



notice

request for public information – retirees' monthly benefit amounts

Request for Active and Retired TRS Member Information

On May 26, 2015, TRS received a request for information regarding the full name, organization (currently working for or retired from), years of service, date of retirement (if retired), and pension amount per month (if retired) for all active and retired TRS members.

Background

TRS received a similar request for information from Watchdog.org in 2011. At that time, there was no Montana statute, case law, or Attorney General Opinion addressing whether a TRS retiree's annual or monthly benefit amount is public information. TRS requested an opinion on the issue from Montana's Attorney General, then Steve Bullock. On September 16, 2011, Attorney General Bullock issued his final opinion stating that retirees' rights of privacy do not exceed the merits of public disclosure.

In Montana, an Attorney General opinion has the force of law unless/until it is overturned by judicial decision. Because Montana Watchdog agreed to receive information from TRS that met their needs but did not include the benefit amounts of TRS retirees, there was no basis for TRS to seek judicial review of the Attorney General's opinion in 2011.

Current Action

This recent request has triggered the need for the TRS Board to again consider the issue of privacy and public disclosure of retiree names with benefit amounts. On October 1, 2015, the TRS Board will consider whether to provide the requested information, as authorized by the Attorney General opinion issued in 2011, or to direct TRS staff to seek judicial review of the Attorney General's opinion as a matter of responding to the current request. If you would like to submit written comments to the TRS Board in advance of their consideration of this matter, please send your comments via email to trsoutreach@mt.gov or via U.S. mail to Karin Janssen, Communication Specialist, P.O. Box 200139, Helena, MT, 59620-0139. The October 1, 2015, TRS Board meeting agenda will be posted on the TRS website on or before September 28, 2015.