

Bylaw 9011: Disclosure Of Confidential/Privileged Information

The ~~Board of Education~~ **Governing Board** recognizes the importance of maintaining the confidentiality of information acquired as part of a **Governing** 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 **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)

~~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. (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

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- ~~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)~~¶

- ~~2. Disclosures excepted from this prohibition are those made~~
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. ~~(Government Code 1098)~~ in accordance with law