

TEACHERS' RETIREMENT SYSTEM



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Attorney General Opinion Requires Disclosure of TRS Retiree Benefit Amounts

Helena – A recent final opinion from the Montana Attorney General requires disclosure, upon specific request, of the names and benefit amounts of retirees who receive benefits from the Montana Teachers' Retirement System (TRS). In the September 16, 2011, opinion, Attorney General Steve Bullock wrote, "Retirees of the Teachers' Retirement System of the State of Montana do not have individual rights of privacy in the amounts of their retirement benefits that clearly exceed the public's right to know."

TRS asked the Attorney General to issue an opinion in response to a request from an online news service. In August 2010, as follow-up to a report by the Legislative Committee on State Administration and Veterans' Affairs (SAVA), the news service asked TRS for a list of the names, benefit amounts, and employers of the 10 retirees receiving the highest benefit amounts from the teachers' retirement system. Pending the Attorney General's final opinion, TRS declined to disclose information that would tie retirees' names with their benefit amounts, citing TRS policy that protects the confidentiality of members' financial and personal information.

TRS Executive Director David Senn notes that, under state law, a final opinion of the Attorney General is binding unless it is overturned by a state district court or the Montana Supreme Court (§2-15-501, MCA). "TRS is compelled to disclose the information as requested," Senn said, "unless the TRS Board chooses to appeal the Attorney General's final opinion to state district court." Senn noted that this issue will be before the TRS Board for action at its regularly scheduled meeting at the Board of Investments office, 2401 Colonial Drive, in Helena on September 30, 2011.

The AG's final opinion can be accessed here:

<http://www.doj.mt.gov/resources/opinions2011/54-003.pdf>