

Bylaw 9011: Disclosure Of Confidential/Privileged Information**Status:** ADOPTED

Original Adopted Date: 03/01/1988 | **Last Revised Date:** 11/01/2002 | **Last Reviewed Date:** 11/01/2002

The Governing Board recognizes the importance of maintaining the confidentiality of information acquired as part of a Board member's official duties. Confidential/privileged information shall be released only to the extent authorized by law.

Disclosure of Closed Session Information

A Board member shall not disclose confidential information acquired during a closed session to a person not entitled to receive such information, unless a majority of the Board has authorized its disclosure. (Government Code 54963)

Confidential information means a communication made in a closed session that is specifically related to the basis for the Board to meet lawfully in closed session. (Government Code 54963)

The Board shall not take any action against any person for disclosing confidential information, nor shall the disclosure be considered a violation of the law or Board policy, when the person is: (Government Code 54963)

1. Making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts necessary to establish the illegality or potential illegality of a Board action that has been the subject of deliberation during a closed session
2. Expressing an opinion concerning the propriety or legality of Board action in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action
3. Disclosing information that is not confidential

Other Disclosures

A Board member shall not disclose, for pecuniary gain, confidential information acquired in the course of his/her official duties. Confidential information includes information that is not a public record subject to disclosure under the Public Records Act, information that by law may not be disclosed, or information that may have a material financial effect on the Board member. (Government Code 1098)

Disclosures excepted from this prohibition are those made to law enforcement officials or to the joint legislative audit committee when reporting on improper governmental activities. (Government Code 1098)

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

Ed. Code 35010

Description

[Control of district; prescription and enforcement of rules](#)

Ed. Code 35146

[Closed sessions regarding suspensions](#)

Evid. Code 1040

[Privilege for official information](#)

Gov. Code 1098

[Disclosure of confidential information](#)

Gov. Code 3549.1

[Meeting and negotiating in public educational employment](#)

Gov. Code 54950-54963

[The Ralph M. Brown Act](#)

Gov. Code 54956.8

[Open meeting laws](#)

Gov. Code 54956.9

[Closed meeting for pending litigation](#)

Gov. Code 54957

[Complaints against employees; right to open session](#)

Gov. Code 54957.1

[Subsequent public report and rollcall vote; employee matters in closed session](#)

Gov. Code 54957.5

[Public records](#)

Gov. Code 54957.6

[Closed session; representatives with employee organization](#)

Gov. Code 54957.7

[Reasons for closed session](#)

Gov. Code 54963

[Unauthorized disclosure of confidential information](#)

Gov. Code 7920.000-7930.170

[California Public Records Act](#)

Management Resources**Description**

Attorney General Opinion

80 Ops.Cal.Atty.Gen. 231 (1997)

CSBA Publication

Professional Governance Standards

Website

[CSBA District and County Office of Education Legal Services](#)

Website

[CSBA](#)

Cross References**Code****Description**

0450

[Comprehensive Safety Plan](#)

0450	<u>Comprehensive Safety Plan</u>
1100	<u>Communication With The Public</u>
1312.3	<u>Uniform Complaint Procedures</u>
1312.3	<u>Uniform Complaint Procedures</u>
1312.3-E(1)	<u>Uniform Complaint Procedures</u>
1312.3-E(2)	<u>Uniform Complaint Procedures</u>
1340	<u>Access To District Records</u>
1340	<u>Access To District Records</u>
2120	<u>Superintendent Recruitment And Selection</u>
2121	<u>Superintendent's Contract</u>
3580	<u>District Records</u>
3580	<u>District Records</u>
4112.5	<u>Criminal Record Check</u>
4112.5-E(1)	<u>Criminal Record Check</u>
4112.6	<u>Personnel Files</u>
4119.23	<u>Unauthorized Release Of Confidential/Privileged Information</u>
4119.42	<u>Exposure Control Plan For Bloodborne Pathogens</u>
4119.42	<u>Exposure Control Plan For Bloodborne Pathogens</u>
4119.42-E(1)	<u>Exposure Control Plan For Bloodborne Pathogens</u>
4143	<u>Negotiations/Consultation</u>
4143.1	<u>Public Notice - Personnel Negotiations</u>
4143.1	<u>Public Notice - Personnel Negotiations</u>
4212.5	<u>Criminal Record Check</u>
4212.5-E(1)	<u>Criminal Record Check</u>
4212.6	<u>Personnel Files</u>
4219.23	<u>Unauthorized Release Of Confidential/Privileged Information</u>
4219.42	<u>Exposure Control Plan For Bloodborne Pathogens</u>
4219.42	<u>Exposure Control Plan For Bloodborne Pathogens</u>

4219.42-E(1)	<u>Exposure Control Plan For Bloodborne Pathogens</u>
4243	<u>Negotiations/Consultation</u>
4243.1	<u>Public Notice - Personnel Negotiations</u>
4243.1	<u>Public Notice - Personnel Negotiations</u>
4312.5	<u>Criminal Record Check</u>
4312.5-E(1)	<u>Criminal Record Check</u>
4312.6	<u>Personnel Files</u>
4319.23	<u>Unauthorized Release Of Confidential/Privileged Information</u>
4319.42	<u>Exposure Control Plan For Bloodborne Pathogens</u>
4319.42	<u>Exposure Control Plan For Bloodborne Pathogens</u>
4319.42-E(1)	<u>Exposure Control Plan For Bloodborne Pathogens</u>
5125	<u>Student Records</u>
5125	<u>Student Records</u>
9000	<u>Role Of The Board</u>
9005	<u>Governance Standards</u>
9010	<u>Public Statements</u>
9200	<u>Limits Of Board Member Authority</u>
9230	<u>Orientation</u>
9321	<u>Closed Session</u>
9321-E(1)	<u>Closed Session</u>
9321-E(2)	<u>Closed Session</u>