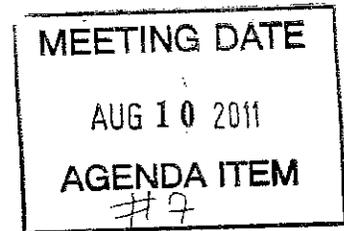


Memorandum

Date: August 2, 2011
To: Board of Retirement
Marilyn Leedom, Retirement Chief Executive Officer
From: Karen Levy, General Counsel
Subject: Policy On Handling Requests For Actuarial Information



Recommendation

Consider adoption of the enclosed Policy On Handling Requests For Actuarial Information, as requested by the Board of Retirement.

Background

The Retirement Board has requested that guidelines and procedures be established for handling requests for the release of actuarial information from the Board's actuary. Recently, the Board authorized such the release of actuarial data to actuaries retained by participating employers in relation to the depooling process as well as in response to the County's request. Enclosed is a Policy On Handling Requests For Actuarial Information, as requested by the Board.



CONTRA COSTA COUNTY EMPLOYEES' RETIREMENT ASSOCIATION

POLICY ON HANDLING REQUESTS FOR ACTUARIAL INFORMATION

(Adopted __/__/__)

I. PURPOSE

The Board of Retirement ("Board") of the Contra Costa County Employees' Retirement Association ("CCCERA") adopts this policy to establish guidelines and procedures for handling requests for authorizing the release of actuarial information from the Board's actuary.

The Board recognizes that from time to time, Contra Costa County and other participating employers (each, an "Employer") and employee representative bargaining units (each, an "Employee Group") may request that actuarial information be released to their respective actuaries (each, a "Third Party Actuary") for their own purposes.

The Board is willing to consider providing access to CCCERA's actuarial information to such Third Party Actuary, provided that members' personal confidential information is protected from disclosure in the process, and provided that the cost of the release of such actuarial information does not exceed the incidental cost of redacting confidential information and transferring the remaining data to the Third Party Actuary. To the extent personal confidential information is requested and necessary for the Third Party Actuary to accomplish its task, the Third Party Actuary must confirm in writing that it will strictly maintain the confidentiality of the information.

The Board wishes to establish these guidelines for CCCERA to follow when a request is made for actuarial information, and to publish those guidelines for the benefit of Employers and Employee Groups who may request such information.

All appropriate staff should be familiar with these guidelines so that the process of responding to requests is efficient, consistent and compliant with all applicable laws. In many circumstances, these guidelines will enable staff to respond to requests without the need for substantial analysis or the assistance of legal counsel. However, situations will likely arise where a simple application of the general guidelines will not provide a definitive answer. When such a situation arises, the Chief Executive Officer should seek guidance from CCCERA's legal counsel.

In addition, to the extent that any requests made to CCCERA under the Public Records Act pertain to records in the possession of CCCERA (rather than the Board's actuary), responses to such requests should follow the guidelines set forth in CCCERA's Accessibility of Records Policy.

II. GUIDELINES

A request of an Employer or Employee Group to authorize the Board's actuary to release actuarial information must be made in writing to CCCERA's Chief Executive Officer. Staff should always be aware that a request, no matter how informal it may appear, must be analyzed under the principles outlined in this Policy (or analyzed by legal counsel in more complex situations). The general guidelines for the Policy may be summarized as follows:

1. Confidentiality of an individual member's records must be protected. In accordance with Government Code section 31532, applicable court rulings, and the Board's Accessibility of Records Policy, **the following information is not public information and shall not be disclosed:** a member's, beneficiary's or annuitant's social security number, date of birth, address, telephone and facsimile numbers, email addresses, age at entry into service, spouse's and/or beneficiary's names, disability application, medical records, or other personal information provided by the member or beneficiary.

2. Notwithstanding Par. 1 above, the Board recognizes that certain confidential personal member information may be necessary for the Third Party Actuary's analysis. Examples may include age at entry into the system, or age at a certain time period. In such cases, the necessary confidential personal member information may be provided solely to the Third Party Actuary upon its written commitment not to disclose the information to any other person or entity, pursuant to an executed confidentiality agreement between CCCERA and the Third Party Actuary in the form attached hereto.

3. The logistics of providing the requested data should be worked out by CCCERA Staff on a case-by-case basis in cooperation with the Employer or Employee Group making the request and the Board's actuary.

4. Incidental costs incurred in connection with the CCCERA's actuary's preparing and transmitting the requested information, not to exceed \$1,000, shall be borne by CCCERA. Any costs beyond that amount must be paid for by the party requesting the release of actuarial information on or before obtaining the information.

5. For consistency and efficiency, the Chief Executive Officer shall be the responsible individual for requests for actuarial information. Staff shall promptly refer all requests to the Chief Executive Officer, or his or her designee(s).

CONFIDENTIALITY AGREEMENT

This Confidentiality Agreement is entered into by _____ (“Third Party Actuary”) and the Contra Costa County Employees’ Retirement Association (“CCCERA”), and is effective on the date it is last signed by one of the parties hereto.

Recitals. _____ has engaged Third Party Actuary to perform certain actuarial services with reference to _____. Third Party Actuary has requested and CCCERA has agreed to permit CCCERA’s actuary, the Segal Company (“Segal”) to make certain electronic data files and other information available to Third Party Actuary for review (the “Data”). Third Party Actuary and CCCERA anticipate that the Data may contain information regarding current or former members or beneficiaries of CCCERA that contain confidential personal information, including a member’s, beneficiary’s or annuitant’s date of birth and age at entry into service, that is protected from disclosure under applicable laws and regulations, and CCCERA’s Accessibility of Records Policy (collectively, “Protected Information”). Third Party Actuary and CCCERA are mindful of CCCERA’s statutory obligation to maintain the confidentiality of such Protected Information under Section 31532 of the California Government Code. Third Party Actuary and CCCERA wish to insure that Third Party Actuary does not disclose any Protected Information contained in the Data to anyone other than CCCERA and its designated agents and representatives.

Agreement. Third Party Actuary represents, warrants and agrees, on behalf of itself and each of its officers, employees, agents and representatives that they will treat any and all Protected Information which comes into any of their possession or knowledge as strictly confidential and shall not disclose it at any time, to any other person or entity, including the party that engaged Third Party Actuary and that party’s agents or representatives, *other than to* (a) CCCERA and its agents, representatives and attorneys or (b) in response to an order of a court of competent jurisdiction.

Third Party Actuary further agrees to take all necessary and reasonable precautions to prevent the unintended disclosure of Protected Information

Third Party Actuary represents, warrants and agrees, on behalf of itself and each of its officers, employees, agents and representatives that they will use the Protected Information solely for the purpose of performing its agreed-upon services for the party that engaged it. At the conclusion of its services, Third Party Actuary agrees to destroy any and all Protected Information in its possession, in whatever manner or media it is maintained; provided, however, that Third Party Actuary may retain an archival copy of such Protected Information for evidentiary and record retention purposes, such to remain subject to the terms of this Agreement until returned or destroyed.

Dated: _____

By _____

Dated: _____

CONTRA COSTA COUNTY EMPLOYEES’
RETIREMENT ASSOCIATION

By _____