



UTAH STATE RETIREMENT BOARD

BOARD ACTIONS AND RESOLUTIONS

2015

Board Actions and Resolutions

2015

Table of Contents

ACTION 2015-01	FOUR YEAR INTERNAL AUDIT PLAN APPROVAL	4
ACTION 2015-02	FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER 14-12R	4
ACTION 2015-04	ORDER FOR DISMISSAL 12-37H.....	4
ACTION 2015-05	FINDINGS OF FACTS, CONCLUSIONS OF LAW AND ORDER 13-20S.....	4
ACTION 2015-06	BOARD VARIANCE REQUEST	4
ACTION 2015-07	ORDER OF DISMISSAL 14-28H	4
ACTION 2015-08	FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER 13-42H	5
ACTION 2015-09	ORDER OF DISMISSAL 14-27H	5
ACTION 2015-10	PEHP RATE APPROVALS.....	5
ACTION 2015-11	INFLATION LINKED BONDS BENCHMARK IPS CHANGES	5
ACTION 2015-12	FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER 13-29D	5
ACTION 2015-13	ORDER OF DISMISSAL 14-30R	5
ACTION 2015-14	URS/PEHP EMPLOYEE MEDICAL AND DENTAL BUDGET 2015-2016.....	6
ACTION 2015-15	PEHP RATE RENEWALS	6
ACTION 2015-16	NEW EMPLOYER – SANTA CLARA FIREFIGHTERS’ RETIREMENT SYSTEM	6
ACTION 2015-17	ORDER OF DISMISSAL 14-03D	6
ACTION 2015-19	FINAL ORDER 09-22R	6
ACTION 2015-20	NEW EMPLOYER – SIX COUNTY INFRASTRUCTURE COALITION.....	7
ACTION 2015-21	PEHP RATE RENEWALS	7
ACTION 2015-22	LEGISLATIVE AUDIT REVIEW.....	7
ACTION 2015-23	NEW EMPLOYER – TOWN OF APPLE VALLEY.....	7
ACTION 2015-24	NEW EMPLOYER – TOWN OF DANIEL.....	7
ACTION 2015-25	ACTUARIAL ASSUMPTIONS	7
ACTION 2015-27	ORDER OF DISMISSAL 15-07H	8
ACTION 2015-28	ORDER OF DISMISSAL 09-14H	8
ACTION 2015-29	FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER 13-40R	8
ACTION 2015-30	FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER 13-12L	8
ACTION 2015-31	PEHP RATE RENEWALS	8
ACTION 2015-32	RESOLUTION 2015-01 CONFIDENTIALITY OF BENEFITS AND INSURANCE INFORMATION	8
ACTION 2015-33	RESOLUTION 2015-02 CONFIDENTIALITY OF RETIREMENT AND DEFINED CONTRIBUTION INFORMATION.....	9
ACTION 2015-34	EMPLOYEE COMPENSATION PACKAGE	9
ACTION 2015-35	PEHP RATE RENEWALS	9

ACTION 2015-36	NEW MEDICARE DENTAL PLAN.....	9
ACTION 2015-37	REQUEST FOR BOARD ACTION 2013-40R REQUEST FOR RECONSIDERATION	9
ACTION 2015-38	LONG TERM MEDICAL DISABILITY WAIVER	9
ACTION 2015-39	2014-2015 ACTUAL BUDGET EXPENDITURES	10
ACTION 2015-41	2016-2017 PRELIMINARY BUDGET	10
ACTION 2015-42	2014-2015 ACTUAL EXPENDITURES FOR THE CAPITAL ASSET FUND.....	10
ACTION 2015-43	2015-2016 CAPITAL ASSET FUND BUDGET	10
ACTION 2015-44	ORDER OF DISMISSAL 14-9R	10
ACTION 2015-45	ORDER OF DISMISSAL 13-39H	10
ACTION 2015-46	DB IPS CHANGES – APPENDIX A, REBALANCING POLICIES AND PROCEDURES	11
ACTION 2015-47	DB IPS CHANGES – ABSOLUTE RETURN INVESTMENT POLICIES	11
ACTION 2015-48	ABSOLUTE RETURN STRATEGIES STRATEGIC PLAN CHANGES	11
ACTION 2015-49	ORDER OF DISMISSAL 14-10H	11
ACTION 2015-50	ORDER OF DISMISSAL 13-24D	11
ACTION 2015-51	ORDER OF DISMISSAL 15-02H	11
ACTION 2015-52	ORDER OF DISMISSAL 15-19H	11
ACTION 2015-53	ORDER DISMISSING PETITIONERS’ REQUEST FOR BOARD ACTION 15-12R.....	12
ACTION 2015-54	ORDER OF DISMISSAL 15-14H	12
ACTION 2015-55	FTES FOR LEGAL DEPARTMENT.....	12
ACTION 2015-56	BOARD SUBCOMMITTEE	12
RESOLUTION 2015-01	CONFIDENTIALITY OF BENEFITS AND INSURANCE INFORMATION	12
RESOLUTION 2015-02	CONFIDENTIALITY OF RETIREMENT AND DEFINED CONTRIBUTION INFORMATION	19

**Action 2015-01 Four Year Internal Audit Plan Approval
February 19, 2015**

The Board voted to approve the Four Year Internal Audit Plan as discussed in the Audit/Budget Committee Meeting.

**Action 2015-02 Findings of Fact, Conclusions of Law, and Order 14-12R
February 19, 2015**

The Board voted to approve the Findings of Fact, Conclusions of Law, and Order 14-12R as submitted by the Adjudicative Hearing Officer.

**Action 2015-03 Order of Dismissal 14-16D
February 19, 2015**

The Board voted to approve the Order of Dismissal 14-16D as submitted by the Adjudicative Hearing Officer.

**Action 2015-04 Order for Dismissal 12-37H
February 19, 2015**

The Board voted to approve the Order for Dismissal 12-37H as submitted by the Adjudicative Hearing Officer.

**Action 2015-05 Findings of Facts, Conclusions of Law and Order 13-20S
March 19, 2015**

The Board voted to approve the Findings of Fact, Conclusions of Law, and Order 13-20S as submitted by the Adjudicative Hearing Officer.

**Action 2015-06 Board Variance Request
March 19, 2015**

The Board voted to approve a variance of \$75 million for two years to make direct investments in private equity distressed funds.

**Action 2015-07 Order of Dismissal 14-28H
April 16, 2015**

The Board voted to approve the Order of Dismissal 14-28H as submitted by the Adjudicative Hearing Officer.

**Action 2015-08 Findings of Fact, Conclusions of law, and Order 13-42H
April 16, 2015**

The Board voted to approve the Findings of Fact, Conclusions of Law, and Order 13-42H as submitted by the Adjudicative Hearing Officer.

**Action 2015-09 Order of Dismissal 14-27H
April 16, 2015**

The Board voted to approve the Order of Dismissal 14-27H as submitted by the Adjudicative Hearing Officer.

**Action 2015-10 PEHP Rate Approvals
April 16, 2015**

The Board voted to approve the following PEHP Rate Renewals:

- LGRP PEHP Medical 5.4% increase
- State of Utah PEHP Medical 4.9% increase
- LGRP PEHP Dental 3.5% increase
- State of Utah PEHP Dental 0.0% (rate hold)

**Action 2015-11 Inflation Linked Bonds Benchmark IPS Changes
April 16, 2015**

The Board voted to approve the changes to the URS IPS Inflation Linked Bonds Benchmark as reviewed.

**Action 2015-12 Findings of Fact, Conclusions of Law, and Order 13-29D
May 14, 2015**

The Board voted to approve the Findings of Fact, Conclusions of Law, and Order 13-29D as submitted by the Adjudicative Hearing Officer.

**Action 2015-13 Order of Dismissal 14-30R
May 14, 2015**

The Board voted to approve the Order of Dismissal 14-30R as submitted by the Adjudicative Hearing Officer.

**Action 2015-14 URS/PEHP Employee Medical and Dental budget 2015-2016
May 14, 2015**

The Board voted to approve the 2015-2016 URS/PEHP Employee Medical and Dental Budget.

**Action 2015-15 PEHP Rate Renewals
May 14, 2015**

The Board voted to approve the following PEHP Rate Renewals:

- Salt Lake City Medical 5.0% increase
- Salt Lake City Dental 0.0% rate hold

**Action 2015-16 New Employer – Santa Clara Firefighters’ Retirement System
May 21, 2015**

The Board voted to approve the application for Santa Clara City for membership in the Firefighters’ Retirement System.

**Action 2015-17 Order of Dismissal 14-03D
June 11, 2015**

The Board voted to approve the Order of Dismissal 14-03D as submitted by the Adjudicative Hearing Officer.

**Action 2015-18 Findings of Fact, Conclusions of Law, and Order 14-15H
June 11, 2015**

The Board voted to approve the Findings of Fact, Conclusions of Law, and Order 14-15H as submitted by the Adjudicative Hearing Officer.

**Action 2015-19 Final Order 09-22R
June 11, 2015**

The Board voted to approve the Final Order 09-22R as submitted by the Adjudicative Hearing Officer.

**Action 2015-20 New Employer – Six County Infrastructure Coalition
June 11, 2015**

The Board voted to approve the application for Six County Infrastructure Coalition for membership in the Public Employees' Retirement System.

**Action 2015-21 PEHP Rate Renewals
June 11, 2015**

The Board voted to ratify the Utah School Board Association Medical Program rate renewal increase of 4.3% as discussed.

**Action 2015-22 Legislative Audit Review
June 11, 2015**

The Board voted to authorize management to work on implementing the audit recommendations, including working with the Legislature regarding transparency and any other issues that may require legislation.

**Action 2015-23 New Employer – Town of Apple Valley
June 18, 2015**

The Board voted to approve the application for the Town of Apple Valley for membership in the Public Employees' Retirement System.

**Action 2015-24 New Employer – Town of Daniel
August 13, 2015**

The Board voted to approve the application for the Town of Daniel for membership in the Public Employees' Retirement System.

**Action 2015-25 Actuarial Assumptions
August 13, 2015**

The Board voted to accept the actuarial assumptions as contained in the Utah Retirement Systems Actuarial Valuation Report as of January 1, 2015.

**Action 2015-26 Proposed Contribution Rates
August 13, 2015**

The Board voted to approve the proposed contribution rates as contained in the

Utah Retirement Systems Actuarial Valuation Report as of January 1, 2015, subject to legislation in the 2016 General Session.

**Action 2015-27 Order of Dismissal 15-07H
August 13, 2015**

The Board voted to approve the Order of Dismissal 15-07H as submitted by the Adjudicative Hearing Officer.

**Action 2015-28 Order of Dismissal 09-14H
August 13, 2015**

The Board voted to approve the Order for Dismissal 09-14H as submitted by the Adjudicative Hearing Officer.

**Action 2015-29 Findings of Fact, Conclusions of Law, and Order 13-40R
August 13, 2015**

The Board voted to approve the Findings of Fact, Conclusions of Law, and Order 13-40R as submitted by the Adjudicative Hearing Officer.

**Action 2015-30 Findings of Fact, Conclusions of Law, and Order 13-12L
August 13, 2015**

The Board voted to approve the Findings of Fact, Conclusions of Law and Order 13-12L as submitted by the Adjudicative Hearing Officer.

**Action 2015-31 PEHP Rate Renewals
August 13, 2015**

The Board voted to ratify the Jordan School District Medical Program rate renewal increase of 6%.

**Action 2015-32 Resolution 2015-01 Confidentiality of Benefits and Insurance
Information
August 13, 2015**

The Board voted to approve Resolution 2015-01 Confidentiality of Benefits and Insurance Information with an amendment to delete “via the newsroom or links on that website” from paragraph 22.

**Action 2015-33 Resolution 2015-02 Confidentiality of Retirement and Defined
Contribution Information
August 13, 2015**

The Board voted to approve Resolution 2015-02 Confidentiality of Retirement and Defined Contribution Information with an amendment to delete “via the newsroom or links on that website” from paragraph 9.

**Action 2015-34 Employee Compensation Package
August 13, 2015**

The Board voted to approve the Employee Compensation Package as discussed.

**Action 2015-35 PEHP Rate Renewals
September 10, 2015**

The Board voted to approve the following PEHP Rate Renewals:

- LGRP PEHP Medical 7.9% increase
- Medicare Supplemental PEHP Medical 2.0% increase
- LGRP PEHP Dental 4.0% increase

**Action 2015-36 New Medicare Dental Plan
September 10, 2015**

The Board voted to approve the new Medicare Dental Plan, effective January 1, 2016.

**Action 2015-37 Request for Board Action 2013-40R Request for
Reconsideration
September 10, 2015**

The Board voted to affirm the Hearing Officer's decision in the Request for Board Action 2013-40R Request for Reconsideration.

**Action 2015-38 Long Term Medical Disability Waiver
September 10, 2015**

The Board voted to approve the changes to the Long Term Medical Disability Waiver as discussed.

**Action 2015-39 2014-2015 Actual Budget Expenditures
September 10, 2015**

The Board voted to approve the 2014-2015 Actual Budget Expenditures as presented.

**Action 2015-40 2015-2016 Budget
September 10, 2015**

The Board voted to approve the 2015-2016 Budget as presented.

**Action 2015-41 2016-2017 Preliminary Budget
September 10, 2015**

The Board voted to approve the 2016-2017 Preliminary Budget as presented.

**Action 2015-42 2014-2015 Actual Expenditures for the Capital Asset Fund
September 10, 2015**

The Board voted to approve the 2014-2015 Actual Expenditures for the Capital Asset Fund as presented.

**Action 2015-43 2015-2016 Capital Asset Fund Budget
September 10, 2015**

The Board voted to approve the 2015-2016 Capital Asset Fund Budget as presented.

**Action 2015-44 Order of Dismissal 14-9R
October 15, 2015**

The Board voted to approve the Order of Dismissal 14-9R as submitted by the Adjudicative Hearing Officer.

**Action 2015-45 Order of Dismissal 13-39H
October 15, 2015**

The Board voted to approve the Order of Dismissal 13-39H as submitted by the Adjudicative Hearing Officer.

**Action 2015-46 DB IPS Changes – Appendix A, Rebalancing Policies and Procedures
October 15, 2015**

The Board voted to approve the DB IPS changes to Appendix A, Rebalancing Policies and Procedures.

**Action 2015-47 DB IPS Changes – Absolute Return Investment Policies
October 15, 2015**

The Board voted to approve the DB IPS changes to Appendix F, Absolute Return Investment Policies and the Glossary of Terms.

**Action 2015-48 Absolute Return Strategies Strategic Plan Changes
October 15, 2015**

The Board voted to approve the Absolute Return Strategies Strategic Plan.

**Action 2015-49 Order of Dismissal 14-10H
November 19, 2015**

The Board voted to approve the Order of Dismissal 14-10H as submitted by the Adjudicative Hearing Officer.

**Action 2015-50 Order of Dismissal 13-24D
December 10, 2015**

The Board voted to approve the Order for Dismissal 13-24D as submitted by the Adjudicative Hearing Officer.

**Action 2015-51 Order of Dismissal 15-02H
December 10, 2015**

The Board voted to approve the Order for Dismissal 15-02H as submitted by the Adjudicative Hearing Officer.

**Action 2015-52 Order of Dismissal 15-19H
December 10, 2015**

The Board voted to approve the Order of Dismissal 15-19H as submitted by the Adjudicative Hearing Officer.

**Action 2015-53 Order Dismissing Petitioners' Request for Board Action 15-12R
December 10, 2015**

The Board voted to approve the Order Dismissing Petitioner's Request for Board Action 15-12R as submitted by the Adjudicative Hearing Officer.

**Action 2015-54 Order of Dismissal 15-14H
December 10, 2015**

The Board voted to approve the Order of Dismissal 15-14H as submitted by the Adjudicative Hearing Officer.

**Action 2015-55 FTEs for Legal Department
December 10, 2015**

The Board voted to approve five FTEs and associated costs for the Legal Department.

**Action 2015-56 Board Subcommittee
December 10, 2015**

The Board voted to create a subcommittee within the Board to resolve the guarantee associated with terminating the Howard, Larsen, Hansen & Eves (HLHE) legal contract, and to name Mr. Todd Rupp as the liaison negotiating with Kevin Howard, HLHE sole equity owner, and the Board so as to avoid any appearance of conflict of interest with Executive Director, Mr. Dan Andersen.

Resolution 2015-01 Confidentiality of Benefits and Insurance Information

Supersedes Resolution 2013-01
August 13, 2015

WHEREAS, pursuant to Utah Code Annotated §49-11-618 (2), "(a) All data in the possession of the office is confidential, and may not be divulged by the office except as permitted by board action;" (b) All data in the possession of the office or divulged pursuant to board action shall be used for the sole purpose of carrying in to effect the provisions of this Title.";

WHEREAS, pursuant to Utah Code Annotated Title 49 (Title 49), Chapter 11, Part 11, the Retirement Office shall provide certain information for the public on its website;

WHEREAS, the Board desires to establish guidelines and standards, which comply with

federal law, to regulate the release of information in the possession of the Retirement Office;

WHEREAS, the Board recognizes that the privacy and security provisions of the Health Insurance Portability and Accountability Act ("HIPAA") and the Patient Protection and Affordable Care Act of 2010 ("PPACA") apply to certain information held by PEHP;

WHEREAS, this resolution is part of the Board's effort to comply with HIPAA and PPACA requirements; and

WHEREAS, the Board desires to amend and update Resolution 2013-01;

NOW, THEREFORE, BE IT RESOLVED that the Board adopts the following rules governing the access to information in the possession of the Retirement Office.

A. PEHP INFORMATION

1. A subscriber, subscriber's guardian or conservator, a subscriber's spouse, or a subscriber's spouse's guardian or conservator shall have access to the following PEHP records upon request:
 - a. Claims payment information (EOB information only¹) on anyone on the policy;
 - b. Enrollment information for anyone on the policy;²
 - c. Rates;
 - d. General obligations;
 - e. Benefits;
 - f. Master policies;
 - g. Copies of any forms anyone on the policy has provided or signed.
 - h. Pre-authorization of benefit forms;
 - i. Reasonable access to and copies of, all documents, records, and other information relied upon in making the benefit decision or information that is relevant to the Subscriber's claim for benefits in accordance with PPACA.
2. The Long Term Disability Program may send a copy of an independent medical examination report to the subscriber's treating physician upon receipt of a written request and release of liability waiver from the subscriber. This Program may also send a copy of an independent medical examination report to the subscriber's attorney upon receipt of proof of representation, notice of an appeal of benefits, a written request for such information, and a release of liability waiver from the attorney.

¹ "EOB information" for medical claims includes: date of service, type of service, provider, amount charged and amount paid. "EOB information" for pharmacy claims includes date of prescription, name of pharmacy, drug name and amount paid.

² Dependents/Beneficiaries shall have the same access to enrollment information as a member except the beneficiary designation on a life insurance policy can only be given to subscribers.

3. A subscriber's dependent age 18 or older, and persons with court ordered physical custody of minor dependents shall have access to the following PEHP records upon request:
 - a. Claims payment information (EOB information only) on the dependent only;
 - b. Enrollment information on the dependent only;
 - c. General obligations;
 - d. Benefits;
 - e. Master policies.
 - f. Reasonable access to and copies of, all documents, records, and other information relied upon in making the benefit decision or information that is relevant to the Subscriber's claim for benefits in accordance with PPACA.
4. A subscriber's dependent under the age of 18 shall not be entitled to any information or PEHP records.
5. Upon PEHP's receipt of a properly executed power of attorney, a person holding power of attorney for a subscriber, subscriber's spouse, or subscriber's dependent shall have the same access to information as the subscriber, the subscriber's spouse, or the subscriber's dependent or such access as further limited by the scope of the power of attorney.
6. Dependents who elect COBRA, conversion coverage, or Medicare supplemental coverage shall be "subscribers" for purposes of the Resolution.
7. A member's spouse shall have access to information regarding the amount of life insurance coverage the spouse maintains with PEHP, and, if applicable, to any life insurance information otherwise available to PEHP's dependents/beneficiaries.
8. Covered Employers shall have access to:
 - a. Aggregate claims experience - (Covered Employers with over 100 employees may request detailed information so long as the type and way the information is provided does not violate federal or state law, such as HIPAA, or cause harm to PEHP in accordance with the policies of PEHP);
 - b. Benefit structure;
 - c. Premium information;
 - d. Information necessary to administer the programs and comply with the purposes of Title 49 (including underwriting and other standard reports).
9. At the Covered Employer's express written request, Consultants identified by Covered Employers shall have access to the information described in Section A. 8. to the minimum extent necessary in accordance with the Covered Employer's request, but only if:
 - a. the Covered Employer signs an agreement wherein the Covered Employer indemnifies the Retirement Office/PEHP from any liability arising out of the release of information to the Consultant, and requires that the Consultant sign a confidentiality agreement protecting the confidentiality of the information released, or

- b. the Consultant signs an agreement with PEHP wherein the Retirement Office/PEHP is indemnified from any liability arising out of the release of information to the Consultant and the information is held confidential and protected from unauthorized disclosure. PEHP may limit the type and the Consultant's ability to use information, at the sole discretion of PEHP.
10. Business associates shall have access to information necessary for the administration of joint ventures to carry out the purposes of Utah Code Annotated § 49-20-105, but shall specifically be subject to Utah Code Annotated § 49-11-618(2) and 45 C.F.R. Parts 160 and 164.
 11. Potential Covered Employers may request information from PEHP through a bid process. PEHP may comply with such a request so long as the requesting entity agrees to keep the information confidential, the request does not violate federal law (HIPAA), or the request does not cause harm to PEHP.
 12. Upon receipt of a valid divorce decree, a subscriber's former spouse shall have access to:
 - a. Benefit information paid on their own behalf (EOB information only on request);
 - b. Benefit information paid on children in the legal custody of the former spouse;
 - c. Enrollment information on children in the legal custody of the former spouse;
 - d. Master Policies;
 - e. Benefits.
 13. Information will be provided to governmental entities pursuant to applicable law.
 14. The following entities may be provided access to information necessary to accomplish the purposes stated below:
 - a. State Department of Health for the purpose of responding to surveys or request for aggregate information and semiannual aggregate reports on the CHIP program;
 - b. State Insurance Commission for the purpose of responding to complaints filed through the commission, and in compliance with Utah Code Annotated § 49-20-405.
 - c. State insurance fraud division to investigate claims of fraud.
 - d. Appropriate governmental entities for the purpose of maintaining, studying or evaluating the health of the general public.
 - e. Entities (including non-governmental entities) with which PEHP contracts for the purpose of promoting and/or providing health care education, counseling, or other assistance relating to health care conditions of covered individuals.
 - f. Medicaid Fraud Control Unit of the Utah Attorney General's Office to investigate Medicaid fraud.
 - g. Other governmental entities, including but not limited to, the Department of Professional Licensing, the State All Payor Database, or the Utah Health Insurance Network, when providing information to those entities would assist PEHP in carrying out the purposes of Title 49, and would not violate federal law (HIPAA).

15. Treating providers shall have access to:
 - a. A description of claims payment processes (EOB information);
 - b. Master policies or benefits;
 - c. Any information signed by the treating provider including contracts and fee schedules;
 - d. Claims history for case management, fraud, or Dr. Shopping investigations;
 - e. Any information necessary to insure proper medical treatment;
 - f. Physician practice profiles may be released to the individual physician;
 - g. Aggregate claims information may be released to provider networks;
 - h. Eligibility and enrollment information.
16. Reviewing providers and independent medical examiners are business associates of PEHP and shall have access to:
 - a. Medical records, including prior independent medical examinations;
 - b. Master policies;
 - c. Schedule of benefits;
 - d. Claims information;
 - e. Eligibility information;
 - f. Job description and other covered employer information.
17. PEHP consulting actuaries, consultants, and vendors are business associates of PEHP and shall have access to any information reasonably necessary to accomplish the purpose for which the consulting actuary, consultant, or vendor was retained by PEHP. A confidentiality agreement is required, if not provided by contract.
18. PEHP independent auditors are business associates of PEHP and shall have access to information reasonably necessary to accomplish an audit. A confidentiality agreement is required, if not provided by contract.
19. Legislative auditors shall have access to information reasonably necessary to accomplish an audit. A confidentiality agreement is required, if not provided by contract.
20. The legislature and governor's office shall have access to aggregate information which may assist the legislature or governor's office in their oversight responsibilities in passing applicable legislation (contribution rates, premiums, funding, etc.).
21. The federal government shall have access to:
 - a. Information requested by an IRS levy;
 - b. Information necessary to conduct an audit;
 - c. Information which complies with federal law;
22. The following information is available to the public and shall be reasonably made available online:

- a. PEHP Financial Statements;
 - b. Information provided pursuant to Title 49, Chapter 11, Part 11, including Administrative Expenses and Compensation;
 - c. Administrative Board meeting agendas and minutes;
 - d. Board Resolutions;
 - e. Publications designated for general release; and
 - f. General unprotected information available on the PEHP website.
23. Any person may request copies of the investment performance of assets held by PEHP.
 24. A Covered Employer and an enrolled employee may have access to specific records (such as payroll and claims information) used in the administration of a 125 Flex Plan or similar plan administered by PEHP. An enrolled employee may provide a signed release to PEHP that would allow a spouse, dependent or legal guardian to have access to such information.
 25. PEHP divisions or operations that are not considered “covered entities” under HIPAA may have access to the complete PEHP member file including medical records, claims records and case management records, if the division or operation has received a written authorization from the member acceptable to PEHP.
 26. In order to coordinate the administration of the Long Term Disability program, including payment and offset rights and upon receipt of an acceptable release, the Long Term Disability Program may provide information and documentation, including independent medical examination reports, to other disability insurers, worker’s compensation insurers, the Social Security Administration and other similar entities. The Long Term Disability program may also share information regarding eligible employee coverage dates and pay information, upon a written approval by the eligible employee, to financial institutions and governmental agencies that provide social benefits to the eligible employee (food stamps and housing).
 27. The filing of a Request for Board Action or written response to Notice of Board Action, when signed by the subscriber or their attorney, shall constitute a request for information and authorizes URS to release to the subscriber or their attorney all information required to be disclosed by the Utah Rules of Civil Procedure for discovery.

B. DISSEMINATION OF PEHP INFORMATION

1. PEHP information provided pursuant to this resolution through the mail shall only be sent to an address listed on the member’s account information or to an address of another person eligible to receive information under this Resolution. A request to change the address must be made in writing or electronically through the PEHP website, by the member, the member’s conservator, guardian, or attorney in fact

which has been delegated such authority. A former spouse eligible to receive information of this Resolution may request a change to their address in writing or via the PEHP website.

2. PEHP information provided to a member pursuant to this resolution by facsimile or through e-mail shall only be provided if the Retirement Office has a written authorization requesting PEHP information in such format, or the member has requested information via e-mail after registering their e-mail address using the PEHP website.
3. PEHP information provided to a participating provider pursuant to this resolution may be provided through facsimile, mail, or properly encrypted email.
4. PEHP information provided pursuant to this resolution by telephone shall only be provided if the person is allowed by this Resolution and can demonstrate their identity through knowledge of personal information.
5. PEHP information provided pursuant to this resolution through the PEHP website and/or an interactive voice system shall only be permitted if the person has a valid user identification and password or PIN number.

C. GENERAL PROVISIONS

1. The Executive Director shall:
 - a. have the authority to approve the fee schedule for each of the departments within the Retirement Office; and
 - b. designate a public information officer and establish policies to manage information requests.
2. The Executive Director will make all decisions not addressed in this resolution.
3. All information disclosed pursuant to this Resolution shall carry out the purposes of Title 49.
4. Unless a release of information is otherwise authorized by this Resolution, the Retirement Office shall only honor subpoenas from the hearing officer hired by the Board, district courts of the State of Utah, and Federal courts and agencies having proper jurisdiction.
5. No persons other than PEHP or Retirement Office employees who use the information to fulfill their duties are entitled to access medical records including independent medical examinations, and life insurance health examinations in the possession of PEHP or the Retirement Office, unless otherwise allowed by this Resolution.
6. Terms used in this resolution shall have the same meaning as in Title 49.

7. This Resolution supersedes all prior Resolutions that in any way address the dissemination of information or documentation from the PEHP.

Resolution 2015-02 Confidentiality of Retirement and Defined Contribution Information

Supersedes Resolution 2013-03
August 13, 2015

WHEREAS, pursuant to Utah Code Annotated § 49-11-618 (2), "(a) All data in the possession of the office is confidential, and may not be divulged by the office except as permitted by board action. (b) All data in the possession of the office or divulged pursuant to board action shall be used for the sole purpose of carrying in to effect the provisions of this title.";

WHEREAS, pursuant to Utah Code Annotated Title 49 (Title 49), Chapter 11, Part 11, the Retirement Office shall provide certain information for the public on its website;

WHEREAS, the Board desires to establish guidelines and standards to regulate the release of information in the possession of the Retirement Office; and

WHEREAS, the Board desires to amend and update Resolution 2013-03;

NOW, THEREFORE, BE IT RESOLVED that the Board adopts the following rules governing the access to retirement and defined contribution information in the possession of the Retirement Office.

A. RETIREMENT AND DEFINED CONTRIBUTION INFORMATION

1. A member, a participant, retiree, or a member's, a participant's or a retiree's conservator or guardian shall have access to:
 - a. Copies of any forms the member, participant or retiree has provided or signed;
 - b. Enrollment information of the member, participant or retiree;
 - c. Information regarding salary, contributions and service credit accrual of the member, participant or retiree in a format determined by the Retirement Office;
 - d. Benefit information of the member, participant or retiree;
 - e. Defined contribution account information of the participant;
2. A person holding power of attorney for a member, participant or retiree shall have the same access to information as a member, participant or retiree, or such access as limited by the scope of the power of attorney.
3. Upon designating a contact person and signing a form provided by the Retirement

- Office, a participating employer shall have access to:
- a. Any information provided by the participating employer;
 - b. Aggregate information requested by the participating employer to comply with the purposes of Title 49;
 - c. Years of service credit for current employees;
 - d. Information necessary to administer the systems, plans and programs;
 - e. Information regarding purchases or redeposits that may be made by the participating employer;
 - f. Publications designed for participating employers;
 - g. Information necessary to create and make contributions to a defined contribution account for participants;
 - h. Member or participant information as set forth in Section A. 1, if a written authorization has been signed by the member or participant within 12 months of the request for information by the employer.
4. Beneficiaries or dependents shall have access to the amount of the beneficiary's or dependent's benefit at the time the benefit is payable to the beneficiary or dependent.
 5. Former spouses, alternate payees, or their attorneys, shall have access to:
 - a. The amount of the former spouse's or alternate payee's benefit at the time the benefit is payable to the former spouse or alternate payee;
 - b. General information on calculations;
 - c. Member, participant or retiree information if the Retirement Office has received a subpoena from a court of competent jurisdiction or an order from the hearing officer hired by the Board.
 6. The Retirement Office shall have access to all information necessary to put in effect the purposes of Title 49.
 7. Other retirement systems, retirement associations or other entities may, in the sole discretion of the Retirement Office, have access to:
 - a. Information regarding the administration of the Retirement Office on the subject requested;
 - b. Benefit analysis;
 - c. Aggregate information;
 - d. Employment practices;
 - e. Verification of service credit for a service purchase in another public retirement system or association upon written request by a public retirement system or association.
 8. Financial institutions, housing authorities, nursing homes or other similar entities providing services to the member, participant, alternate payee, beneficiary or retiree which requests benefit, income, or account balance verification shall have access to the necessary portion of a member's, participant's, alternate payee's, beneficiary or retiree's account information if written authorization is provided by the member, participant, or retiree which has been signed within 12 months of the

- request for information by the third party.
9. The filing of a Request for Board Action or written response to Notice of Board Action, when signed by a member, participant, retiree, employer, or their attorney, shall constitute a request for information and authorizes URS to release to the member, participant, employer, or their attorney, all information required to be disclosed by the Utah Rules of Civil Procedure for discovery.

B. DISSEMINATION OF RETIREMENT AND DEFINED CONTRIBUTION INFORMATION

1. After a benefit becomes payable, retirement and defined contribution information provided pursuant to this resolution through the mail shall only be sent to an address listed on the member's, participant's, alternate payee's or retiree's account information. A request to change the address must be made in writing and signed by the member, participant, alternate payee or retiree, or such person's conservator, guardian, or attorney in fact which has been delegated such authority, or via the URS website if the member, participant, or retiree has a valid user identification and password. At the time a benefit is being processed, the Office may take reasonable steps to locate a member, participant, alternate payee or beneficiary and use addresses that the Office reasonably believes to belong to the member or beneficiary in question.
2. Except information provided pursuant to section A. 8, retirement and defined contribution information provided pursuant to this resolution by facsimile or through e-mail shall only be provided if the Retirement Office has a signed, notarized written authorization requesting retirement information in such format, or the member, participant, alternate payee, beneficiary or retiree has requested information via e-mail after registering their e-mail address using the URS website.
3. Retirement and defined contribution information provided pursuant to this resolution by telephone shall only be provided if the member, participant, alternate payee or retiree can demonstrate their identity through knowledge of personal information. If the member, participant, alternate payee or retiree cannot demonstrate such knowledge, retirement information shall not be divulged over the telephone.
4. Retirement and defined contribution information provided pursuant to this resolution through the URS website and interactive voice response system shall only be permitted if the member, participant, alternate payee or retiree has a valid user identification and password or PIN number.

C. GENERAL PROVISIONS

1. The Executive Director shall:
 - a. have the authority to approve the fee schedule for each of the departments within the Retirement Office; and
 - b. designate a public information officer and establish policies to manage

information requests.

2. The Executive Director may approve the dissemination of information, consistent with Title 49, in those cases which are not specifically covered by this Resolution.
3. All information disclosed pursuant to this Resolution shall carry out the purposes of Title 49.
4. Unless a release of information is otherwise authorized by this Resolution, the Retirement Office shall only honor subpoenas from the hearing officer hired by the Board, district courts of the State of Utah, and Federal courts and agencies having proper jurisdiction.
5. Consulting actuaries shall have access to any information reasonably necessary to perform an actuarial analysis. Consultants and vendors retained by URS shall have access to any information reasonably needed to accomplish the purpose for which the consultant or vendor was retained. A confidentiality agreement is required, if not provided by contract.
6. Independent auditors and legislative auditors shall have access to information reasonably necessary to accomplish an audit. A confidentiality agreement is required, if not provided by contract.
7. The legislature and governor's office shall have access to information which may assist the legislature or governor's office in their oversight responsibilities in passing applicable legislation (contribution rates, premiums, funding, etc.).
8. The federal government shall have access to:
 - a. Information requested by an IRS levy;
 - b. Information necessary to conduct an audit;
 - c. Information, upon written request which complies with federal law;
9. The following information is available to the public and shall be reasonably made available online:
 - a. Public Financial Information:
 - i. Comprehensive Annual Financial Reports;
 - ii. Summary Annual Reports; and
 - iii. PEHP Financial Statements;
 - b. Actuarial Reports:
 - i. Actuarial Valuation Reports;
 - ii. Actuarial Experience Studies; and
 - iii. Audits of Actuarial Consultant;
 - c. Contribution Rates;
 - d. URS Fiscal Analysis of Legislative Bills;
 - e. Administrative Board meeting agendas and minutes;
 - f. Information provided pursuant to Title 49, Chapter 11, Part 11, including Administrative Expenses and Compensation;
 - g. Board Resolutions;

- h. Publications designated for general release; and
 - i. General benefit information.
10. Any person may request a copy of the Utah Retirement Systems' public equity portfolio in accordance with Board Resolution 04-09.
 11. No person is entitled to access medical records, including independent medical examinations and life insurance health examinations, in the possession of the Retirement Office unless otherwise allowed by Board Resolution.
 12. Terms used in this resolution shall have the same meaning as in Title 49.
 13. This Resolution supersedes all prior Resolutions that in any way address the dissemination of information or documentation from the Utah Retirement Systems.