

Authority

Gov. Code § 31592.6

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 § 31471.5

"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 § 31532

Sworn statements and individual member records 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.

See also Sonoma County Employees' Retirement System v. Superior Court (2011) 198 Cal.App.4th 986; Orange County Employees Retirement System Public Records Request Policy; Orange County Employees Retirement System Data Request Policy.

Process

1. Mailing and email addresses of OCERS members are private and will not be disclosed to any party regardless of that party's affiliation with OCERS unless disclosure of the address is authorized or required pursuant to Gov. Code § 31532.
2. OCERS maintains a mailing list of its members. In cases where communications to members are necessary for the administration of the system, OCERS may allow the use of its mailing list for communications to members. In all cases, the CEO, in consultation with OCERS executive and legal staff, will determine whether a communication is necessary for the administration of the system in a manner consistent with this procedure. The procedure described in this document does *not* apply to groups who choose to use a different (*i.e.*, a non-OCERS) mailing list and mailing service to distribute communications. In addition, candidates for positions as elected members of the Retirement Board or interested third parties who want to use OCERS' mailing list and mailing service to send out campaign materials must follow requirements set forth in OCERS' Election Procedures.
3. Communications to members by OCERS plan sponsors, representative employee bargaining units representing OCERS members, and recognized retiree organizations generally provide relevant

OCERS Administrative Procedure (OAP) Use of OCERS Mailing List

information to members. The CEO, in consultation with executive and legal staff, will review any proposed communications submitted by any of the above-mentioned groups to determine whether the information conveyed in the communication is related to member interests. OCERS deems communications that are determined to be related to member interests are reasonably necessary for the administration of the retirement system.

4. In no event will OCERS allow the use of its mailing list by any member of the public, marketing company, media outlet, product or service vendors or, except as expressly provided in OCERS' Election Procedures, any other person or entity that is not a plan sponsor, representative bargaining unit, or recognized retiree organization directly related to OCERS' members.
5. When a group authorized by this procedure wishes to use OCERS' mailing list, the group will be required to submit its request in writing to the OCERS CEO. The request shall include a copy of the material the group wishes to disseminate to those on the mailing list. OCERS reserves the right to decline to disseminate the requested material, pending further discussion with the submitting group.
6. OCERS will contract with a mailing service that has entered into a confidentiality agreement with OCERS. OCERS shall provide the Mailing Service with the names and addresses of the members who will receive the communications.
7. OCERS will use its current records, but in no way guarantees the accuracy of the information provided to the mailing service.
8. The Mailing Service shall use the information provided to it only for the purpose of distributing the authorized communications and for no other purpose. Except as required by law or document retention policies, at no time shall the Mailing Service copy and retain any part of the information provided to it or access such information after performing its service.
9. In no event will the OCERS mailing list be given or sold to any person or entity regardless of that person or entity's relationship to OCERS and its members.
10. All costs for mailing will be paid by the group requesting use of OCERS' mailing list, and no portion of the costs incurred by the mailing service will be paid by OCERS.
11. In the event that this procedure conflicts with statute or authoritative case law, the statute or case law will control.