

MEMORANDUM #46, 2007

Commonwealth of Massachusetts | Public Employee Retirement Administration Commission
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MEMORANDUM

TO: All Retirement Boards

FROM: Joseph E. Connarton, Executive Director

RE: Status of Date of Birth and Annuity Account Balances as Public Records

DATE: December 11, 2007

I recently sought an advisory opinion from the Supervisor of Public Records with respect to whether a member's date of birth and the balance in a member's Annuity Account are public records. Attached is a copy of Supervisor Cote's letter, Advisory Opinion SPR 07/301.

Date of Birth

The Supervisor has determined that due to current trends in the Legislature, specifically G.L. c. 93, § 50, and identity theft concerns, an individual's date of birth may be withheld from disclosure.

Balance in a Member's Annuity Account

The Supervisor has also determined that the mandatory contributions to a member's annuity account and the interest credited to the account are akin to payroll records and are public records.

If a member chooses to make additional contributions to his annuity account [see G.L. c. 32, § 22(1)(g)], the amounts of these voluntary additional contributions may be withheld from release.

Retirement Boards should review policies regarding release of information about members of the System in light of the recent Advisory Opinion of the Supervisor of Public Records.

I hope that you will find this information beneficial.

Attachment

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