

Disclosing public information while protecting individual privacy

The concept of “the public’s right to know” is a powerful coalescent. As it relates to government and other entities that are charged with managing public monies, this idea takes on new ferocity. Watchdog groups and media outlets aggressively monitor such groups to ensure they are acting in the public’s best interest and shed light on any misdeeds. The San Diego County Employees Retirement Association supports this philosophy of transparency. In fact, we are one of the few public pension systems to provide live coverage of Board of Retirement meetings via our website and maintain an online archive of past meetings.

It is this practice of demanding that public agencies operate in “sunshine” that separates our country from our global neighbors. But when exactly does the public’s right to know invade individuals’ right to privacy?

This is a question public pension systems find ourselves facing, as our organizations have come under intense scrutiny regarding benefits paid to retiree members. At SDCERA, we believe the public can be duly informed without violating our members’ safety and security.

A July 26 editorial in *The San Diego Union-Tribune* accused SDCERA of withholding information regarding the number of retirees who receive benefits of \$100,000 or more. In actuality, this information is and has been available on SDCERA’s website for several years. Included as part of the Comprehensive Annual Financial Report, we disclose the number of retired members receiving benefits, the benefit amounts, benefit options and average benefit payments. The median annual benefit is less than \$22,000, and only about 2 percent of retirees receive annual benefits of \$100,000 or more. Detailed information for Fiscal Years 2004 – 2009 can be found in the CAFR files that are readily accessible by following the “Investments” tab on our website home page at www.sdcer.org. We have recently included this information as part of a fact sheet, which can also be found on our website by following the “About SDCERA” tab and clicking on “Facts at a Glance.”

SDCERA is an integrity-driven, trustworthy organization that exercises prudent management of the pension fund to provide our members with appropriate benefits based on their years of service to the public. We will not endanger our members or break the law based on erroneous and sensational claims.

By reporting the number of members receiving a certain range of payments, SDCERA has fulfilled the public’s right to know regarding benefits received by our retirees. Disclosure of this information is not, however, the extent of member information that is being requested.

In an April 7, 2010, letter to SDCERA, a *Union-Tribune* reporter requested “...*electronic records pertaining to SDCERA members,...[to] include, but not necessarily be limited to: full retiree name (first, last and middle initial), employee ID number, date of birth, age at retirement, city of residence, years of service, dates of service, date of retirement, type of pension, last-held job class and title, salary at retirement and high one-year salary.*”

SDCERA is committed to operating in an open and transparent manner. The information requested by the *Union-Tribune*, however, goes far above and beyond what might reasonably be regarded as public information. Our retired members are private citizens who are no longer working in public life. While we have provided the information regarding benefit levels, we will not put our members at risk by exposing

their identity and other personal details that could leave them vulnerable to identity theft, home invasion and other fraud. The District Attorney's Elder Abuse Unit reports dramatic increases in reported financial fraud against San Diego County senior citizens. This problem could only be exacerbated by making the private information of over 13,000 people more accessible. Releasing such information would open our members to potential harm without providing any added benefit to the public discussion of this issue.

Additionally, as part of our duty to act in our members' best interests, we are obligated under California state law to maintain the confidentiality of member records. Court decisions seemingly stating otherwise have neither addressed the unique confidentiality provision in the applicable law nor been confirmed by appellate courts. Until such cases are fully vetted, SDCERA will continue to abide by the legislative statutes that govern us.

Brian P. White
Chief Executive Officer