



Oregon

John A. Kitzhaber, M.D., Governor

Public Employees Retirement System

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September 20, 2011

LAUREL L HINES

Re: Court Judgments – Disclosure of Retirement Benefit Amounts

Dear PERS Benefit Recipient:

Two Marion County Circuit Court judgments require PERS to disclose the names and benefit amounts for all retired members on November 21, 2011. These judgments further require PERS, on March 9, 2012, to also disclose each retired member's retirement date, retirement plan, benefit calculation method, years of service, and final salary, to the extent such data is available from PERS' electronic databases.

These judgments also direct PERS to disclose, on March 9, 2012, the dollar amounts of benefits paid to survivor beneficiaries and alternate payees of members (former spouses), but not the names of those recipients, again to the extent such data is available from PERS' electronic databases.

These judgments were issued to resolve a court case that began in 2010, when *The Oregonian* and *Statesman Journal* newspapers filed public records requests for PERS to disclose the names and benefit amounts for all PERS benefit recipients. PERS initially denied the requests based on previous legal advice from the Oregon Attorney General that the newspapers failed to adequately show that the public's interest in individually identified information outweighed those individuals' reasonable expectations of privacy.

Both newspapers asked the Attorney General to review that standard, and he issued public records orders directing PERS to disclose the requested information and concluding that PERS benefit recipients do not, by law, have an expectation of privacy as to that information. PERS went to Marion County Circuit Court to have those orders reviewed as provided by law.

As a result of the court judgments, PERS will provide the required information on the specified dates to both newspapers unless otherwise commanded by law.

PERS is in the process of updating the Oregon Administrative Rule (OAR) regarding the disclosure of member records to reflect the court judgments. You can read the proposed rule update (OAR 459-060-0020) and court judgments on the PERS website in the "About Us" section at <http://oregon.gov/PERS>.

Sincerely,

Paul R. Cleary
PERS Executive Director