

LEGISLATORS' DEFINED BENEFIT PLAN

MEMBER HANDBOOK

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Overview



The Legislators' Retirement System (LRS) was designed especially for the needs of State legislators. Prior to the creation of the LRS in 1989, State legislators participated in the general PERF retirement plan. The LRS includes a Defined Benefit (LE DB) Plan and a Defined Contribution (LE DC) Plan. Your participation in one or both plans will depend on **when** you served in the Indiana General Assembly.

1.1 Indiana Code Governing LRS

The laws and regulations governing the Indiana LRS may be found in the Indiana Code, IC 2-3.5.

NOTE: The content of this reference manual does not constitute legal advice, and nothing herein should be considered a legal opinion. In the event of a discrepancy between information in this reference manual and the laws of the state of Indiana, the applicable law shall apply.

1.2 Legislators' Retirement System Member Handbooks

The LRS has been split into two handbooks:

- The *LRS Defined Benefit (LE DB) Plan Member Handbook*.
- The *LRS Defined Contribution (LE DC) Plan Member Handbook*.

This handbook covers the **LE DB** plan.

1.3 Administration of System and Funds

Effective July 1, 2010, the board of trustees of the Indiana State Teachers' Retirement Fund ("TRF") and the Public Employees' Retirement Fund were required to appoint and compensate a common director for TRF and PERF. Effective July 1, 2011, the Indiana Public Retirement System ("INPRS") was established under Indiana law. INPRS administers LEDB.

INPRS administers sixteen funds of which eight are defined benefit (DB), five are defined contribution (DC), two are other post-employment benefit, and one is custodial. PERF Hybrid is administered by INPRS. INPRS combined membership totals over 500,000 members representing more than 1,250 participating employers including public universities, school corporations, municipalities, and state agencies.

For a listing of all the funds and additional information about each fund, visit the Annual Reports page of the INPRS website.

1.4 Board of Trustees

INPRS is governed by a nine-member Board of Trustees, appointed by the Governor. Board members serve as "fiduciaries" of the Fund, which means they are legally bound to make investment decisions with your best interest in mind. The executive director carries out the policies set by the Board and administers the Fund on a daily basis IC 5-10.5.

1.5 INPRS' Vision, Mission, and Values

Mission: Engaged members able to realize their retirement dreams.

Vision: As fiduciaries, educate stakeholders, collect necessary contributions, and prudently manage member assets to deliver promised DB and DC benefits and services.

Values: INPRS believes people are the foundation of our success. It takes people with different backgrounds, ideas, and strengths to be successful. Success is built upon accountability, commitment, constructive conflict, and trust.

1.6 Contacting INPRS

Information about LRS can be found on the INPRS website: www.in.gov/inprs. Go to Plan Info at the top of the navigation menu, and then select Legislators. You can review (frequently asked questions FAQs), quick reference guides (QRGs), and more on the INPRS website.

If you need additional information, have questions, or need assistance, feel free to contact the Member Service Center at (844) GO-INPRS (844-464-6777). For TDD call (800) 579-5708. INPRS Member Advocates are available weekdays (excluding weekends and state-designated holidays) from 8 a.m. to 8 p.m. ET. You can also submit inquiries via email to questions@inprs.in.gov.

Changes to your account can be made by logging into your account at myINPRRetirement.org.

Forms to complete and return can be found <https://www.in.gov/inprs/forms/perf-member-forms/>.

Lastly, you can send requests and/or completed forms to INPRS at One N. Capitol, Suite 001, Indianapolis, IN, 46204. INPRS lobby hours are 8:30 a.m. to 4:30 p.m. ET Monday through Friday.



2.1 Eligibility

The LE DB Plan applies only to legislators who were members of the General Assembly on April 30, 1989, and chose to participate. At that time, you had the option of joining both the LE DB Plan and the LE DC Plan of LRS. LRS members who began after April 30, 1989, participate in the LE DC only.

If your employment in the General Assembly was completed on or before April 30, 1989, you will continue as a member of the Public Employees' Retirement Fund (PERF) Hybrid. You will **not** participate in the LRS.

2.2 Employer & Member Contributions

There are no employer or member contributions made to the LE DB Plan.

2.3 Investment Options

There are no investment options for the LE DB Plan.

2.4 Member Service Credit

Creditable service for the LRS DB retirement benefit is the total years of service completed by a member of the General Assembly before November 8, 1989.

Service credit accrues for vesting and benefit eligibility purposes as long as you remain a member of the General Assembly after November 8, 1989.

Service credit cannot be purchased or transferred into or out of the LE DB Plan.

2.4.1 Military Service

The [Uniformed Services Employment and Re-Employment Rights Act \(USERRA\)](#) was enacted after the Defined Benefit Plan was closed in 1989 and therefore does not apply.

2.4.2 Family and Medical Leave Act (FMLA)

The [Family and Medical Leave Act \(FMLA\) \(29 USC 2601, et seq.\)](#) was enacted after the Defined Benefit Plan was closed in 1989 and therefore does not apply.

2.5 Vested Status

You are vested in the LE DB once you have earned 10 years of service credit as a member of the General Assembly with at least one full year of service prior to November 8, 1989. You qualify to receive the retirement benefit when you end employment and meet the conditions for eligibility.

2.6 Personal Information

Your name and address on file in INPRS's records is the primary contact information maintained by INPRS. You can report any change in demographic information and beneficiary information by contacting the INPRS. See chapter 1 for INPRS contact information.

NOTE: As long as you have assets with the LRS, it is critical that you keep INPRS informed of any changes to your name, addresses, or beneficiaries.



3.1 Withdrawal

Withdrawal means leaving the LE DB Plan for a reason other than death or disability without regard to being vested or not vested.

3.2 Distributions

If you are a member of the General Assembly who also has service credit prior to November 8, 1989, in the LE DB Plan, you do not forfeit the right to a retirement pension benefit from that plan by taking a distribution from your LE DC Account. See the *LRS LE DC Plan Member Handbook* for more information.

3.3 Loans

Loans are not applicable for the LE DB Plan.



This section includes information about retirement benefits for the LRS LE DB Plan. If you wait to submit your retirement application and you qualify to receive retirement benefits, by law INPRS can only pay up to **6 months** of retroactive benefits.

4.1 Retirement Eligibility

The LE DB Plan applies to you if you were a member of the General Assembly who was serving on April 30, 1989, and who filed an election to be covered by LRS. If you serve at least 10 years in the General Assembly, you are eligible to receive a retirement benefit upon separation of employment and attaining age eligibility. The retirement benefit amount is based on the total years of service credit completed by you as a member of the General Assembly before November 8, 1989.

4.2 Retirement Effective Date

As a member of the LRS the effective date of your retirement is the first of the month following your last date of employment for the State of Indiana, or your age eligibility date, whichever is later. When completing the retirement application online, it will default to the first day of the month.

4.3 Retirement Options

All Defined Benefit payments from the LRS are calculated as a Joint and 50% Survivor defined benefit. The Deferred Retirement Option Plan (DROP) is not available for members.

4.3.1 Regular Retirement with a Full (Unreduced) Retirement Benefit

If you meet the eligibility requirements you are entitled to a lifetime monthly retirement benefit if you have terminated employment as a member of the General Assembly and, also, **met one of the following** requirements:

- Are at least age 65 and have 10 years or more of service credit as a member of the General Assembly.
- Are at least age 60 and have at least 15 years of service credit as a member of the General Assembly.
- Are at least age 55 and your years of service credit as a member of the General Assembly, plus your years of age, equal at least 85 (Rule of 85).

Having met one of the conditions above, a member is entitled to a lifetime pension benefit if **all the requirements below** are met:

- Member's employment in the general assembly has ended.
- Member has at least 10 years of service credit as a member of the General Assembly.
- Member is not receiving, nor entitled to receive, pay from the State for work in any capacity.

NOTE: To receive full retirement benefits, you cannot have previously received a reduced monthly benefit under this plan.

4.3.2 Early Retirement with a Reduced Retirement Benefit

The LRS DB Plan provides a reduced monthly benefit for life to qualified members. If you want to retire early, your retirement benefit will be reduced using a formula based on your age. You may receive early retirement as long as you:

- Are at least age 55, and

- Have achieved vested status, or 10 years of creditable service in the General Assembly, and
- Have ended employment in the General Assembly, and
- Are not receiving, nor entitled to receive, pay from the State for work in any capacity.

4.3.3 Disability Pension Benefits

You are considered **disabled** if the INPRS board receives proof of qualification for Social Security disability or federal civil service system disability. A disability benefit will continue while the disability exists. The benefit is calculated as though you qualify for a retirement benefit at age 65. If you are eligible for a disability benefit, your disability must be verified by INPRS one time each year until you reach age 65.

Disability Eligibility

If you become disabled while actively employed as a member of the General Assembly, you may receive a disability benefit if you **meet the following**:

- Have at least 5 years of service credit as a member of the General Assembly, and
- Are qualified for Social Security disability benefits, or disability benefits under the federal civil service system, and provide proof of your qualification to INPRS; and
- Provide proof of Social Security disability benefits.

Disability Ineligibility

Benefits may not be provided for a disability resulting from a deliberate or a self-inflicted injury or attempted suicide while sane or insane, or the member committed or attempted a felonious act.

4.4 Calculating Retirement Benefits

Members' monthly retirement benefits at age 65 are the lesser of one of the following:

- Forty dollars (\$40) multiplied by your total years of service credit in the General Assembly before November 8, 1989, or
- The highest consecutive 3-year average yearly pay credited to your service as a legislator. Your W-2 federal income tax withholding statement is used to decide your yearly pay. Your benefit is decided without consideration of any salary reduction agreement established under Section 125 of the IRS Code, at the date your employment as a member of the General Assembly ends. This amount is divided by 12.

4.5 Direct Deposit

Direct deposit is the required method to distribute benefit payments. On the same day each month, your payment will be deposited directly into your specified account. You will receive an annual notice of deposits. You can update your direct deposit information online at any time. The direct deposit form is completed and submitted from your online account.

4.6 Returning to Employment in the General Assembly

If you are receiving retirement benefits under the LRS DB plan and you return to the General Assembly, your retirement benefits will stop. When you retire again or upon your death, the benefit will be recalculated on an actuarial basis taking in to account the following:

- Your benefit payments previously received, and
- The date that you ended employment as a member of the General Assembly.

4.7 Retirement Application Requirements

You will need to submit your retirement application to INPRS at least 90 days before you plan to retire. To complete your retirement application, you will access your account online and follow the prompts and instructions provided.

- **Confirm Personal Information** – your address and personal information as requested.
- **Choose Your Retirement Date and Plan** – provide your retirement date and retirement type as requested (options will be limited by the Plan and date entered).
- **Survivor Designation** – enter your survivor information as requested.
- **Tax Notices** – enter information and make selections for state, federal, and local, as applicable.
- **Direct Deposit** – provide the requested information.
- **Required Documents** – upload any additional document as applicable or as required.

Upload a copy of your birth certificate, registration from the public health department, court decree, or other evidence relating to your date of birth upon board approval, and if married, copy of your spouse's birth certificate.

NOTE: You will only be taxed on your benefit payments when you receive your distribution.

4.8 Benefit Overpayment or Underpayment

INPRS is required by federal and state law to correct any errors in benefit calculations. If you receive an overpayment because of an error, INPRS must recover the overpayment. If you are underpaid, you will receive an additional payment from INPRS.



Beneficiary refers to the person or institution designated to receive all or part of your retirement benefits upon your death. A *survivor* refers to the person who receives a survivor retirement pension benefit upon your death.

NOTE: All marriages are recognized regardless of gender.

5.1 Beneficiaries

Your account will be paid to your designated beneficiary or beneficiaries if you die either while a member of the General Assembly or after ending employment without having withdrawn your account from the LRS DB fund. The amount paid will be the fair market value of your account upon the date of distribution. If there is no beneficiary, or if the beneficiary precedes you in death, the account will be paid to your:

- Surviving spouse,
- Surviving dependent(s), if there is no surviving spouse; or,
- Estate if there is no surviving spouse or surviving dependent.

5.2 Survivor Benefit

The LE DB Plan survivor benefits are paid per IC 2-3.5-4-6. If you have completed 10 years of creditable service as a member of the General Assembly or die while receiving benefits under the LRS, your surviving spouse is entitled to receive a survivor benefit. Your spouse is entitled to the benefit regardless of your age or if you had a permanent disability and were receiving benefits.

Your surviving spouse is entitled to 50% of the amount you were receiving at the time of death, or the retirement benefit amount you would have been entitled to receive at age 55 or your date of death, whichever is later.

If your spouse would have qualified for a benefit, but your spouse precedes you in death, upon your death your dependent child is entitled to the same benefit your spouse would have received.

5.2.1 Dependent Child Benefit

If your surviving spouse dies while receiving the survivor benefit and a dependent child of both the surviving spouse and the deceased member survives, the dependent child will receive that same benefit the member's spouse would have received. If there is more than one dependent child, the benefit will be divided equally. Each dependent child will receive this benefit until the age of 18 or during the entire period of the mental or physical disability using disability guidelines established by the Social Security Administration, whichever period is longer. (IC 2-3.5-4-7)

5.3 Survivor Benefit Application Requirements

To process a survivor benefit, the following must be completed and submitted to INPRS:

- Survivor benefit application (Legislators Retirement System Survivor Benefit Application) available from the Forms page of the INPRS website,
- Death certificate of deceased member,
- Birth certificates of any survivors, (for surviving child claims),
- Birth certificate of member, if not already on file at INPRS,
- Copy of marriage certificate and confirmation that the deceased was married to the spouse at the time of death (for surviving spouse claims),
- Request for direct deposit of benefits.



6.1 Taxation of Monthly Benefits

The monthly benefit payable from the LRS LE DB Plan is taxable income. The plan will report the taxable income associated with your benefits to you each year on the Internal Revenue Service (IRS) Form 1099-R.

Each year, INPRS mails 1099-R forms to all benefit recipients by January 31. The 1099-R form lists the total amount of benefits received during the year, the taxable and non-taxable amounts. INPRS can also withhold federal, state, local, and city taxes. If you do not complete tax withholding forms at the time of your retirement, you may do so at any time.

NOTE: The tax rules are complex. If you need more information, you should obtain IRS Publication 575. If you need more help, you should contact your local IRS office or a tax consultant.

6.2 Cost of Living Adjustments (COLAs)

A cost-of-living adjustment is an increase made to your monthly pension benefit payment to help if the cost of living is more than when you retired. COLAs must be actuarially funded, are not automatic, and the General Assembly must pass legislation granting a COLA.

6.3 13th Check Supplemental Payment

The 13th check is a lump sum, single payment INPRS makes to retired members. The 13th check is actuarially funded, is not automatic in Indiana, and the General Assembly must pass legislation granting the 13th check.

For calendar year 2024, a member who retired on or before December 1, 2023, and was entitled to a benefit on July 1, 2024, will receive a 13th check. The 13th check shall be payable no later than October 1, 2024. Survivors or beneficiaries of these members are included.

6.4 Required Minimum Distribution (RMD) Information

The Internal Revenue Service (IRS) requires you to take required minimum distribution (RMD) if you have an interest in a pension benefit. [Section 401\(a\)\(9\)](#) of the Internal Revenue code (IRC) requires INPRS to begin paying distributions of your benefit starting April 1 of the calendar year following the latter of when you obtain the RMD age specified by the IRS or separate from employment:

RMD Age	Condition(s)	Source
70 1/2	Reach age 70 ½ before 01/01/2020	Pre Secure Acts
72	Turn 70 ½ on and after 01/01/2020	Secure 1.0
73	Turn 72 on and after 01/01/2023 & reaches 73 before 01/01/2033	Secure Act 2.0
75	Turn 74 on or after 01/01/2033	Secure Act 2.0

- Anyone who turned 72 in 2022 or earlier follows the old rules. Those who turned 72 in 2022 had to take their first RMD no later than April 1, 2023.
- Those who turn 72 in 2023 and any time through 12/31/2032 (born from 1951 to 1959) must take the first RMD by April 1 of the year after they turn age 73.
- Anyone born in 1960 or later must take their first RMD by April 1 of the year after they turn age 75.

If the benefit does not begin in a timely fashion, the IRS will impose a 25% penalty on the member due to a late distribution. The IRS could reduce that penalty to 10% if the member receives a distribution within a correction window.

You must complete the online retirement application through the Retirement Application Center (RAC) from your online account at myINPRSretirement.org. If the application is not completed on time, RMD payments will automatically begin if you have separated from employment and have not begun the distribution process.

If INPRS does not receive the application by December 31, and the member meets the RMD requirements described in federal law and above, INPRS will undertake to contact you to set up the RMD for distribution of any retirement and/or DC and/or Rollover-Pre-Tax Contribution funds to which you are entitled.

Furthermore, INPRS is required to adjust the benefit for any IRS imposed penalties. See 35 IAC 14-7-7 for more detailed information regarding INPRS's RMD process.

6.5 Administrative Review Process

NOTE: This information is only a guide and neither a substitute for, nor intended as legal advice.

If you disagree with the action or final determination by INPRS staff, and no alternative resolution is available, you may request administrative review under the Administrative Orders and Procedures Act (IC 4-21.5). You must have standing as a party or a right to intervention to request administrative review.

6.5.1 Initial Determination

You must petition INPRS in the form of a letter to request a review of the action or final determination with which you disagree. This letter should specifically state the basis of your disagreement and include sufficient facts so that INPRS can evaluate your request for review. You should include copies of any supporting documents. For a sample format of this member petition, see form Step 1: Member Petition for Administrative Review of Staff Action/Determination available on the INPRS website. You will need to complete the form and submit it to INPRS, Attn: Administrative Review, One North Capitol, Suite #001, Indianapolis, IN 46204, or by emailing the form to AdministrativeReviews@INPRS.in.gov.

Once an evaluation has been completed, you will be notified with an initial or amended determination letter, sent by certified mail. The letter will indicate INPRS' initial or amended determination and provide supporting justification. In addition, INPRS will provide explicit instructions should you want to appeal. Indiana law sets forth specific timelines to appeal a decision. Should your appeal be received after the appeal deadline, under Indiana law, the initial or amended determination will become final, and you will forfeit any future claims specific to that particular outcome. As noted, many processes and procedures followed by INPRS are statutory, meaning INPRS does not have the discretion to act outside of the law in granting a benefit that federal and/or state law does not permit.

6.5.2 Administrative Law Judge

If you disagree with the initial or amended determination explained in the above section and want to further challenge, you may request to bring the matter before an Administrative Law Judge (ALJ). To initiate this process, you must file a petition for review with the INPRS Executive Director and you must file a petition using the form available from the Your Right to Administrative Review page on the INPRS website.

These are the available forms and instructions:

1. Complete Member Petition for Administrative Review of Staff Action or Determination
2. Petition for Review by ALJ
3. General outline for ALJ review

Complete and return the form (Step 1 or Step 2) to INPRS at AdministrativeReviews@INPRS.in.gov or the address provided on the form. It is recommended that you retain copies of the submitted documents for your records.

The petition for review:

- Must meet the statutory requirements set forth in [IC 4-21.5-3-7\(a\)](#); AND
- Must be filed within 15 days after you have received the written notice of the INPRS initial determination letter. ([IC 4-21.5-3-7\(a\)](#)).

If your petition for review meets the statutory requirements, INPRS will arrange for an administrative hearing of your case, which is similar to a trial in a lawsuit, but is conducted in less formal manner ([IC 4-21.5-3-25\(b\)](#)). You may be represented by counsel, but there is no requirement that you obtain representation. INPRS is not responsible for costs associated with your representation. The ALJ who conducts the review will consider the evidence concerning the administrative action/decision. For a detailed outline of the ALJ review process, see the General Outline for Administrative Law Judge (ALJ) Review available on the INPRS website.

At the conclusion of the administrative hearing process, the ALJ will issue a Finding of Facts and Conclusions of Law and written order concerning the action or decision that you are challenging ([IC 4-21.5-3-27](#)). The ALJ's order is then subject to review by the INPRS Executive Director. On behalf of the Board of Trustees, the Executive Director will issue a final order that affirms, modifies, or dissolves the ALJ's order ([IC 4-21.5-3-29\(b\)](#)).

6.5.3 Judicial Review

If you are still in disagreement at the conclusion of the administrative review, you may seek judicial review within 30 days of receipt of the final order (IC 4-21.5-5). A reviewing court will examine only those disputed issues of fact that appear in the agency record of the appeal. The trial court may not retry the appeal or substitute its judgment for that of agency (IC 4-21.5-5-11).

See the Administrative Review Regulations available on the INPRS website for a list of all relevant IAC references.

6.6 Power of Attorney

INPRS honors requests and directions from a lawful holder of a Power of Attorney document for you. This individual is known as the attorney-in-fact. The Power of Attorney must grant the attorney-in-fact the authority to transact business of the type requested. For instance, if the Power of Attorney document grants the attorney-in-fact broad discretion to handle all banking and financial transactions, INPRS will accept directions regarding benefit payments. If, on the other hand, you grant what is known as a Health Care Power of Attorney, the attorney-in-fact does not have the authority to direct INPRS on any matter, even something as simple as an address change.

If you want to name a Power of Attorney for fund business only, without incurring the expense of legal counsel, INPRS can provide a [Limited Power of Attorney for Members and Recipients \(State Form 49614\)](#).

However, this Power of Attorney applies only to fund business and is not valid for general public use. To receive a copy of this form to be completed and returned to the address on the form, contact INPRS.

If an attorney-in-fact attempts to act on your behalf, INPRS will require a copy of the Power of Attorney. If a copy of the Power of Attorney is not in your file, the requested transaction will be denied. The denial will then be returned to the attorney-in-fact, requesting proof of legal authority to act on your behalf.

NOTE: Indiana law has very specific requirements for a Power of Attorney to be valid. Your signature must be witnessed and attested to by a Notary Public. Further, the Notary Public must sign the document along with the attorney's printed name and notarial seal.

6.7 Guardian

INPRS honors requests and directions from a legally appointed guardian of your estate. Before INPRS can recognize acts of a guardian, INPRS must receive copies of the Letters of Guardianship and/or other official court documents appointing the guardian. A guardian is appointed only when you are declared incompetent by a court of law while you are under an active guardianship and unable to act on your own behalf. INPRS will not recognize your acts until provided proof that your right to act on your own behalf has been restored.

6.8 Access to Records

Member Records & Confidentiality

Your records are confidential by law. INPRS will only release your name, fund, and years of service. Member records are not public records.

INPRS can provide information from your records to you, or to one of the following:

- a guardian,
- a representative of your estate,
- an attorney-in-fact (aka Power of Attorney or POA),
- someone to whom you have given express written permission, or
- someone named by a court order.

Indiana law, 35 IAC 1.2-1-5 and IC 5-10.5-6-4, outlines INPRS confidentiality rules and allows INPRS, at its discretion, to provide member information to:

- members of the Indiana General Assembly,
- state agencies,
- quasi-governmental agencies,
- any person with the member's written permission, including a Power of Attorney,
- an active member's employer,
- a deceased member's personal representative with Letters Testamentary or a beneficiary, according to a small estate affidavit,
- to follow state or federal law, a subpoena, legal discovery under the Indiana trial rules or Orders and Procedures Act or other court order.

Public Records

INPRS is committed to making public records available upon request. To get information about submitting a request, you can call (844) GO-INPRS (844-464-6777). All requests for public records must be submitted through the online portal at: <https://in.accessgov.com/inprs-apra>.