

SANTA ANA UNIFIED SCHOOL DISTRICT

BP 4119.23/ 4219.23/ 4319.23

All Personnel

Unauthorized Release of Confidential/Privileged Information

The Governing Board, administration and staff shall maintain the confidentiality of all confidential records until such time as laws, state regulations and/or bylaws of this District permit disclosure. Information and records pertaining to closed sessions, negotiations and student records are not subject to public disclosure under Government Code 6252-6260.

Any employee who willfully releases confidential/privileged information about students, staff, or any topic properly confined to a closed session shall be subject to disciplinary action up to and including dismissal from District service. Confidential information includes any information relating to the Board's employer-employee strategies on matters in negotiation or matters to be placed in negotiation.

Any employee who willingly and for monetary gain uses or discloses confidential/privileged information as defined in Government Code 1098 is guilty of a misdemeanor. (Government Code 1098)

Any action by an employee which inadvertently or carelessly results in 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. (cf. 5125 - Student Records) (cf. 9321 - Closed Sessions Purposes and Agendas)

Correspondence to an employee regarding the employee's appraisal, evaluation, transfer (involuntary), judgment, competency and/or behavior shall be transmitted to the employee by the administrator originating the correspondence, or his designee.

The correspondence shall be transmitted utilizing reasonable procedures to assure confidentiality.

(Legal Reference next page)

Legal Reference:

EDUCATION CODE

35010	Control of District; prescription and enforcement of rules
35146	Closed sessions (re student suspension)
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

49060-49078 Pupil records

GOVERNMENT CODE

	1098	Public officials and employees: confidential information
3540 et seq.	Meeting and negotiating in public employment	
6252 et seq.	Inspection of public records	
	54957	Closed session; purposes for holding; definition of "employee"
	exclusion of witnesses	
	54957.2	Taking of minutes at closed sessions; clerk; minute book
	54957.6	Closed session, representatives to employee organization(s); state
	conciliator	

LABOR CODE

1102.5 Employees: disclosure of information

FEDERAL FAMILY EDUCATION RIGHTS AND PRIVACY ACT of 1974 (20 U.S.C. 1232(g))

Management Resources:

CDE LEGAL ADVISORIES

0328.09 Duties and Liabilities of School Counselors

Adopted: (6/76 10/96) Santa Ana, CA