

TEACHERS' RETIREMENT SYSTEM



STEVE BULLOCK, GOVERNOR

www.trs.mt.gov

STATE OF MONTANA

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May 16, 2015

James DeHaven
Helena Independent Record
PO Box 4249
Helena, MT 59604

RE: Your Request for Member Benefit Information under the Montana Public Records Act

Dear Mr. DeHaven,

At its regularly scheduled board meeting on May 13th, the Board of the Montana Teachers' Retirement System (TRS) considered your request for information from the retirement system, which includes the name of and the monthly benefit amount paid to each TRS retiree in January of each of the last four years. The Board considered your request along with the responses of TRS members to the notice they received regarding your request for information. The TRS members' responses, overwhelmingly, evidenced an expectation of privacy (278 out of 331 respondents asserted an expectation of privacy) that the TRS Board found to be reasonable and compelling.

The TRS Board weighed the "public's right to know" the name and benefit amount of TRS retired members against the privacy interests of our retirees and concluded the following:

1. Retirees are no longer public employees and their benefits are calculated based on personal decisions, so their benefit amounts are subject to a greater privacy interest than their public salaries.
2. Disclosure of names and benefit amounts could subject our retirees to public censure, unwanted solicitation, or criminal fraud.
3. Retirement benefits are partially funded by member contributions making them more like private assets that are not subject to the public's right to know.

The TRS Board voted 4-2 to deny your request for TRS member names attached to their monthly benefit amounts, and to continue its prior instruction to TRS staff that such information may not be released by the retirement system without a final judicial determination that the merits of public disclosure exceed the individual privacy interests of TRS members. Therefore, if you wish to pursue your request for information with TRS that includes the identification of TRS retirees along with their benefit amounts, you will need to file a complaint in Montana district court to initiate a judicial determination.

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In an effort to remain as transparent as possible without violating the privacy rights of TRS retired members, the TRS Board has agreed to release the following information:

1. A unique identifier for each retired member record instead of first and last name so the retiree names can later be attached to the information if required by court order.
2. Last employer
3. Retirement date
4. Years of service at retirement
5. Gross monthly benefit for January 2013
6. Gross monthly benefit for January 2014
7. Gross monthly benefit for January 2015
8. Gross monthly benefit for January 2016

TRS does not have an existing report or other document that includes this specific information. The estimated cost to provide the information listed above, with the first and last name of our retired members replaced by a unique identifier, remains \$200 to \$400 for programming and verification of the report.

If you are willing to revise your request for information such that TRS would not be required to identify an individual retiree along with his/her benefit amount, please let me know.

Sincerely,



Shawn Graham
Executive Director