

9011 BB - Disclosure of Confidential **Privileged** Information

Bylaws of the Board

Board Bylaw No. 9011

Bylaw approved: **September 2025**~~May 15, 2003~~

DISCLOSURE OF CONFIDENTIAL/**Privileged** INFORMATION

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.

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~~(cf. 9000 – Role of the Board)←~~

~~(cf. 9005 – Governance Standards)←~~

~~(cf. 9010 – Public Statements)←~~

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~~Disclosure of Closed Session Information~~

A Board member shall not disclose confidential information **to any person, except as authorized by law, this Bylaw or other Board bylaws or policies, or the Board. 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 any information that is prohibited from disclosure by law, this Bylaw or other Board bylaws or policies, or by the Board at the time disclosed and is not a public record subject to disclosure under the California Public Records Act (CPRA). Confidential information includes, but is not limited to, any of the following:

1. Information acquired by being present in a closed session that is specifically related to the basis for the Board to meet lawfully in closed session (Government Code 54963)
2. Information acquired in anticipation of a closed session, or as follow-up to a closed session, that is specifically related to the basis for the Board to meet lawfully in closed session
3. Information contained in communications provided to Board members from the district's attorney
4. Information deemed confidential by the Board

Confidential information does not include information that is already publicly disclosed, provided that the initial disclosure did not violate law, this Bylaw, or other Board bylaws or policies.~~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)~~ ←

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~~(cf. 9321 – Closed Session Purposes and Agendas)~~ ←

~~(cf. 9321.1 – Closed Session Actions and Reports)~~

It is a misdemeanor for any Board member to willfully and knowingly use or disclose for pecuniary gain any information acquired in the course of the Board member's official duties where all of the following conditions are met: (Government Code 1098)

1. The information is not a public record subject to disclosure under the CPRA
2. The information is prohibited from disclosure by law, this Bylaw, or other Board bylaws or policies
3. The information will have, or could reasonably be expected to have, a material financial effect on the Board member if used or disclosed

If a Board member threatens to disclose or does disclose confidential information, the Board may pursue or enact one or more of the following actions as it deems appropriate: (Government Code 54963)

1. Injunctive relief to prevent disclosure
2. Referral to the grand jury
3. Censure or other disciplinary action, provided the Board member has received training or been informed of the requirements of this Bylaw

~~However, the Board shall not take any action against a Board member or any person for disclosing confidential information, nor shall the disclosure be considered a violation of this Bylaw or the law or Board policy, when the Board member does any of the following: (Government Code 1098, 54963) the person is: (Government Code 54963)~~

1. ~~Makes~~**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. ~~Expresses~~ **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. **Discloses** information to law enforcement officials or to the joint legislative audit committee when reporting on improper governmental activities in accordance with law ~~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)~~

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~~(cf. 5125 Student Records)~~

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~~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)~~

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority

for the Governing Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State Description

Ed. Code 35010 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

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Website CSBA

Management Resources Description

Cross References Description

0450 Comprehensive Safety Plan

0450 Comprehensive Safety Plan

1100 Communication With The Public

1312.3 Uniform Complaint Procedures

1312.3 Uniform Complaint Procedures

1312.3-E(1) Uniform Complaint Procedures

1312.3-E(2) Uniform Complaint Procedures

1340 Access To District Records

1340 Access To District Records

2120 Superintendent Recruitment And Selection

2121 Superintendent's Contract

3580 District Records

3580 District Records

4112.5 Criminal Record Check

4112.5-E(1) Criminal Record Check

4112.6 Personnel Files

4119.23 Unauthorized Release Of Confidential/Privileged Information

4119.42 Exposure Control Plan For Bloodborne Pathogens

4119.42 Exposure Control Plan For Bloodborne Pathogens

4119.42-E(1) Exposure Control Plan For Bloodborne Pathogens

4143 Negotiations/Consultation

4143.1 Public Notice - Personnel Negotiations

4143.1 Public Notice - Personnel Negotiations

4212.5 Criminal Record Check

4212.5-E(1) Criminal Record Check

4212.6 Personnel Files

4219.23 Unauthorized Release Of Confidential/Privileged Information

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4219.42-E(1) Exposure Control Plan For Bloodborne Pathogens

4243 Negotiations/Consultation

4243.1 Public Notice - Personnel Negotiations

4243.1 Public Notice - Personnel Negotiations

4312.5 Criminal Record Check

4312.5-E(1) Criminal Record Check

4312.6 Personnel Files

4319.23 Unauthorized Release Of Confidential/Privileged Information

4319.42 Exposure Control Plan For Bloodborne Pathogens

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4319.42-E(1) Exposure Control Plan For Bloodborne Pathogens

5125 Student Records

5125 Student Records

9000 Role Of The Board

9005 Governance Standards

9010 Public Statements

9200 Limits Of Board Member Authority

9230 Orientation

9321 Closed Session

9321-E(1) Closed Session

9321-E(2) Closed Session

Legal Reference:

~~EDUCATION CODE~~

~~35010 Power of governing board to adopt rules for its own governance 35146 Closed session~~

~~EVIDENCE CODE~~

~~1040 Privilege for official information~~

~~GOVERNMENT CODE~~

~~1098 Public officials and employees re confidential information~~

~~3549.1 Meeting and negotiating in public educational employment~~

~~6250-6270 Inspection of public records~~

~~54950-54963 Brown Act, especially:~~

~~54956.8 Open meeting laws~~

~~54956.9 Closed meeting for pending litigation~~

~~54957 Closed session; "employee" defined; exclusion of witnesses 54957.1 Subsequent~~

~~public report and rollcall vote; employee matters in closed session~~

~~54957.5 Public records~~

~~54957.6 Closed session; representatives with employee organization 54957.7 Reasons for~~

~~closed session~~

~~54963 Confidential information in closed session~~