

## **Bylaw 9011: Disclosure Of Confidential/Privileged Information**

The Governing Board recognizes the importance of maintaining the confidentiality of information acquired as part of a Governing Board member's official duties.

A Governing 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 Governing Board.

*Confidential information* means any information that is prohibited from disclosure by law, this Bylaw or other Board bylaws or policies, or by the Governing 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 Governing 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 Governing Board to meet lawfully in closed session
3. Information contained in communications provided to Governing Board members from the district's attorney
4. Information deemed confidential by the Governing 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.

It is a misdemeanor for any Governing Board member to willfully and knowingly use or disclose for pecuniary gain any information acquired in the course of the Governing 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 Governing Board member if used or disclosed

If a Board member threatens to disclose or does disclose confidential information, the Governing 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 Governing Board member has received training or been informed of the requirements of this Bylaw

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

1. Makes 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 an opinion concerning the propriety or legality of Governing 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