in error or withholds more than the proper amount of tax, advise the customer the excess may be refunded and refer them to Publication 1281, Backup Withholding for Missing and Incorrect Name/TIN(s) (Including instructions for reading tape cartridges and CD/DVD Formats), Frequently Asked Question #35.

21.3.11.6.2.6
(01-01-2025)
Verifying the Receipt of a Notice

- (1) Taxpayers that have received notices in the past may call to see if they are supposed to receive a notice in the current year. Follow the table below to answer this type of call.

Note: Notices will not be verified until two weeks after the last dated notice for the tax year in question.

- (2) Complete the authentication/authorization process in accordance with Authentication/Authorization for Account Information found in IRM 3.42.7 , EPSS Help Desk Support.
- (3) After this information is confirmed through the database, you can tell the customer if a notice was sent.

| Verifying the Receipt of a Notice | | |
|--|--|--|
| If | And | Then |
| the customer is questioning whether they should have received a Notice CP 2100, Notice CP 972CG, | the notices are being mailed | inform the customer the notices are currently being mailed and they can call back after the notice lookup date. |
| the customer is questioning whether they should have received a Notice CP 2100, Notice CP 972CG, | it has been at least two weeks since the final mailing date of the notice for the tax year in question | verify if a notice was mailed after completing Authentication/ Authorization requirements. Escalate the case to Information Filing Support (IFS) Leads for recreate, if applicable. Advise the customer they should receive the notice within 4 weeks. |
| the customer is questioning whether they should have received a Notice CP 2100, Notice CP 972CG, | it has been two weeks after the last dated notice and the customer is going to fax a Form 2848/Form 8821 | escalate the case to IFS. IFS will contact the customer once Form 2848/Form 8821 is received. Explain to the customer what you have done. Note: Form 2848 or Form 8821 must be faxed in for each TIN (CP 2100 and Notice CP 972CG). |

| Verifying the Receipt of a Notice | | |
|---|--|--|
| If | And | Then |
| a notice was issued, | the customer states they have not received it and the customer would like the recreated notice sent to a different address and it is two weeks after the final notice date | escalate the case to IFS. IFS will recreate the notice. Explain to the customer what you have done and provide the Incident number. Explain they must complete Form 8822-B, Change of Address, Business, include the Incident number on the top of the form and fax it to TSO. Follow procedures in IRM 3.42.9.13.4, Request to Recreate Notice CP 2100, CP 2100A and 972CG. |
| If the customer is trying to determine the identity of a TCC listed on the Notice CP 2100, CP 2100A or 972CG they received, | they are an authorized person for the business per entity type or an authorized third party for the business that received the notice. | Follow procedures listed in IRM 3.42.9.13.5, Notice Information Request for TCC Business Name. |

- (4) When searching the TIN on the database, make sure the EIN being searched matches the EIN shown as the Access Key. The EIN shown as the Access Key is the EIN used to generate the notices. If the EIN searched is different from the Access Key EIN, there will not be a notice mailed to the company that owns the EIN searched.
 - (5) If a customer has questions about the status of a previous recreate request, research the Interaction. If the customer does not have an Interaction number, you must open a new Interaction.
 - (6) If a customer has questions about the status of a previous recreate request, research the Interaction, if closed and the customer needs further assistance, open a new Interaction and escalate to the TSO IFS Leads Provider Group.
 - (7) Notice CP 2100, Notice CP 2100A, and Notice 972CG require separate Interactions. Follow procedures in IRM 3.42.9.13.4, Request to Recreate Notice CP2100, CP2100A, and 972CG.
 - (8) Multiple requests for the same notice for different years should be in one Interaction.
 - (9) Requests with multiple EINs for the same notice by the same customer should be in one Interaction.
- (1) Refer to IRM 3.42.9.13.2, Encryption Codes for procedures for providing encryption codes to filers upon receipt of a Notice CP 2100 CD/DVD or Notice CP 972CG CD/DVD listing for missing and incorrect names/TINs.

21.3.11.6.2.7
(01-01-2025)
Encryption Codes

21.3.11.7
(01-01-2019)
Notice of Penalty

- (1) A determination of the penalties to be assessed by the IRS is made when the processing of information returns is completed, generally a year to 18 months after the due date of the information returns. The IRS will notify filers of returns which are subject to penalty by issuing CP 972CG, Notice of Proposed Civil Penalty.
- (2) Notice CP 972CG, with a listing of missing or incorrect name/TIN combinations used on information returns, will be sent to filers of information documents noncompliant with IRC 6721. The notice may include proposed penalties for late filing and/or failure to file information returns electronically.
- (3) CP 215 , Civil Penalty, this notice can be received if the customer fails to respond to Notice CP 972CG or correspondence within time limits, or the explanation was not accepted.
- (4) If the customer disagrees with all or part of the penalties proposed, then an explanation establishing reasonable cause for why the penalties should not apply must accompany the response page to the IRS. See Publication 1586, Reasonable Cause Regulations and Requirements for Missing and Incorrect Name/TINs on Information Returns (Including instructions for reading CD/ DVDs) for further information if needed.
- (5) If the customer requests additional assistance obtain relevant information to resolve the issue found on the Summary of Proposal Penalty or Explanation of Penalty notice.
- (6) Advise the customer to review Publication 1586, Reasonable Cause Regulations and Requirements for Missing and Incorrect Name/TINs on Information Returns (Including instructions for reading CD/DVDs).

21.3.11.8
(01-01-2025)
Information Return Penalties

- (1) IRC 6721, IRC 6722, and IRC 6723 give the IRS the authority to propose and assess penalties when filers of information returns, such as Form 1099 series or Form W-2, Wage and Tax Statement, fail to comply with certain filing requirements established by the IRC and Regulations.
- (2) Penalties may be assessed for the following:
 - Failure to file by the due date (late filing)
 - Failure to include all information or correct information required (incomplete, missing names/TINs and other information)
 - Failure to file electronically

Refer the customer to the *General Instructions for Certain Information Returns (Forms 1097, 1098, 1099, 3921, 3922, 5498, and W-2G)* for more information.

- (3) Advise the customer the three tier late filing penalties are listed on the Summary of Proposed Penalty page on the notice and can be found in Publication 1586, Reasonable Cause Regulations and Requirements for Missing and Incorrect Name/TINs on Information Returns (Including instructions for reading CD/DVDs), Part VIII, Information Penalty Rates, the *General Instructions for Certain Information Returns (Forms 1097, 1098, 1099, 3921, 3922, 5498, and W-2G)*, Part O, and the Penalties in the *General Instructions for Forms W-2 and W-3 (Including Forms W-2AS, W-2CM, W-2GU, W-2VI, W-3SS, W-2c, and W-3c)*.

- (4) The research of return filing does not fall within TSO scope. Advise the customer to resolve the issue, they must follow the instructions in the notice. The customer must respond in writing to the address on the notice.
- 21.3.11.9
(01-01-2025)
Waivers from Filing Information Returns Electronically
- (1) This section outlines the information to be provided when customers need a waiver from the magnetic/electronic filing requirement set forth in IRC 6011(e).
- (2) Requests for a waiver from electronic filing must be made by submitting Form 8508, Application for a Waiver from Electronic Filing of Information Returns, before the due date of the returns for which the waiver is being requested.
- (3) Form 8508, Application for a Waiver from Electronic Filing of Information Returns, must be completed in full, signed by the issuer, and submitted at least 45 calendar days before the due date of the return.
- (4) A separate Form 8508, Application for a Waiver from Electronic Filing of Information Returns, must be completed for each entity (EIN) for which a waiver is being requested.
- (5) The approval of a waiver applies for one filing year only. A new waiver request must be applied for each year for which a waiver is needed. An initial request for waiver does not require the customer to submit cost estimates. Subsequent requests for a waiver require two current cost estimates from a third-party for software upgrades, or programming to update the issuer's system.
- (6) If all the information on the form is not completed, two current cost estimates are not provided after the first request, and/or the form is not signed by the issuer, the request will automatically be denied.
- (7) An approved waiver from filing electronically still requires the issuer to file timely on paper forms to the appropriate IRS Submission Processing Center.
- (8) If a customer requests a reconsideration of a denied waiver they must respond to the letter of denial within 30 calendar days from the date of the letter or 60 days for overseas filers. Overseas status is based on the filer's address.
- 21.3.11.10
(12-10-2021)
Other Types of Inquiries Received in Technical Services Operation (TSO)
- (1) This section lists additional subjects TSO receives questions on and must provide filing requirements and recommended actions.
- 21.3.11.10.1
(12-10-2021)
Reclassification of Employees
- (1) Calls are received in TSO about the mis-classification or proper worker classification of individuals for employment tax purposes. When employers call because they received a notice from the IRS stating they treated an employee as a non-employee, the customer must follow the instructions in the notice and in Publication 15, (Circular E), Employer's Tax Guide, to help explain the actions required. You may also refer the customer to Publication 4341, Information Guide for Employers Filing Form 941 or Form 944 - Frequently Asked Questions about the Reclassification of Workers as Employees.
- (2) Employers may also qualify for relief from payment of employment taxes under Section 530 of the Revenue Act of 1978. Refer customer to Publication 1976, Do you Qualify for Relief Under Section 530?

- (3) Announcement 2012-45 provides information about the Voluntary Classification Settlement Program (VCSP). This program provides an opportunity for taxpayers to reclassify workers as employees with partial relief from employment taxes if certain requirements are met.

21.3.11.10.2
(01-01-2025)
**Individual Taxpayer
Identification Number
(ITIN) Inquiries**

- (1) An individual taxpayer identification number (ITIN) is a nine-digit number issued by the IRS to individuals who are required for U.S. tax purposes to have a U.S. taxpayer identification number (TIN) but who do not have, and are not eligible to obtain, a Social Security number (SSN).
- (2) Advise individuals to file Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an IRS individual taxpayer identification number (ITIN).
- (3) The ITIN is for federal tax purposes only. It does not entitle individuals to Social Security benefits and does not change their immigration status or their right to work in the United States.
- (4) If a customer is questioning where to report a payment made to someone who provides an ITIN, certain actions must be taken. The issuer is required to use certain presumption rules to determine the following:
 - The status of the payee as a U.S. or foreign person and,
 - The classification of the payee as an individual, trust, estate, corporation, or partnership.

| ITIN Inquiries | | |
|--|---|--|
| If | And | Then |
| the issuer does not have a Form W-9, Request for Taxpayer Identification Number and Certification, or a Form W-8 series on file, | the person provided an ITIN and the payment is for services rendered, | advise the issuer they must follow the presumption rules outlined in the General Instructions for Certain Information Returns. |
| the issuer has a Form W-9, Request for Taxpayer Identification Number and Certification on file, | the recipient provided an ITIN on the form, | advise the issuer to follow the Presumption rules outlined in the General Instructions for Certain Information Returns. |
| the recipient is an agricultural worker with an H-2A Visa, | provided a SSN, | advise the issuer to refer to Publication 15, Circular E, Employer's Tax Guide. |
| the recipient is an agricultural worker with an H-2A Visa, | has not provided a SSN, | advise the issuer to reference Publication 15, Circular E, Employer's Tax Guide. |

- (5) Advise the customer to follow the detailed information in the *General Instructions for Certain Information Returns (Forms 1097, 1098, 1099, 3921, 3922, 5498, and W-2G)*, and Publication 1281, Backup Withholding for Missing and Incorrect Name/TIN(s) (Including instructions for reading tape cartridges and CD/DVD Formats) when answering these questions.

21.3.11.11
(01-01-2014)
Substitute Forms

- (1) This section includes information to provide customers when they want information about creating substitute forms that can be sent to the IRS, SSA, and the recipients/employees.
- (2) Substitute forms for certain information returns must comply with rules set forth in Publication 1179, General Rules and Specifications for Substitute Forms 1096, 1098, 1099, 5498, and Certain Other Information Returns.
- (3) Paper Substitute Form W-2 series and Form W-3 series must conform to the specifications in Publication 1141, General Rules and Specifications for Substitute Forms W-2 and W-3.
- (4) Requirements for Paper Substitute Form W-2 C, Corrected Wage and Tax Statement, and Form W-3 C, Transmittal of Corrected Wage and Tax Statements specific and filers are found in Publication 1223, General Rules and Specifications for Substitute Forms W-2c and W-3c.
- (5) Specifications for substitute Form 1042-S, Foreign Person's U.S. Source Income Subject to Withholding, are included in Publication 1179, General Rules and Specifications for Substitute Forms 1096, 1098, 1099, 5498 and Certain Other Information Returns.