Personnel

UNAUTHORIZED RELEASE OF CONFIDENTIAL/PRIVILEGED INFORMATION

The Governing Board 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)

An employee who willfully discloses confidential information acquired during a closed session may be subject to disciplinary action if he/she has received training or notice as to the requirements of this policy. (Government Code 54963)

The Superintendent or designee shall provide all employees who attend closed sessions a copy of this policy. New employees who may attend closed sessions shall also receive a copy of this policy.

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.

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

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

No employee shall disclose confidential information acquired in the course of his/her official

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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.

Any action by an employee which inadvertently or carelessly results in the 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 designee 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 References:

State	**Description**
Ed. Code 35010	Control of district; prescription and enforcement of rules
Ed. Code 35146	Closed sessions regarding suspensions
Ed. Code 35160	Authority of governing boards
Ed. Code 44031	Personnel file contents and inspection
Ed. Code 44932	Grounds for dismissal of permanent employees
Ed. Code 44933	Other grounds for dismissal
Ed. Code 45113	Notification of charges; classified employees
Ed. Code 49060-49079	Student records
Gov. Code 1098	Disclosure of confidential information
Gov. Code 54950-54963	The Ralph M. Brown Act
Gov. Code 7920.000-7930.215	California Public Records Act
Federal	**Description**
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
Management Resources	**Description**
Website	CSBA District and County Office of Education Legal Services
Website	CSBA

WESTMINSTER SCHOOL DISTRICT
Westminster, California

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