

OCERS Administrative Procedure (OAP) Use of OCERS Mailing List

Purpose

The purpose of this OCERS administrative procedure (OAP) is to set forth the process by which OCERS will permit the use of its mailing list of retired members by OCERS employers, employee bargaining units representing OCERS members, and recognized retiree organizations.¹

Introduction

The County Employees Retirement Law of 1937 (CERL) states that under certain circumstances the Board of Retirement shall cooperate with and assist a recognized retiree organization with the distribution of necessary communications to system membership.² Government Code section 31532 provides that individual records of members shall be confidential and shall not be disclosed to anyone except insofar as may be necessary for the administration of the CERL.³ The California Court of Appeal has held that the confidentiality provisions of Government Code section 31532 include protection of member contact and address information.⁴ Accordingly, OCERS may only

¹ “Recognized retiree organization” means an organization in which a majority of the members of the organization are retired members of the system and which the board, upon request, has approved recognition (Gov. Code, § 31471.5).

² **§31592.6. Board assistance in distributing communications to members; reasonable fee for mailings**

In order for a recognized retiree organization to fulfill its obligations to the retired members of the system and to communicate with them, upon the organization’s request the board shall cooperate with and assist the organization in distributing communications regarding membership in and retiree benefit programs available through the organization to all or a portion of those retired members. The content of those communications shall be wholly the responsibility of the recognized retiree organization, and the board shall not have any liability for the content of those communications. Cooperation and assistance in distribution may consist of combined or separate mailings. The board may charge a reasonable fee for those mailings, which may not exceed the actual costs to the system, including staff time for preparation of the mailings.

Gov. Code, §31592.6.

³ **§31532. Confidential statements and records**

Sworn statements and individual records of members shall be confidential and shall not be disclosed to anyone except insofar as may be necessary for the administration of this chapter or upon order of a court of competent jurisdiction, or upon written authorization by the member.

Gov. Code, § 31532

⁴ *Sonoma County Employees' Retirement Assn. v. Superior Court* (2011) 198 Cal.App.4th 986, 1004.

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disclose mail or email addresses of OCERS members if it is necessary for the administration of the CERL.

The determination of whether a particular communication is necessary for the system's administration will be made by OCERS Chief Executive Officer (CEO), in consultation with OCERS executive and legal staff. Note that candidates for elected positions on the Retirement Board or third parties interested in those elections who seek to use OCERS' mailing lists to distribute campaign materials must follow the procedure set forth in OCERS' Election Procedures Policy.

Process

1. When an OCERS participating employer, an employee bargaining unit representing OCERS members, or a recognized retiree organization (requester) wishes to use OCERS' mailing list, it must submit a written request to the CEO. This request shall include a copy of the material the group wishes to disseminate to those on the mailing list and identify the portion of membership to be included.
2. The material must include the following disclaimer:
The content of this communication is wholly the responsibility of [insert requester name]. OCERS, its Board, employees, and agents are not responsible for the content, format, or timeliness of this material.
3. The CEO, in consultation with executive and legal staff, will review the request to determine whether the communication is necessary for the administration of the system. The CEO may require additional information about the request and may need to work with the requester to modify the member communication so the use of the mailing list can be permitted.
4. If the CEO grants the request, OCERS will contract with a mailing service to send out the communication to members. OCERS will not disclose the mailing list to the requester, but will provide the mailing service with the names and addresses of the members who will receive the communications. The mailing service will be required to enter into a confidentiality agreement with OCERS to ensure that the confidentiality of private member information is maintained. OCERS will use its current records to compile the list, but cannot guarantee the accuracy of the address information.
5. All costs for the mailing will be paid by the requester.