

CLEAN VERSION

Investments Policy No. 021 (Issue 2.0)
Requests for Personally Identifiable Information

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POLICY NO.	021	Issue No.	2.0
Committee:	Investment Comm.	Effective Date:	08/01/2019
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Approved			

By: _____
Chair of the Board

Subject: REQUESTS FOR PERSONALLY IDENTIFIABLE INFORMATION

REQUESTS FOR PERSONALLY IDENTIFIABLE INFORMATION

PURPOSES:

This policy has multiple purposes: First, to permit SBCERA to continue to access investment opportunities in connection with which requests for personally identifiable information ("PII") of SBCERA Trustees and employees may be made; second, to protect those Trustees and employees from the risk of personal harm that might flow from the provision of that PII; and third, to prevent conflicts in Trustees' and employees' interests under which they might be deterred from making certain investment decisions due to the risk of personal harm.

OPERATING CRITERIA

As used in this Policy, "Personally Identifiable Information" or "PII" means any of the following: 1) any information identified in California Business and Professions Code section 22577(a); 2) any SBCERA Trustees' or employees' telephone number, address, social security number, birthdate, any document containing such information, or an original or copy of any identifying card or document such as a driver's license, passport, utility bill, tax bill, or any similar document; or 3) any information or document that could, if misused, lead to or contribute to identity theft or other wrongdoing or financial or other harm toward the Trustee or employee providing the information.

- (1) In general, SBCERA's policy is to deny requests for Trustees' and employees' PII. PII will only be provided in unusually compelling circumstances. This policy should, in cases of doubt, be read narrowly to preclude any release of PII.
- (2) PII will not be provided unless it is demonstrated to the satisfaction of the Board, after consultation with its Chief Counsel and Chief Investment Officer, that all of the following are true:
 - (a) Such information must be provided as a legally mandatory condition of an investment that SBCERA otherwise intends to make, and, after diligent inquiry, neither the manager nor any regulatory agency requiring the information has discretion to waive or modify the requirement or accept any alternative;

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- (b) The investment is of such great value, after considering alternatives, and the risk in providing the PII is so slight to the individuals, that it would be a breach of fiduciary duty to decline the investment out of concerns over PII;
 - (c) The investment manager has offered reasonable assurances of the safeguarding of the PII, and a binding, strict liability indemnity promise in favor of those providing the PII against any harm flowing from its unauthorized release or use by anyone; and
 - (d) Each of the individuals whose information is requested agrees in writing to provide the information, on a purely voluntary basis.
- (3) All new investment management contracts in any form, and all such contracts amended after the effective date of this policy, shall include an indemnity clause obligating the manager to indemnify SBCERA Trustees and employees, on a strict liability basis, against any harm flowing from any release of PII. Such indemnity promise shall be insured, pursuant to a policy obtained by the manager that names any individual providing PII as an additional insured, evidence of which policy and endorsement shall be provided to SBCERA's Chief Counsel, if such policy is available on commercially reasonable terms.
- (4) SBCERA shall acquire and maintain appropriate insurance protecting its Trustees and employees against any losses from the release of their PII that is not covered by an investment manager's indemnity promise, so long as the cost and terms of such policy are reasonable.