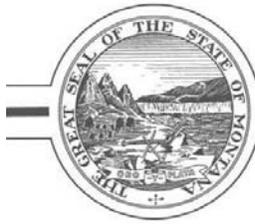


# TEACHERS' RETIREMENT SYSTEM



STEVE BULLOCK, GOVERNOR

[www.trs.mt.gov](http://www.trs.mt.gov)

STATE OF MONTANA

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## **Notice to TRS Retired Members of Request for Public Information – Retirees' Monthly Benefit Amounts**

### **Request for Retired TRS Member Information**

On March 18, 2016, James DeHaven, a State bureau reporter for the Helena Independent Record and Lee Newspapers, requested that the Teachers' Retirement System (TRS) and the eight pension plans administered by the Montana Public Employee Retirement Administration (MPERA) provide the full name, employer, years of service credit, year of retirement and the gross monthly benefit amount for each retiree that received a benefit in January of 2016, 2015, 2014, and 2013. In his request, Mr. DeHaven states that the information is sought for reporting, not commercial purposes.

### **Background**

TRS received a similar request on May 26, 2015 from Amy M. Leitch, an attorney licensed in Colorado. Ms. Leitch was unwilling to disclose the purpose for which she was requesting the information; henceforth, the TRS Board ultimately denied her request at the risk of incurring attorney/legal fees if Ms. Leitch filed suit against TRS to obtain the information. Ms. Leitch did not pursue a judicial determination last fall, and no further action was taken.

The current requestor has requested the information pursuant to Article II, Section 9 of the Montana Constitution (Public Right to Know) and 2-6-1003, Montana Code Annotated (Access to Public Information) for the purpose of journalism/reporting. The Montana Public Employee Retirement Administration (MPERA) has responded in writing to Mr. DeHaven's request informing him that they intend to provide the information requested in conformity with a 2011 Montana Attorney General's opinion. In 2011, former Attorney General Steve Bullock issued his final opinion stating that retirees' rights of privacy in the amount of their retirement benefits *do not* exceed the merits of public disclosure. In short, Bullock stated that "such information helps the public to understand how the state is using its tax dollars and what budget priorities the state has set for those dollars." Pursuant to Montana law, an Attorney General opinion has the force of law unless it is overturned by judicial decision.

## **Current Action**

On May 13, 2016, Mr. DeHaven's request for information will come before the TRS Board for consideration. As a matter of responding to the current request, the TRS Board must again consider whether to provide the requested information, as authorized by the Attorney General opinion issued in 2011. If the Board denies the requestor access to the data, the requestor, Mr. DeHaven, may file a complaint in district court against TRS to require TRS to provide the information. In that case, if the court determines retirees' rights of privacy regarding the amount of their retirement benefits do not exceed the merits of public disclosure, TRS will be required to provide the data. In addition, TRS will likely be ordered to pay all fees and court expenses, including the attorney fees of the requestor.

## **Additional Information**

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](mailto:trsoutreach@mt.gov) or via US mail to Karin Janssen, Communications Specialist, P.O. Box 200139, Helena, MT, 59620-0139. If you would like to speak to a TRS staff member, please contact Karin Janssen, Communication Specialist, at 406-444-0139. If you would like to attend the Board meeting to provide your comments in person, the Board meeting agenda, including location and time for consideration of this issue will be posted on the TRS website at least three business days in advance of the meeting date, May 13, 2016.