

PERAC

COMMONWEALTH OF MASSACHUSETTS | PUBLIC EMPLOYEE RETIREMENT ADMINISTRATION COMMISSION

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MEMORANDUM

TO: All Retirement Boards

FROM: Joseph I. Martin, Deputy Executive Director

RE: Application of New Public Records Law on Local, County and Regional Retirement Boards

DATE: June 20, 2017

In January 2017, PERAC sought the formal opinion of the Secretary of State's Office as to the application of the 2016 updated Public Records Law to local, county, and regional retirement boards. The updated law, which was enacted by Chapter 121 of the Acts of 2016, amends several different chapters of the General Laws. The new law distinguishes between municipalities and agencies and imposes different responsibilities based on that distinction. In its request to the Supervisor of Public Records ("the Supervisor"), PERAC argued that local, county, and regional retirement boards should be viewed as municipal entities rather than state agencies. In response, the Supervisor recently issued SPR Bulletin 01-17, which is attached to this Memorandum.

In SPR 01-17, the Supervisor agreed with PERAC and others that local, county, and regional retirement boards fall within the definition of "municipality". The Supervisor based this determination on "[f]actors such as sources of funding, geographic focus and authority, amount of resources available, as well as the number of members and employees..." As outlined in PERAC Memorandum #1 of 2017, the updated public records law contains several new requirements for both municipalities and agencies.

PERAC reminds retirement boards that, effective July 1, 2017, the board's website should identify the board's Records Access Officer (RAO), the RAO's contact information, the board's guidelines for making a public records request to the board, and, to the extent feasible, commonly requested documents such as the board's budget, annual reports, audits, meeting minutes, etc. Boards are also reminded that, in addition to home addresses and telephone numbers, Chapter 121 added personal email addresses for public employees/retirees and their families as exempt from public disclosure. This information may be disclosed to an employee organization under Chapter 150E, a nonprofit organization for retired public employees under Chapter 180 or to criminal justice agencies as defined in Section 167 of Chapter 6.

We trust the foregoing is of assistance. If you have any questions concerning this matter, do not hesitate to contact this office.

Attachment

