

**CHAPTER 71-01-03
CONFIDENTIAL INFORMATION REQUESTS**

Section	
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71-01-03-01. Confidential information request.

A request for confidential information is not a request pursuant to the open records laws, but instead is a request for information that has been determined to be confidential under state law but which may be disclosed pursuant to the invocation of an exception to the confidentiality requirements. All requests for confidential information must be made in writing to the executive director of the public employees retirement system. The request shall state the specific information requested, the reason for the request, the intended use of the information, and the applicable exception to the confidentiality requirements.

History: Effective April 1, 2002.

General Authority: NDCC 54-52-04

Law Implemented: NDCC 54-52-06

71-01-03-02. Review of the request.

The executive director shall review each request and determine if the information can be provided. If the request is not clear, the executive director shall write back within forty-five days indicating what additional information is needed. If no additional information is needed, the executive director shall provide the information or deny the request within forty-five days.

History: Effective April 1, 2002.

General Authority: NDCC 54-52-04

Law Implemented: NDCC 54-52-06

71-01-03-03. Board review.

If the executive director is unable to determine whether the information can be provided within forty-five days, the director shall refer the request to the public employees retirement system board for its review. The board may approve the request, deny the request, or request additional information.

History: Effective April 1, 2002.

General Authority: NDCC 54-52-04

Law Implemented: NDCC 54-52-06

71-01-03-04. Treatment, payment, or operations.

The board of the public employees retirement system has determined that:

1. Information related to enrollment, participation, benefits, or contributions may be shared with participating employers or public employees retirement system contractors for purposes of maintaining a member's participation and benefits in the public employees retirement system programs. Such sharing of information is limited to that information that is necessary to assure that a member's participation and benefits are properly handled. All such information remains confidential whether in the possession of the public employees retirement system, its participating employers, or its contractors.

2. Information relating to eligibility for retirement benefits may be shared with the social security administration and such other organizations to ensure that the member is still alive and continues to be eligible.
3. Information necessary for the administration and operation of the program may be shared with the public employees retirement system attorney and consultants. To the extent such information is shared it remains confidential.
4. Information relating to the death benefits and beneficiary designations of a deceased member may be shared with an ex spouse if listed as a beneficiary on a designation of beneficiary form, or any other person listed as a beneficiary on a designation of beneficiary form, subsequent to the death of the member, but in advance of a final determination regarding the applicable designated beneficiaries, only to the extent necessary to accurately identify the appropriate designated beneficiaries.

All other requests for information under this section must first be submitted to the executive director and then reviewed by the public employees retirement system board.

History: Effective May 1, 2004; amended effective April 1, 2016.

General Authority: NDCC 54-52-04

Law Implemented: NDCC 54-52-26