

**RESOLUTION #2015-02 CONFIDENTIALITY OF RETIREMENT AND DEFINED CONTRIBUTION INFORMATION**

(Supersedes Resolution #2013-03)

August 13, 2015

**WHEREAS**, pursuant to Utah Code Annotated § 49-11-618 (2), "(a) All data in the possession of the office is confidential, and may not be divulged by the office except as permitted by board action. (b) All data in the possession of the office or divulged pursuant to board action shall be used for the sole purpose of carrying in to effect the provisions of this title.";

**WHEREAS**, pursuant to Utah Code Annotated Title 49 (Title 49), Chapter 11, Part 11, the Retirement Office shall provide certain information for the public on its website;

**WHEREAS**, the Board desires to establish guidelines and standards to regulate the release of information in the possession of the Retirement Office; and

**WHEREAS**, the Board desires to amend and update Resolution 2013-03;

**NOW, THEREFORE, BE IT RESOLVED** that the Board adopts the following rules governing the access to retirement and defined contribution information in the possession of the Retirement Office.

**A. RETIREMENT AND DEFINED CONTRIBUTION INFORMATION**

1. A member, a participant, retiree, or a member's, a participant's or a retiree's conservator or guardian shall have access to:
  - a. Copies of any forms the member, participant or retiree has provided or signed;
  - b. Enrollment information of the member, participant or retiree;
  - c. Information regarding salary, contributions and service credit accrual of the member, participant or retiree in a format determined by the Retirement Office;
  - d. Benefit information of the member, participant or retiree;
  - e. Defined contribution account information of the participant;
2. A person holding power of attorney for a member, participant or retiree shall have the same access to information as a member, participant or retiree, or such access as limited by the scope of the power of attorney.
3. Upon designating a contact person and signing a form provided by the Retirement Office, a participating employer shall have access to:
  - a. Any information provided by the participating employer;
  - b. Aggregate information requested by the participating employer to comply with the purposes of Title 49;
  - c. Years of service credit for current employees;

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- d. Information necessary to administer the systems, plans and programs;
  - e. Information regarding purchases or redeposits that may be made by the participating employer;
  - f. Publications designed for participating employers;
  - g. Information necessary to create and make contributions to a defined contribution account for participants;
  - h. Member or participant information as set forth in Section A. 1, if a written authorization has been signed by the member or participant within 12 months of the request for information by the employer.
4. Beneficiaries or dependents shall have access to the amount of the beneficiary's or dependent's benefit at the time the benefit is payable to the beneficiary or dependent.
  5. Former spouses, alternate payees, or their attorneys, shall have access to:
    - a. The amount of the former spouse's or alternate payee's benefit at the time the benefit is payable to the former spouse or alternate payee;
    - b. General information on calculations;
    - c. Member, participant or retiree information if the Retirement Office has received a subpoena from a court of competent jurisdiction or an order from the hearing officer hired by the Board.
  6. The Retirement Office shall have access to all information necessary to put in effect the purposes of Title 49.
  7. Other retirement systems, retirement associations or other entities may, in the sole discretion of the Retirement Office, have access to:
    - a. Information regarding the administration of the Retirement Office on the subject requested;
    - b. Benefit analysis;
    - c. Aggregate information;
    - d. Employment practices;
    - e. Verification of service credit for a service purchase in another public retirement system or association upon written request by a public retirement system or association.

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8. Financial institutions, housing authorities, nursing homes or other similar entities providing services to the member, participant, alternate payee, beneficiary or retiree which requests benefit, income, or account balance verification shall have access to the necessary portion of a member's, participant's, alternate payee's, beneficiary or retiree's account information if written authorization is provided by the member, participant, or retiree which has been signed within 12 months of the request for information by the third party.
9. The filing of a Request for Board Action or written response to Notice of Board Action, when signed by a member, participant, retiree, employer, or their attorney, shall constitute a request for information and authorizes URS to release to the member, participant, employer, or their attorney, all information required to be disclosed by the Utah Rules of Civil Procedure for discovery.

**B. DISSEMINATION OF RETIREMENT AND DEFINED CONTRIBUTION INFORMATION**

1. After a benefit becomes payable, retirement and defined contribution information provided pursuant to this resolution through the mail shall only be sent to an address listed on the member's, participant's, alternate payee's or retiree's account information. A request to change the address must be made in writing and signed by the member, participant, alternate payee or retiree, or such person's conservator, guardian, or attorney in fact which has been delegated such authority, or via the URS website if the member, participant, or retiree has a valid user identification and password. At the time a benefit is being processed, the Office may take reasonable steps to locate a member, participant, alternate payee or beneficiary and use addresses that the Office reasonably believes to belong to the member or beneficiary in question.
2. Except information provided pursuant to section A. 8, retirement and defined contribution information provided pursuant to this resolution by facsimile or through e-mail shall only be provided if the Retirement Office has a signed, notarized written authorization requesting retirement information in such format, or the member, participant, alternate payee, beneficiary or retiree has requested information via e-mail after registering their e-mail address using the URS website.
3. Retirement and defined contribution information provided pursuant to this resolution by telephone shall only be provided if the member, participant, alternate payee or retiree can demonstrate their identity through knowledge of personal information. If the member, participant, alternate payee or retiree cannot demonstrate such knowledge, retirement information shall not be divulged over the telephone.

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4. Retirement and defined contribution information provided pursuant to this resolution through the URS website and interactive voice response system shall only be permitted if the member, participant, alternate payee or retiree has a valid user identification and password or PIN number.

**C. GENERAL PROVISIONS**

1. The Executive Director shall:
  - a. have the authority to approve the fee schedule for each of the departments within the Retirement Office; and
  - b. designate a public information officer and establish policies to manage information requests.
2. The Executive Director may approve the dissemination of information, consistent with Title 49, in those cases which are not specifically covered by this Resolution.
3. All information disclosed pursuant to this Resolution shall carry out the purposes of Title 49.
4. Unless a release of information is otherwise authorized by this Resolution, the Retirement Office shall only honor subpoenas from the hearing officer hired by the Board, district courts of the State of Utah, and Federal courts and agencies having proper jurisdiction.
5. Consulting actuaries shall have access to any information reasonably necessary to perform an actuarial analysis. Consultants and vendors retained by URS shall have access to any information reasonably needed to accomplish the purpose for which the consultant or vendor was retained. A confidentiality agreement is required, if not provided by contract.
6. Independent auditors and legislative auditors shall have access to information reasonably necessary to accomplish an audit. A confidentiality agreement is required, if not provided by contract.
7. The legislature and governor's office shall have access to information which may assist the legislature or governor's office in their oversight responsibilities in passing applicable legislation (contribution rates, premiums, funding, etc.).
8. The federal government shall have access to:
  - a. Information requested by an IRS levy;
  - b. Information necessary to conduct an audit;
  - c. Information, upon written request which complies with federal law;

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9. The following information is available to the public and shall be reasonably made available online:
  - a. Public Financial Information:
    - i. Comprehensive Annual Financial Reports;
    - ii. Summary Annual Reports; and
    - iii. PEHP Financial Statements;
  - b. Actuarial Reports:
    - i. Actuarial Valuation Reports;
    - ii. Actuarial Experience Studies; and
    - iii. Audits of Actuarial Consultant;
  - c. Contribution Rates;
  - d. URS Fiscal Analysis of Legislative Bills;
  - e. Administrative Board meeting agendas and minutes;
  - f. Information provided pursuant to Title 49, Chapter 11, Part 11, including Administrative Expenses and Compensation;
  - g. Board Resolutions;
  - h. Publications designated for general release; and
  - i. General benefit information.
10. Any person may request a copy of the Utah Retirement Systems' public equity portfolio in accordance with Board Resolution 04-09.
11. No person is entitled to access medical records, including independent medical examinations and life insurance health examinations, in the possession of the Retirement Office unless otherwise allowed by Board Resolution.
12. Terms used in this resolution shall have the same meaning as in Title 49.
13. This Resolution supersedes all prior Resolutions that in any way address the dissemination of information or documentation from the Utah Retirement Systems.