Letter of Intent (LOI) to Develop MeF Personal Income Tax E-file Software for Tax Year 2020

If you are a software developer (SWD) who plans to market or distribute software for preparation and e-filing of New York State (NYS) personal income tax forms, you **must** complete this form before you can begin testing. If you have more than one product you need to complete and submit a separate letter of intent for each product; each product must have its own software identification.

We need this information to ensure that:

- we have the most current vendor information on file;
- we are able to determine the status of each vendor's progress throughout the ATS testing process; and
- all issues in production are identified, communicated, and corrected.

Instructions

- Complete all the relevant vendor information fields below. You may choose your own NYS software ID. This may be up to 10 alpha/numeric characters.
- In the *Supported Forms - XML/PDF* section, check the boxes that correspond to the forms that your software will provide. Indicate any relevant information that pertains to the forms in the corresponding *Comments* section.
- When completed, save a copy of this file and return via email to NYSPITMEF@tax.ny.gov.

Notify us of any changes

After you submit this letter, if you change the forms you have included in your software package, you must notify us within seven days. An updated LOI and additional testing may be required.

Software errors

The following steps **must** be taken to ensure the mitigation of production errors:

- Immediately notify the New York State Department of Taxation and Finance (NYSDTF) of any software errors as they are identified during the filing season.
- Discuss with NYSDTF options to correct errors
- Make every reasonable effort to test with NYSDTF before moving changes to production
- Correct software errors identified by the Internal Revenue Service (IRS), NYSDTF, or you, as the SWD, and distribute updates of your software packages to your users.
- The SWD **must** supply NYSDTF with the specific resolution and date at the time the software fix is released.
- Failure to comply may result in suspension from the program.

Type of software product ☐ Do-it-yourself (DIY) /Consumer (desktop) ☐ DIY/Consumer (web-based)

☐ Professional/Paid preparer (desktop) ☐ Professional/Paid preparer (web-based)

NYS software ID

Product name

EFIN

ETIN

NACTP member: Yes ☐ No ☐ Member ID# Paper vendor ID # (*if different from NACTP #*)

Contact information

Legal name

Firm name

Website or URL

Address

City State ZIP code

Primary contact name

E-mail address

Phone number Ext

Secondary contact name

E-mail address

Phone number Ext

Risk officer contact name

E-mail address

Phone number Ext

Responses to the following items are required. Please confirm your support for:

☐ Linked returns Unlinked returns Yes ☐ No ☐

☐ Foreign address

☐ NYS W-2 Verification Indicator

☐ PDF attachments - NYS Credit Forms

☐ PDF attachments - Certificates and Correspondence

Rebranded software products

Complete this section only if your product is rebranded.

In order for the software to be considered rebranded, changes cannot be made to the software requirements and output(s). As the Software company selling and/or licenses your product to a third-party, it is your responsibility to make sure the rebranded product reflects the current software requirements and output(s). Enter the appropriate class code for the rebranded product in class code box below.

- **Class Code 1:** Software products sold/licensed to a third-party user and the third-party user has the ability to add their own logos and/or splash screens. They cannot modify calculations in the program.
- **Class Code 2:** Software products sold/licensed to a third-party user and the third-party has the ability to alter/ change calculations in the program.

Rebranded Product Name	Class Code	ETIN (if applicable)	Contact Person	Phone	Email Address
Rebranded Product Name	Class Code	ETIN (if applicable)	Contact Person	Phone	Email Address
Rebranded Product Name	Class Code	ETIN (if applicable)	Contact Person	Phone	Email Address

*If not available at the time of LOI submission, please provide it when available.

For rebranded products, NYSDTF has the following requirements for e-file ATS approval

- Rebranded Products with class code 1 are not required to complete e-file ATS/paper form approval
- Rebranded Products with class code 2 **are** required to complete the full e-file ATS/paper form approval

Refund products

What refund products (refund anticipation loans, refund transfers, or refund advances, or combinations of these products) or payment vehicles (bank account, prepaid debit card, gift card, Bitcoin, etc.) do you offer your customers?

Do you partner with an entity to provide refund products or related services? Yes ☐ No ☐
If Yes, Please provide the name, contact information and bank routing numbers (RTNs) for each company. Attach a separate sheet if necessary.

Company Name		RTN	
Phone Number		Email Address	
Company Name		RTN	
Phone Number		Email Address	
Company Name		RTN	
Phone Number		Email Address	

Supported Forms - extensible markup language (XML) Only

Indicate your support for the following forms. *XML* indicates support for the form in XML. Note: New supported forms for tax year 2020 are marked with an asterisk (*).

Form	XML	Form	XML	Form	XML	Form	XML	Form	XML	Form	XML
Main forms											
IT-201	☐	IT-203-A	☐	IT-226	☐	IT-558*	☐	IT-641	☐	DTF-686	☐
IT-201-X	☐	IT-203-ATT	☐	IT-227	☐	IT-601	☐	IT-642	☐	**Wage Statements**	
IT-203	☐	IT-203-B Sch A	☐	IT-228	☐	IT-603	☐	IT-643	☐	1099-INT	☐
IT-203-X	☐	IT-203-B Sch B-C	☐	IT-241	☐	IT-604	☐	IT-644	☐	W-2	☐
IT-370	☐	IT-203-C	☐	IT-242	☐	IT-606	☐	IT-645	☐	W-2G	☐
IT-2105	☐	IT-209	☐	IT-245	☐	IT-607	☐	IT-646	☐	1099-DIV	☐
Standalones											
IT-214	☐	IT-212	☐	IT-249	☐	IT-611	☐	IT-647	☐	1099-MISC	☐
NYC-210	☐	IT-213	☐	IT-255	☐	IT-611.1	☐	IT-648	☐	1099-R	☐
Attachments		IT-214	☐	IT-256	☐	IT-611.2	☐	IT-649	☐	1099-G	☐
IT-112-R	☐	IT-215	☐	IT-258	☐	IT-612	☐	IT-650	☐		
IT-119	☐	IT-216	☐	IT-272	☐	IT-631	☐	IT-651*	☐		
IT-182	☐	IT-217	☐	IT-280	☐	IT-635	☐	IT-652*	☐		
IT-195	☐	IT-219	☐	IT-360.1	☐	IT-637	☐	IT-2105.9	☐		
IT-196	☐	IT-223	☐	IT-398	☐	IT-638	☐	Y-203	☐		
IT-201-ATT	☐	IT-225	☐	IT-399	☐	IT-640	☐	DTF-622	☐		

Comments:

Supported Forms - XML / portable document format (PDF)

Indicate your support for the following forms. *XML* indicates support for the form in XML. *PDF* indicates support for the form as an attached PDF.

Form	XML	PDF	Form	XML	PDF	Form	XML	PDF
IT-112.1	☐	☐	IT-239	☐	☐	IT-605	☐	☐
IT-112-C	☐	☐	IT-246	☐	☐	IT-613	☐	☐
IT-135	☐	☐	IT-248	☐	☐	IT-633	☐	☐
IT-203-F	☐	☐	IT-250	☐	☐	IT-634	☐	☐
IT-211	☐	☐	IT-251	☐	☐	IT-636	☐	☐
IT-212-ATT	☐	☐	IT-252	☐	☐	IT-6-SNY	☐	☐
IT-221	☐	☐	IT-253	☐	☐	DTF-621	☐	☐
IT-230	☐	☐	IT-257	☐	☐	DTF-624	☐	☐
IT-236	☐	☐	IT-261	☐	☐	DTF-626	☐	☐
IT-237	☐	☐	IT-501	☐	☐	DTF-630	☐	☐
IT-238	☐	☐	IT-602	☐	☐			

Reset Choices

Comments:

Customer Communications

This section identifies information NYS is requiring the software providers to communicate with customers.

Disclosure and use of information language expectations

The following consent language must be added to electronic filing software to notify the user.

For Do-It-Yourself software:

By using a computer system and software to prepare and transmit return(s) electronically, I consent to the disclosure of all information pertaining to my use of the system and software to the New York State Department of Tax and Finance, as applicable by law, and to the transmission of my tax return(s).

For Tax Professional software:

By using a computer system and software to prepare and transmit my client's return electronically, I consent to the disclosure of all information pertaining to my use of the system and software to create my client's return and to the electronic transmission of my client's tax return to the New York State Department of Tax and Finance, as applicable by law.

State Driver License (DL)/Non-Driver ID Card(ID) Expectations

- NYS requires that all driver license or non-driver information be entered into the software each year and not retained by the software

- NYS will reject e-filed returns if the DL or ID card information is not included with the tax return. This applies to all main form submissions and standalones (Forms IT-201, IT-201-X, IT-203, IT-203-X, IT-214, and NYC-210). This applies to both the prime taxpayer and spouse taxpayer (when present). The user can also indicate that they do not possess a valid driver license or state-issued non-driver ID (DoNotHaveDrvrLcnsOrStIssdId).

- NYS requires that the DL or ID card information be collected when available for extensions and estimated tax payments (Forms IT-370 and IT-2105). The user can also indicate they do not possess a valid driver license or non-driver ID card (DoNotHaveDrvrLcnsOrStIssdId) or they did not provide a driver license or non-driver ID card (DidNotProvideDLOrStIssuedId).

- NYS will reject e-filed returns if the DL or ID card information (DrvrLcnsNum or StateIssdIdNum) is not properly formatted when issued by NYS. NYS-issued DL or ID cards contain only numerics and are 9 digits in length. This applies to all main form submissions, extensions, and standalones (Forms IT-201, IT-201-X, IT-203, IT-203-X, IT-370, IT-214, and NYC-210).

- NYS will reject e-filed returns that do not include the three-character document number (DrvrLcnsAddInfo or StateIssIdAddInfo) for the prime and/or spouse(when present) when a NYS issued DL or ID card is entered. This applies to all main form submissions, extensions, and standalones (Forms IT-201, IT-201-X, IT-203, IT-203-X, IT-370, IT-214, and NYC-210). The software must only allow the user to input the first three characters and not the entire document number.

Software Developer Requirements and Responsibilities

- Comply with the procedures, requirements, and specifications in the IRS Publication 3112, IRS e-File Application and Participation; IRS Publication 4164**,** Modernized e-File Guide for Software Developers and Transmitters; IRS Publication 1345, Handbook for Authorized IRS e-file Providers of Individual Income Tax Returns; and NYS Publication 95, New York State Modernized e-File (MeF) Guide for Software Developers for Tax Year 2020.

- Support e-file for all NYS forms unless a waiver is approved by NYS.

- Be approved by NYS through the Assurance Testing System (ATS) process.

- Remove references from all public materials asserting your product's ability to service NYS taxes within 48 hours of receipt of notice from NYS stating that your product is disapproved or that approval has been withdrawn and provide immediate notice to any clients in the process of filing with NYS before ceasing NYS services.

- Keep all confidential taxpayer information secure.

- All tax professionals should be aware that they are potential targets of cybercriminals seeking access to client data for fraudulent purposes, including to file fraudulent tax returns for refunds. Software Developers are encouraged to limit the data they allow clients to use for analytics, collection and storage. Software Developers must not allow the use or retention of driver license information other than for the filing of the returns.

Detection and Disclosure of Suspicious Activity

Prevention of identity theft and other forms of tax fraud is a very high priority for NYS. Because it is critical that we work in partnership to combat identity theft, software developers by signing this agreement agree to assist NYS with fraud prevention efforts, as set forth below:

- Software developers may use any tax return information provided by a taxpayer, whether in and for the current year or for prior years, for the purpose of identifying a suspicious or potentially fraudulent return from or related to that taxpayer. For these purposes, tax return information means any and all documents or materials provided by the taxpayer or required by the taxing authority that the software developer uses in the course of the return preparation and submission.

- Software developers shall produce analytic compilations of federal and state tax return and submission information that directly relate to the internal management or support of the software developer's business, which shall include aggregated data compilations to identify potentially fraudulent behaviors or patterns. The analytic compilation shall employ any tax return information provided by the taxpayer.

- Software developers shall disclose the compilations of tax information to New York State through IRS secure data transmission on at least a weekly basis and identify by use of federal and state submission IDs any return the software developer believes is potentially fraudulent.

- In addition, if a software developer has a bona fide belief that a particular individual's activity, discovered by data mining a statistical compilation, violated criminal law, the software developer shall disclose that individual's tax return information to New York State.

Signature

- ☐ I acknowledge that all e-file ATS tests submitted during the approval process are created in and originate from the actual software.
- ☐ I acknowledge that all electronic returns received by NYS generated from this software will be electronically filed from the initially approved product version, or a subsequent product update.
- ☐ I acknowledge that NYS will be notified immediately of any incorrect and/or missing calculation or e-file data element for any electronically filed returns submitted to NYS.
- ☐ I acknowledge that software errors identified by the IRS, NYS DTF, or the SWD, will be immediately corrected and updates distributed to users. The SWD **must** supply NYS DTF with the specific resolution and date when the software fix is released. I understand that failure to correct any errors or issue timely releases may result in suspension from the program.
- ☐ I acknowledge New York State's driver license and non-driver ID card requirements.
- ☐ I acknowledge users/customers of desktop products who attempt to e-file 10 or more business days after a production release will be required to download and apply the product update.
- ☐ I acknowledge that as part of our start-up process that we have examined our internal help information (includes pop-ups, FAQs, information bubbles etc.) to ensure that it conforms with all tax instruction and law changes.
- ☐ I acknowledge that upon being approved we will provide NYS a copy of software or equivalent login credentials.

As the representative of the above named organization, I agree, on behalf of the organization, to comply with all requirements listed above. Furthermore, by signing this agreement, my organization is agreeing to all of the requirements listed above. The New York State Department of Taxation and Finance reserves the right to revoke approval acceptance of any company and thereby refuse to accept any additional returns from such software company that does not adhere to above stated requirements.

As an approved New York State provider I agree to provide true, accurate, current, and complete information about my company. I understand that if I provide any information that is untrue, inaccurate, obsolete, or incomplete, the New York State Department of Taxation and Finance has the right to deny, suspend, or terminate my account.

Name of authorized representative *(print)*	Name of risk officer *(print)*
Signature of authorized representative	Signature of risk officer