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NH Retirement System Will Appeal Pension Names Decision

State Supreme Court will be asked to hear case

CONCORD, N.H. – The New Hampshire Retirement System (NHRS, the retirement system) will file an appeal with the New Hampshire Supreme Court regarding a recent Superior Court decision pertaining to the release of individual pension information.

The NHRS Board of Trustees voted November 9 to appeal a September 2, 2010, Hillsborough County Superior Court ruling that directed the retirement system to release the names of the 500 pension recipients who received the highest annual payments in 2009, along with the amounts of those payments. The case was brought by the New Hampshire Union Leader newspaper under the state’s right-to-know law (RSA 91-A).

The Superior Court issued a temporary stay on releasing the names while it reviewed a motion for reconsideration made by the retirement system; that motion was denied October 28.

“We believe the Superior Court’s order misinterpreted the statute,” NHRS said in a prepared statement released in September. “The retirement system has a legal obligation to protect the privacy of individuals who are entitled to privacy.”

The retirement system will not comment further on the issue while it is being appealed.

Following the September ruling, NHRS released a list detailing individual annual pension amounts paid to more than 20,000 retirees or their beneficiaries. The list – organized from the largest pension benefit amount to the smallest – does not include the names of individual pension recipients.

The list does include each individual retiree’s NHRS member classification (Employee, Teacher, Police, or Fire), as well as the type of benefit (i.e. service retirement, early retirement, job-related disability, non-job-related disability, etc.) and whether the recipient was employed by the state or a political subdivision.

The list is posted on the retirement system's website, www.nhrs.org. It is available in Portable Document Format (PDF) format by clicking on "Individual Pension Benefit Amounts" under the "Notices" section on the home page.

The direct link to the file is: http://www.nhrs.org/documents/NHRS_Annuity_Amounts_FY2010.pdf

"We chose to post the individual pension amounts online, without names, because we believe it gives the public relevant information regarding the levels of benefits and pension policy in a way that does not compromise the privacy rights of our retirees or their beneficiaries," said NHRS Executive Director Dick Ingram.

The New Hampshire Retirement System provides retirement, disability, and death benefits to its eligible members and their beneficiaries. The State of New Hampshire and more than 475 local government employers participate in NHRS for their employees, teachers, firefighters, and police officers. NHRS has approximately 51,000 active members and 24,500 pension recipients. NHRS administers a defined benefit plan qualified as a tax-exempt entity under section 401(a) and 501(a) of the Internal Revenue Code.

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