

Unauthorized Release of Confidential/Privileged Information

The Board, administration and staff recognizes the importance of keeping confidential information confidential. Administration and 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.

Information and records pertaining to closed sessions, negotiations, personnel, medical and student records are not subject to public disclosure under Government Code 6252-6260.

Disclosure of Closed Session Information

An employee shall not disclose confidential information acquired by attending a closed session to any person(s) not entitled to receive such information, unless the Board authorizes disclosure of that information. (Government Code 54963)

This includes information relating to the Board's employer-employee strategies on matters in or to be placed in negotiations.

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)

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

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

(cf. 4119.1/4219.1/4319.1 – Civil and Legal Rights)

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

Any employee who willfully releases confidential or privileged information about the District, students or staff members shall be subject to disciplinary action up to and including dismissal from the service of the District.

No employee shall disclose 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 employee.

- (cf. 4112.6/4212.6/4312.6 – Personnel Files)
- (cf. 4112.62/4212.62/4312.62 – Maintenance of Criminal Offender Records)
- (cf. 4143/4243 – Negotiations/Consultation)
- (cf. 5125 – Student Records)
- (cf. 5125.1 – Release of Directory Information)
- (cf. 5141.4 – Child Abuse Prevention and Reporting)
- (cf. 6164.2 – Guidance/Counseling Services)

Any action by an employee which inadvertently or carelessly results in release of confidential or privileged information shall be recorded, and the record shall be placed in the employee's personnel file. Depending on the circumstances of such release of information, 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.

Reference:

- California Education Code
 - 35010 Control of district; prescription and enforcement of rules
 - 35146 Closed sessions
 - 35160 Authority of governing boards
 - 44031 Personnel file contents and inspection
 - 44932 Grounds for dismissal of permanent employees
 - 44933 Other grounds for dismissal
 - 45113 Rules and regulations for classified service
 - 49060-49079 Pupil Records
- California Government Code
 - 1098 Public officials and employees: confidential information
 - 6250 – 6270 Inspection of public records
- United States Code, Title 20
 - 1232g Family Education Rights and Privacy Act

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LONG BEACH UNIFIED SCHOOL DISTRICT