



Executive Staff:

Richard Stensrud  
Chief Executive Officer

James G. Line  
General Counsel

Kathryn T. Regalia  
Chief Operations Officer

John W. Gobel, Sr.  
Chief Benefits Officer

Members of the Board of Retirement

James A. Diepenbrock, President  
Appointed by the Board of Supervisors

Keith DeVore, First Vice President  
Elected by Miscellaneous Members

John B. Kelly, Second Vice President  
Appointed by the Board of Supervisors

Julie Valverde, Ex Officio  
Director of Finance

Winston H. Hickox  
Appointed by the Board of Supervisors

William D. Johnson  
Elected by Safety Members

Kathy O'Neil  
Elected by Miscellaneous Members

Nancy Wolford-Landers  
Elected by Retired Members

Robert L. Woods  
Appointed by the Board of Supervisors

John Conneally  
Elected by Safety Members

William Cox  
Elected by Retired Members

## Court Orders SCERS to Disclose Names and Benefits Paid to Retirees

On July 13, 2010, the Sacramento County Superior Court ruled that the California Public Records Act (PRA) requires the Sacramento County Employees' Retirement System (SCERS) to disclose the names, benefit amounts, and other detailed personal information regarding the retirees and beneficiaries who receive benefits from SCERS. SCERS respectfully disagrees with this ruling and believes it is an erroneous interpretation of the law.

SCERS supports and adheres to the principles of 'open government' that underlie the PRA and believes that access to information about how government operates is vital for preserving the trust and confidence of the public. To that end, SCERS conducts its business in an open and transparent manner designed to let our stakeholders and the public see that we carry out our responsibilities in managing the retirement system in accordance with the law and the highest fiduciary and professional standards. That includes making a wealth of information about the retirement system and our membership easily available to any interested parties via our website, [www.SCERS.org](http://www.SCERS.org).

For the same reasons, SCERS provided extensive, additional information regarding our retirees and beneficiaries to the parties who filed the current lawsuit. That included a listing of the amount of the monthly retirement allowances, and the retirement dates, length of service and employers of the retirees and beneficiaries in question. What SCERS did not provide was the names of the retirees and beneficiaries and tie those names to the other information in a way that identified people individually. It was this refusal that led to the current lawsuit.

SCERS' refusal to provide the names was not simply out of respect for the privacy of our members, but because SCERS is required by law to keep such information confidential. Section 31532 of the Government Code expressly declares that "... individual records of members shall be confidential and shall not be disclosed ... ." It has been and continues to be SCERS' belief that this provision of the law reflects the decision by the State Legislature that certain information

must be kept confidential because its disclosure could subject those individuals to harm or loss, and that this risk overrides the general public policy in favor of disclosure.

The decision by the Superior Court effectively removes this protection, and opens up virtually all of the extensive personal information SCERS has regarding its active members, retirees and beneficiaries to mandatory disclosure. This applies not only to requests by the Sacramento Bee or other media sources, but to requests by parties with more questionable motives, including those would seek to prey upon vulnerable retirees and beneficiaries.

In addition, while the focus of the current lawsuit is on information regarding SCERS' retirees and beneficiaries who receive more than \$100,000 per year in benefits from SCERS (a group that represents less than 3% of SCERS retirees and beneficiaries), the decision by the Superior Court will require disclosure of the following information regarding all retirees and beneficiaries:

- Name
- Date of retirement
- Department the individual retired from
- Position held at time of retirement
- Years of service
- Starting retirement allowance
- Subsequent cost-of-living adjustments
- Total health care allowance
- Total current monthly retirement allowance

SCERS believes that the information it has voluntarily provided is sufficient to allow for public oversight of SCERS' benefits. Moreover, SCERS believes that 'naming names' adds no value to such oversight. In contrast, SCERS believes that disclosure of individually identifiable information is not only contrary to the law but could irreparably harm retirees and beneficiaries.

Accordingly, SCERS plans to consider appealing the Superior Court decision, and if SCERS chooses to pursue such an appeal, will seek to delay disclosure until the appellate courts have ruled.