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.

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. (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.

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 for disclosing confidential information, nor shall the disclosure be considered a violation of this Bylaw, when the Board member does any of the following: (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 to law enforcement officials or to the joint legislative audit committee when reporting on improper governmental activities in accordance with law

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

State	Description
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