

**LEGISLATIVE EDUCATION STUDY COMMITTEE  
BILL ANALYSIS**

**Bill No:** HB 722a

**49th Legislature, 1st Session, 2009**

**Short Title:** Disclosure of Educational Retirement Info

**Sponsor(s):** Representative Jack E. Thomas and Others

**Analyst:** Eilani Gerstner

**Date:** March 12, 2009

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**AS AMENDED**

**The House Judiciary Committee amendment changes language to provide that whoever “knowingly” violates the provisions in the bill shall be guilty of a petty misdemeanor.**

**Bill Summary:**

HB 722 adds a new section to the *Educational Retirement Act* to protect confidential member information from unauthorized disclosure.

HB 722 specifies that the following member information may be disclosed to anyone without prior authorization:

- the names of members;
- the names of local administrative units employing those members;
- the dates of members’ employment, retirement, and reported death;
- members’ service credit; and
- reported salary and the amounts of contributions made by both members and local administrative units.

However, HB 722 prohibits the Educational Retirement Board (ERB) and its employees and contractors from disclosing additional member information to anyone other than:

- the member, the member’s spouse, or the member’s authorized representative;
- other persons specifically identified in a prior release and consent executed by the member, the member’s spouse, or the member’s authorized representative; or
- the Attorney General, appropriate law enforcement agencies, the State Auditor, the Public Education Department (PED), or the Higher Education Department (HED), if the information provided relates to contributions, payments, or management of money received by, or the financial controls or procedures of, a local administrative unit.

In addition, HB 722:

- prohibits a person who receives confidential member information as the result of a violation from disclosing that information to any other person unless authorized by an applicable confidentiality agreement; and
- makes any violation of the provisions in the bill a petty misdemeanor.

**Fiscal Impact:**

HB 722 makes no appropriation.

**Fiscal Issues:**

According to ERB, no additional funding is required to implement the provisions in the bill.

**Issues:**

Noting that the board houses a significant amount of confidential member information, ERB states in its analysis of HB 722 that enactment would “help protect sensitive data from disclosure, without affecting the ability of the public to access appropriate records.” ERB further notes that such protection is particularly important because of the increase in identity theft.

A related bill, SB 399, amends the *Educational Retirement Act* to authorize the director of ERB or the director’s designee to conduct an audit at any time of any local administrative unit in order to ensure compliance with the act and board rules. Although such audits could involve an examination of the type of confidential member information protected by HB 722, audit reports generally do not include information that is personally identifiable.

A nearly identical bill, SB 490, has been introduced in the Senate; however, HB 722 contains an additional semicolon not present in the Senate version.

**Related Bills:**

SB 399 *Local Educational Retirement Unit Audits*

SB 490a *Educational Retirement Info Disclosure* (nearly identical)