



BYLAWS

BOARD POLICY – DISCLOSURE OF CONFIDENTIAL/PRIVILEGED INFORMATION

BP 9011

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

Disclosure of Closed Session Information

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

For these purposes, confidential information means a communication made in a closed session that is specifically related to the basis for the County Board to meet lawfully in closed session. (Government Code 54963)

The County 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 County 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 County Board action that has been the subject of deliberation during a closed session
2. Expressing an opinion concerning the propriety or legality of County 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 County Board member shall not disclose, for pecuniary gain, confidential information acquired in the course of his/her official duties. Such a disclosure may result in criminal prosecution. For these purposes, confidential information also 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 County Board member. (Government Code 1098)

Disclosures made to law enforcement officials when reporting improper governmental activities are excepted from this prohibition. (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 board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Management Resources

Attorney General Opinion
CSBA Publication

Website

Description

80 Ops.Cal.Atty.Gen. 231 (1997)
Professional Governance Standards for County Boards, October 2014
[CSBA](#)

State

Ed. Code 35146
Evid. Code 1040
Gov. Code 1098
Gov. Code 54950-54963
Gov. Code 54956.8
Gov. Code 54956.9
Gov. Code 54957.5
Gov. Code 54957.7
Gov. Code 54963
Gov. Code 7920.000-7930.170

Description

Closed session
Privilege for official information
Public officials and employees re confidential information
[The Ralph M. Brown Act](#)
Open meeting laws
Closed meeting for pending litigation
Public records
Reasons for closed session
Confidential information in closed session
California Public Records Act

APPROVED BY COUNTY BOARD: March 14, 2024