



Letter of Intent (LOI) to Develop MeF Personal Income Tax E-file Software for Tax Year 2022

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 Assurance Testing System (ATS) 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*, 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 amended 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. Contact us via email at NYSPITMEF@tax.ny.gov
- Discuss with NYSDTF options to correct errors
- NYS must approve and review outward communication regarding software errors affecting already filed returns and resolutions prior to distribution to your clients.
 - NYS will complete its review within two business days. You may send your outward communication to clients if NYS does not complete its review in that time.
 - Where you are legally required to communicate with clients before two business days, for instance under some states' breach notification laws, you may do so before receiving NYS approval.
- Make every reasonable effort to test with NYSDTF before moving change(s) 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.

Note: If you are a new Software Provider who has not filed city/state income tax returns with any city or state agencies, you must have passed assurance testing with the IRS. Attach documentation from the IRS demonstrating you have successfully tested with the IRS.

Check here if you are **amending** your previous LOI

Reason for amending

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 #)
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Contact information

Legal name

Firm name

Website or URL

Address

City	State	ZIP code
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Primary contact name

E-mail address

Phone number	Ext
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Secondary contact name

E-mail address

Phone number	Ext
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Risk officer contact name

E-mail address

Phone number	Ext
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Responses to the following items are required. Confirm your support for:

Linked returns	Unlinked returns	Yes	No
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Foreign address

NYS W-2 Verification Indicator

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, NYSDF 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, 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

Indicate your support for the following forms. *XML* indicates support for the form in XML. **Note:** New supported forms for tax year 2022 are marked with an asterisk (*).

Form	XML	Form	XML	Form	XML	Form	XML	Form	XML	Form	XML
<u>Main forms</u>											
IT-201		IT-203-B Sch B-C		IT-236		IT-280		IT-635		IT-657*	
IT-201-X		IT-203-C		IT-237		IT-360.1		IT-636		IT-658*	
IT-203		IT-203-F		IT-238		IT-398		IT-637		IT-2105.9	
IT-203-X		IT-209		IT-239		IT-399		IT-638		IT-6-SNY	
IT-370		IT-211		IT-241		IT-501		IT-640		Y-203	
IT-2105		IT-212		IT-242		IT-558		IT-641		DTF-621	
<u>Standalones</u>											
IT-214		IT-212-ATT		IT-245		IT-601		IT-642		DTF-622	
NYC-210		IT-213		IT-246		IT-602		IT-643		DTF-624	
<u>Attachments</u>											
		IT-214		IT-248		IT-603		IT-644		DTF-626	
IT-112-R		IT-215		IT-249		IT-604		IT-645		DTF-630	
IT-112.1		IT-216		IT-250		IT-605		IT-646		DTF-686	
IT-112-C		IT-217		IT-251		IT-606		IT-647		<u>Wage Statements</u>	
IT-119		IT-219		IT-252		IT-607		IT-648		1099-INT	
IT-135		IT-221		IT-253		IT-611		IT-649		W-2	
IT-182		IT-223		IT-255		IT-611.1		IT-650		W-2G	
IT-195		IT-225		IT-256		IT-611.2		IT-651		1099-DIV	
IT-196		IT-226		IT-257		IT-612		IT-652		1099-MISC	
IT-201-ATT		IT-227		IT-258		IT-613		IT-653		1099-R	
IT-203-A		IT-228		IT-261		IT-631		IT-654		1099-G	
IT-203-ATT		IT-229		IT-267*		IT-633		IT-655		1099-NEC	
IT-203-B Sch A		IT-230		IT-272		IT-634		IT-656*			

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 Taxation 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 Taxation and Finance, as applicable by law.

State driver license (DL)/Non-driver identification 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 (DoNotHaveDrvrLcnsOrStlssdId).
- 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 (DoNotHaveDrvrLcnsOrStlssdId) or they did not provide a driver license or non-driver ID card (DidNotProvideDLorStlssuedId).
- 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 StateIssdIdAddInfo) 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 2022.
- Support e-file for all NYS forms unless a waiver is approved by NYS.
- Be approved by NYS through the 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.
- Data breaches, security incidents, or other improper disclosures of taxpayer data that by law require reporting to the Attorney General of New York must also be reported to the New York State Department of Taxation and Finance.

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 at the time the software fix is released. NYS must approve and review outward communication regarding software errors affecting already filed returns and resolutions prior to distribution to your clients. NYS will complete its review within two business days. You may send your outward communication to clients if NYS does not complete its review in that time. Where you are legally required to communicate with clients before two business days, for instance under some states' breach notification laws, you may do so before receiving NYS approval.

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 a copy of software or access to an online service will be provided upon completion of testing and prior to final approval from NYS.

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 (<i>print</i>)	Name of risk officer (<i>print</i>)
Signature of authorized representative	Signature of risk officer