

## **All Personnel**

BP 4119.23(a)  
4219.23  
4319.23

## **UNAUTHORIZED RELEASE OF CONFIDENTIAL/ PRIVILEGED INFORMATION**

The Board of Trustees recognizes the importance of keeping confidential information confidential. Staff shall maintain the confidentiality of information acquired in the course of their employment. Confidential/privileged information shall be released only to the extent authorized by law.

### **Disclosure of Closed Session Information**

An employee shall not disclose confidential information acquired by being present during a closed session to a person not entitled to receive such information, unless the Board authorizes disclosure of that information. (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)

*(cf. 9011 - Disclosure of Confidential/Privileged Information)*  
*(cf. 9321 - Closed Session Purposes and Agendas)*

The District shall not take disciplinary action against any employee for disclosing confidential information acquired in a closed session, nor shall the disclosure be considered a violation of the law or Board policy, when the employee 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;

*(cf. 4119.1/4219.1/4319.1 - Civil and Legal Rights)*

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**

No employee shall disclose 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 employee.

**UNAUTHORIZED RELEASE OF CONFIDENTIAL/  
PRIVILEGED INFORMATION (continued)**

*(cf. 4112.6/4212.6/4312.6 - Personnel Files)*  
*(cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records)*  
*(cf. 4143/4243 - Negotiations/Consultation)*  
*(cf. 5125 - Student Records)*  
*(cf. 5125.1 - Release of Directory Information)*  
*(cf. 5141.4 - Child Abuse Prevention and Reporting)*  
*(cf. 6164.2 - Guidance/Counseling Services)*

An employee who willfully releases confidential/privileged information about the District, students or staff shall be subject to disciplinary action.

Action by an employee which inadvertently or carelessly results in release of confidential/privileged information shall be recorded, and the record shall be placed in the employee's personnel file. Depending on the circumstances, the Superintendent or may deny the employee further access to any privileged information and shall take any steps necessary to prevent any further unauthorized release of such information.

*Legal Reference:*

EDUCATION CODE

*35010 Control of district; prescription and enforcement of rules*  
*35146 Closed sessions*  
*35160 Authority of governing boards*  
*44031 Personnel file contents and inspection*  
*44932 Grounds for dismissal of permanent employees*  
*44933 Other grounds for dismissal*  
*45113 Rules and regulations for classified service*  
*49060-49079 Pupil records*

GOVERNMENT CODE

*1098 Public officials and employees: confidential information*  
*6250-6270 Inspection of public records*  
*54950-54963 Brown Act*

UNITED STATES CODE, TITLE 20

*1232g Family Education Rights and Privacy Act*

*Management Resources:*

WEB SITES

*CSBA: <http://www.csba.org>*