

### Purpose

To fulfill TRS' responsibility to provide accurate, consistent information (as authorized under the law) to government officials and external contacts, including members of the public.

### Core Values:

This policy ties to the values of Member Focus; Ethics; Accountability because it sets forth TRS' dedication to ensuring trustee materials and communication are engaging and accessible. It also ties to values that mandate ethical and accountable behavior of those who represent TRS.

### References:

- Tex. Gov't Code §§ 551.001 et seq. [Open Meetings Act]
- Tex. Gov't Code § 552.002 [Definition of Public Information]
- Tex. Gov't Code § 552.0038 [Public Retirement Systems Subject to Law (Confidentiality of Records)]
- Tex. Gov't Code § 821.008 [Purpose of Retirement System]
- Tex. Gov't Code § 825.315 [Prohibited Use of Assets]
- Tex. Gov't Code § 825.507 [Record Confidentiality]
- Tex. Gov't Code § 825.513 [Information for Publication]
- Tex. Ins. Code § 1575.456 [Confidentiality of Records]
- Tex. Ins. Code § 1579.005 [Confidentiality]

**Applies to:** TRS Trustees

### Definitions:

**External Communication:** For the purposes of this policy, the term "external communication" refers to communication with non-TRS parties in any form (whether written, oral, electronic [including but not limited to: text messages, email, instant messaging, use of social media or telephone calls and voice messages], or in other form) that relates to TRS business or operations if the communication involves information that is available to the trustee as a result of their position as a member of the TRS Board of Trustees (the Board). Written communications, regardless of whether the communication is from a TRS device or a personal device, may be subject to the Public Information Act. In addition, for all Trustee communications, the Open Meetings Act governs.

For the purposes of this policy, External Communication regarding TRS business does not include the following:

- Communication with a TRS employee or contract worker, or a third party retained by TRS, such as an agent, consultant, vendor, financial services provider, broker, or legal advisor;
- Communication related to fulfilling due diligence requirements regarding an existing or prospective investment;
- Communication related to fulfilling fiduciary duties in making a report to appropriate law enforcement authorities or investigative bodies;
- Communication compelled by a subpoena; or
- Communication related to informal, collaborative exchanges such as participating at a professional conference as a general consultant.

**Government Official:** For the purposes of this policy, a government official includes anyone appointed or elected to a position in state or federal government, including employees of government agencies, entities, or bodies.

**Individual Capacity:** For the purposes of this policy, individual capacity refers to those instances in which a trustee is not serving in his or her TRS capacity. For example, these instances may include when the trustee is acting on a personal interest or as an agent of their employer. In those cases, the trustee's connection to TRS would generally not appear in marketing materials regarding the speaking event.

During a public appearance, a trustee should clarify the capacity in which they are attending. The trustee may need to remind Media Representatives that the Board speaks only as a body through actions taken in open meetings and that the trustee is providing his or her own opinion (i.e., no individual trustee speaks for or binds the Board or retirement system).

**Media Representative:** For the purposes of this policy, a media representative includes anyone who identifies themselves as an employee of a news outlet, who is known by the trustee to be an employee of a news outlet, or who identifies themselves as involved with the preparation of material relating to TRS that could appear as a news release, newspaper, magazine, newsletter, journal, book, report, radio broadcast, television program, Web site, webcast, blog, podcast, message board or other method of mass communication.

**Member Association:** For the purposes of this policy, the term "member association" includes any educational or professional, non-profit, or for-profit organization or group that comprises or represents:

- Plan participants (including retirees) or beneficiaries; or
- Reporting entities or employees, trustees, or agents of reporting entities.

## Policy Statement

The members of the Board are committed to providing timely, accurate, and responsive information in all External Communications. The Board requires its members to act in accordance with this policy, consider their fiduciary duty, use professional judgment, and base External Communications on information that TRS has released to the public (or information TRS has provided to trustees for the purpose of External Communications). Trustees should not post comments on social media sites regarding official TRS business. Rather, they should contact the TRS Communications Division if they believe TRS should post such information. Trustees should discuss any potentially sensitive or non-routine External Communication or situations not addressed elsewhere in this policy with the Executive Director or their delegate in advance. Additionally, it is considered good practice to inform the Communications Division of such actions for awareness.

## Public Appearances

Trustees should coordinate public appearances through the TRS Board Secretary, who will notify the TRS Communications Division if the invitation is due to the individual's position as a TRS trustee or is on topics encompassed by the individual's responsibilities as a trustee. Public appearances include:

- Speaking engagements;

- Appearances at a public event;
- Presentations before a public body or Member Association; and
- Communication that occurs in any setting that may be reasonably expected to include a Media Representative.

Further, trustees are responsible for ensuring that their remarks in such settings:

- Comply with applicable law, their ethical obligations, and TRS' contractual obligations;
- Are consistent with the established positions of the Board and
- Include only information that TRS has released to the public (or that TRS has provided to trustees for this purpose).

If the appearance or presentation is unscheduled or impromptu, trustees should follow the same protocol for their remarks and inform the TRS Board Secretary, who will notify the TRS Communications Division as soon as is feasible after the appearance.

If a trustee participates as a speaker or panel member in an Individual Capacity, any factual remarks related to TRS business, or operations must be:

- Consistent with the trustee's fiduciary responsibilities; and
- Based on information that TRS has released to the public (or that TRS has provided to trustees for this purpose).

In such circumstances, any opinions the trustee expresses regarding TRS business or operations must be preceded by a statement that they are strictly those of the trustee in their Individual Capacity and do not represent official TRS opinion or policy.

## **Contact with Government Officials**

The Executive Director handles contact with:

- Government Officials;
- State and federal legislative offices; and
- State and federal agencies

regarding the established positions or actions of the Board. When Government Officials request the presence of a member of the Board, the Chair of the Board (or in their absence, the Vice-Chair) will normally attend with the Executive Director, unless in the opinion of the Executive Director, another trustee would be better suited to the purpose of the meeting. If a trustee has been specifically requested by a Government Official they will attend with the Executive Director.

In the event a Government Official contacts a trustee directly about TRS business or operations, the trustee must inform the Executive Director to help ensure consistency and coherency of the information relayed to officials. When trustees provide factual information about TRS business or operations during such contacts, it should be that which TRS has previously released to the public (or that TRS has provided to trustees for this purpose). The Executive Director will communicate information regarding trustee contacts with Government Officials to other members of the Board.

## **Media Relations**

The TRS Communications Division issues or arranges all agency responses to media inquiries, whether received by phone, email (or other electronic communication media) or

in person. Trustees should direct all such requests from Media Representatives to the TRS Communications Division.

To ensure consistency and coherency of the information relayed to the media, any trustee who agrees to respond to or speak with a Media Representative regarding TRS business or operations should:

- Coordinate such contact with the TRS Communications Division in advance;
- Arrange for a member of the TRS Communications Division to participate in the discussion with the Media Representative, if the Chief Communications Officer believes it is advisable; and
- Base any factual comments on information that TRS has previously released to the public (or that TRS has provided to trustees for this purpose).

When time does not permit trustees to coordinate with the TRS Communications Division in advance, trustees must provide information regarding the contact as soon as possible thereafter.

If a trustee speaks to a Media Representative in an Individual Capacity, any factual remarks related to TRS activities or operations must be based solely on information that TRS has released to the public (or that TRS has provided to trustees for this purpose). When trustees express opinions in such circumstances, they must first state that the opinions expressed are strictly those of the trustee in his or her Individual Capacity and do not represent official TRS opinion or policy.

## **Written Material**

All written materials distributed or provided by TRS must comply with state law, including but not limited to specific confidentiality requirements under Government Code § 825.507, the State Pension Review Board requirements under Government Code § 825.513, the confidentiality of certain investment information under Government Code 552.143, attorney/client privilege, and the Public Information Act requirements.

Whenever possible, trustees should use official TRS publications for External Communication purposes. If a trustee is preparing written material related to TRS for an External Communication, they should submit the material to the TRS Communications Division prior to delivery or publication for the purposes of fact-checking and editing. By state law, trustees may not use TRS assets or resources to advocate benefit increases or changes to legislation.

**Note:** Any record of TRS (including email), regardless of the communication device used, may become subject to disclosure to a participant or the public under the Public Information Act.

Trustees are not required to submit written material that expresses only their individual opinion to the TRS Communications Division prior to delivery or publication. However, the trustee opinion should include a statement or make it clear that they are strictly those of the trustee in their individual capacity and do not represent official TRS opinion or policy. Such material must be consistent with the trustee's fiduciary responsibilities, and if any reference is made to TRS business or operations, any factual remarks must be based on information that TRS has released to the public (or that TRS has provided to trustees for this purpose). Trustees should be mindful of the public's difficulty in separating the role of trustee from that of the individual. Trustees should submit courtesy copies of such material to the Executive Director or their delegate for informational purposes.

## Training

The TRS Communications Division develops and conducts media protocol training for new trustees and on an as needed basis regarding External Communication.

**Violations:** A violation of this policy may result in corrective action.

## Cross Reference/Related Documents:

TRS Social Media Policy, TRS Member and Employer Outreach Plan, TRS Member Engagement Policy, and TRS Board of Trustees Ethics Policy

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*This policy does not constitute a contract nor a guarantee of employment and may be modified, superseded, or eliminated by TRS without notice to the employee. This policy supersedes all previous policies on this subject.*