

Requests for PERS Retiree Information

By Paul R. Cleary, Executive Director, Public Employees Retirement System (PERS)

Mark Twain once advised to "Never argue with someone who buys ink by the barrel and paper by the roll." Mindful of that advice, I still want to share our reasons for [seeking judicial review](#) of *The Oregonian* newspaper's request for the names, employment history, and benefit amounts of certain PERS retirees.

First, under current law, PERS had only seven days to reach a difficult decision on petitioning for judicial review. Unfortunately, current law does not provide a less-costly option, such as requesting reconsideration or using mediation or other forms of alternative dispute resolution. Hopefully such alternatives will be part of future public records law improvements.

Second, there is no animosity between PERS and the Department of Justice (DOJ). The Attorney General and DOJ attorneys have to interpret state statutes on a regular basis, and those interpretations can change over time. Also, once a public records order is issued, the DOJ is obviously barred from arguing both sides of the case, requiring agencies to hire outside counsel.

Third, this case involves striking the right balance between the privacy expectations of PERS retirees, and the need to fully inform public debate on PERS benefits and costs. Our retirees average 70 years old, with a number in their 80s and 90s, a demographic vulnerable to financial fraud and identity theft. In today's world, once personally identifiable financial information is publically released it can never be recaptured, so this is truly a decision that deserves a "measure three times and cut once" approach.

Finally, detailed statistics on PERS benefits are readily available in a document entitled "[PERS: By The Numbers](#)" posted on our agency website at <http://.oregon.gov/PERS>. That document contains charts, graphs, and maps displaying our entire distribution of monthly retirement benefits. For example, the charts show 441 retirees receive \$9,000 per month or more, and 63,472 retirees receive \$3,000 per month or less. Likewise, the maps show 704 retirees live in Baker County with an average annual benefit of \$19,713 and five retirees live in Delaware with an average annual benefit of \$11,701.

The PERS website also contains our audited Comprehensive Annual Financial Reports, numerous actuarial studies and financial modeling presentations, PERS Board meeting packets, and employer contribution rate reports. This information is presented to help advance the transparency and understanding of PERS, and displayed in very detailed fashion without revealing personally identifiable information.

Transparency is one of this agency's guiding principles. We fully understand and embrace our obligation to accurately and completely inform any debate about PERS. The question is whether revealing the personal information of senior citizens who are no longer in public service is really necessary to inform that debate.