



NHRS

New Hampshire Retirement System

Public Availability of Retiree/Beneficiary Names and Pension Amounts

Here are answers to some frequently asked questions that retirees and beneficiaries receiving a benefit from the New Hampshire Retirement System (NHRS, the retirement system) may have concerning a recent New Hampshire Supreme Court decision that reversed the retirement system's long-standing policy on the release of individual retiree information.

On November 3, 2011, the Supreme Court rejected the retirement system's appeal of a lower court ruling that said the names and pension amounts of NHRS retirees and beneficiaries was public information releasable under the New Hampshire Right-to-Know law (RSA 91-A).

NHRS values the privacy of our members and retirees – so much so that the retirement system chose to take this issue all the way to the Supreme Court on behalf of its membership. However, now that the court ruled against NHRS, the retirement system must comply with the decision.

Will NHRS give out personal contact information as a result of the court decision?

NHRS is not providing personal information such as addresses, telephone numbers, email addresses, or Social Security numbers. At this time, no one has requested that information. Requests for specific types of information will be reviewed on a case-by-case basis to determine whether they must be released under the Right-to-Know law.

Can you let me know if someone asks for my name?

No. The New Hampshire Retirement System is unable to notify individual retirees and beneficiaries every time there is a public information request for pension data made under the Right-to-Know law. NHRS can report that as of this date, there have been multiple requests for the pension information on all annuitants. NHRS has received no requests related to a specific individual.

Thus far, NHRS has provided the following information to the requesting parties: 1. Names of all pension annuitants for calendar years since 2009 who received a benefit for the entire year. 2. The gross amount paid to the retiree or their beneficiary for the calendar year. 3. The name of the NHRS employer from which the member retired. 4. The member's effective date of retirement. 5. The member classification of the retiree (i.e. Group I Employee, Group I Teacher, Group II Police, Group II Fire).

Requests for additional data beyond the items listed above are currently being reviewed.

Has this information been published anywhere?

NHRS isn't in a position to know all sources where this information has been disseminated, but several of the state's daily newspapers have published articles related to pension names and amounts in the weeks following the ruling.

I am not the retiree, but am receiving a payment because of a ... (survivorship benefit, QDRO, etc.). Will I be listed?

Yes. Anyone who is receiving any part of a pension annuity from NHRS is covered in the court's decision.

What about my Additional Contributions?

The annuity amounts of members who took part in the Additional Contributions program are considered public because the member's contributions were credited with interest from the pension trust fund while they were active, and because Additional Contribution annuities are credited with cost-of-living adjustments (COLAs) if and when they are enacted by the New Hampshire Legislature.

Can you take my name off the list?

No. Per the NH Supreme Court ruling, NHRS is required to provide this information. Without a change in state law, NHRS must continue to provide this information to anyone who requests it under the Right-to-Know law.

Where can I share my concerns about the law?

Share your concerns with the state legislators representing your community.

Can I get a copy of the pension information being made available to the media?

Due to the volume of requests, NHRS is asking that requests for this information be submitted in writing. Email requests will be accepted; the address is info@nhrs.org.

Can I find out who has requested the list?

That information is available under the Right-to-Know law. Again, please submit a request in writing, by mail or email (info@nhrs.org). There is no requirement under the Right-to-Know law for NHRS to proactively provide the names of any subsequent entities or individuals who request individual pension data in the future. However, you may file another Right-to-Know request at a later date to request the most current information.

**NH RETIREMENT SYSTEM, 80 COMMERCIAL STREET, CONCORD, NH 03301-5031
PHONE: (603) 410-3500 FAX: (603) 410-3501; EMAIL: INFO@NHRS.ORG; WWW.NHRS.ORG**

The New Hampshire Retirement System (NHRS) is governed by New Hampshire RSA 100-A, rules, regulations, and Federal laws including the Internal Revenue Code. NHRS also implements policies adopted by the Board of Trustees. These laws, rules, regulations, and policies are subject to change. Even though the goal of NHRS is to provide information that is current, correct, and complete, NHRS does not make any representation or warranty as to the current applicability, accuracy, or completeness of any information provided. The information herein is intended to provide general information only, and should not be construed as a legal opinion or as legal advice. Members are encouraged to address specific questions regarding NHRS with an NHRS representative. In the event of any conflict between the information herein and the laws, rules, and regulations which govern NHRS, the laws, rules, and regulations shall prevail.

11/2011