

OCERS Board Policy Public Records and Data Request Policy

Purpose and Background

1. The Board of Retirement (“Board”) of the Orange County Employees Retirement System (“OCERS”) adopts this policy to establish guidelines and procedures regarding responses to requests (“PRA Requests”) pursuant to the California Public Records Act (“PRA”); data requests received from OCERS employers or other stakeholders (“Data Requests”); and requests for account information received from OCERS members and their beneficiaries.

The Board is committed to transparency and recognizes that transparency is integral to good governance. The Board has an obligation to balance its members’ right to privacy with the public’s right to information regarding public business. In addition, the Board must balance the interests of OCERS employers and other stakeholders that request information from OCERS against the Board’s paramount duty to administer the system solely in the interest of, and for the exclusive purpose of providing benefits to, OCERS members and their beneficiaries. This policy is not intended to cover all of the complex legal and factual issues that may arise in responding to a PRA Request. However, the Board has determined that it is useful to establish guidelines for OCERS to consider when responding to a PRA Request or a Data Request, and to publish those guidelines for the benefit of OCERS members and their beneficiaries, OCERS employers and stakeholders, and the public at large.

Policy Objectives

2. The objectives of this policy are to provide guidelines to staff in responding to PRA Requests and Data Requests.

Policy Guidelines

3. OCERS members and their beneficiaries are entitled to access their own individual OCERS records and accounts and may authorize access by another person or entity by providing written authorization to OCERS. OCERS staff is authorized to provide members and their beneficiaries with copies of their own individual records and account information and to charge the requestor only the direct cost of duplicating a record, if any. A request made by an OCERS member or beneficiary for their own individual records or information will not be treated as a PRA Request or Data Request under this policy.
4. All Data Requests made by an OCERS employer or other stakeholder shall be routed to an Assistant CEO or the General Counsel and will be treated by OCERS as a request made pursuant to the PRA and subject to this policy. Requests from individual Board members shall be routed to the CEO and will be handled by OCERS in accordance with the Board’s Communications Policy.
5. OCERS prefers that all PRA Requests and Data Requests be made in writing in order to facilitate a clear understanding of the request and the records or data being sought by the requestor. When a request is made verbally, staff should ask the requesting party to put the request in writing. In the

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event the requesting party refuses to make a written request, staff should seek to clarify the request verbally and take detailed notes regarding the request.

6. The PRA requires OCERS to disclose “public records” unless the particular information is exempt from disclosure. “Public records” include any writing containing information relating to the conduct of the public’s business (i.e., OCERS’ business) that is prepared, owned, used or retained by OCERS.
7. Communications related to the conduct of the public business that are sent, received or stored on the private accounts and personal devices of OCERS staff or Board members are public records subject to disclosure under the PRA. If it is determined that the scope of a PRA Request includes public records that may be held in a Board member’s or OCERS’ employee’s non-governmental accounts or on their personal devices, OCERS will communicate the request to the Board members and employees in question and they must thereafter perform a reasonable search of their personal files, accounts and devices for responsive material.
8. OCERS will respond to PRA Requests and Data Requests in accordance with the PRA, the County Employees Retirement Law of 1937 (the “CERL”), and controlling case law interpreting the PRA and the CERL; and OCERS will not disclose pursuant to a PRA Request or a Data Request records exempt from disclosure under such laws. The General Counsel, in consultation with the CEO, has the authority to exercise discretion to waive an exemption if it is in OCERS’ best interest to do so.
9. The PRA expressly permits, and OCERS’ fiduciary responsibility to administer the system for the exclusive purpose of providing benefits to OCERS members and their beneficiaries requires, that OCERS recover the direct costs of duplication when providing copies of records, and under certain circumstances, the costs of data compilation, extraction, and programming to produce an electronic record. OCERS will provide an estimate of any such costs to the requestor under a PRA Request or a Data Request and will promptly fulfill the request for records or data after payment of the full estimated amount. Any payments made based on the estimate that are in excess of the actual cost for copying or producing the requested records or data will be refunded to the requestor.

Policy Review

10. The Board shall review this Policy at least every three years to ensure that it remains relevant and appropriate.

Policy History

11. The Board adopted this Policy on March 19, 2012. The Board reviewed and amended this policy on December 14, 2015, May 15, 2017 and April 20, 2020.



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Secretary's Certificate

I, the undersigned, the duly appointed Secretary of the Orange County Employees Retirement System, hereby certify the adoption of this policy.

A rectangular box containing a handwritten signature in blue ink that reads "Steve Delaney".

Steve Delaney
Secretary of the Board

04/20/2020

Date