

Regulation 57 - Release of Member Information to Participating Employers

Chapter 57 – Release of Member Information

100 Purpose

The purpose of this regulation is to identify the circumstances under which the System is authorized to disclose to the employer the name, address or contents of an individual member's record without the prior written consent of the individual to whom the record pertains.

101 Authority for disclosure of information

Miss. Code Ann. Section 25-11-119(3) (Supp. 2008) provides that the System shall not disclose the name, address, or contents of any individual member records without the prior written consent of the individual to whom the record pertains, except as authorized by regulations of the board.

102 Conditions for disclosure

Otherwise exempt information may be disclosed to an employer who is a department, agency, or instrumentality of this state, if the Executive Director determines that the disclosure:

- 1) is necessary or proper for the administration of the department, agency, or instrumentality; or
- 2) is necessary to enable the department, agency, or instrumentality to carry out the duties of the office.

103 Confidentiality requirements for release of information

An employer requesting otherwise exempt information must agree in writing to limit the use of such information strictly for the purpose stated in the request and to protect the confidential information from disclosure, whether directly or indirectly.

104 Information which may be disclosed

The following information may be disclosed pursuant to this regulation:

- 1) list of names and addresses on file for current or former employees of the department, agency, or instrumentality; and
- 2) list of employees currently eligible to retire or eligible to retire within three or less years based on service or age and service where such information is necessary for succession planning purposes; and
- 3) list of employees retired from the agency; and
- 4) demographic information on current or retired employees necessary for an employer to provide health insurance coverage for active or retired employees.

Effective Date: October 1, 2008

NOTICE OF RULE ADOPTION-FINAL RULE
STATE OF MISSISSIPPI
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Public Employees' Retirement System
c/o Denise Mounger
429 Mississippi Street
Jackson, Mississippi 39201

Specific Legal Authority authorizing the promulgation of
Rule: MCA Section 25-11-15(6) and 25-11-119(3)

Reference to Rules repealed, amended or suspended by the
Proposed Rule: Regulation 57

(601) 359-2281

DMounger@pers.ms.gov

Date Rule Proposed: August 26, 2008

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule:
The purpose of this regulation is to identify the circumstances under which the System is authorized to disclose to the employer the name, address or contents of an individual member's record without the prior written consent of the individual to whom the record pertains.

The Agency Rule Making Record for this rule including any written comments received during the comment period and the record of any oral proceeding is available for public inspection by contacting the Agency at the above address.

An oral proceeding was held on this rule:

Date:

Time:

Place:

An oral proceeding was not held on this rule.

The Agency has considered the written comments and the presentation made in any oral proceedings, and

This rule as adopted is without variance from the proposed rule.

This rule as adopted differs from the proposed rule as there are minor editorial changes which affect the form rather than the substance of the rule. See attached letter.

The rule as adopted differs from the proposed rule. The differences however are:
Within the scope of the matters in the Notice of Proposed Rule Adoption, the logical outgrowth of the contents of the Notice of Proposed Rule Adoption and the comments submitted in response thereto, and
The Notice of Proposed Rule Adoption provided fair warning that the outcome of the proposed rule adoption could be the rule in question.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Effective Date of Rule: October 1, 2008

Signature and Title of Person Submitting Rule for Filing

SAS FORM APA 002

Effective Date 07/29/2005