

SANTA ANA UNIFIED SCHOOL DISTRICT

BB 9011

Bylaws of the Board

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. Confidential/privileged information shall be released only as allowed by law. (cf. 9000 - Role of the Board) (cf. 9005 - Governance Standards) (cf. 9010 - Public Statements)

A Board member shall not disclose confidential information acquired during a closed session to a person not entitled to receive such information, unless a majority of the Board has authorized its disclosure. (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) (cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information) (cf. 9321 - Closed Session Purposes and Agendas) (cf. 9321.1 - Closed Session Actions and Reports)

Confidential/privileged information is defined as: (Government Code 1098)

1. Information that is not a public record subject to disclosure under the Public Records Act.
2. Information that by law may not be disclosed.
3. Information that may have a material financial effect on the Governing Board member.

The 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 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 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

A Board member shall not disclose, for pecuniary gain, confidential information acquired in the course of his/her official duties. "Pecuniary

gain" does not include salary or other similar compensation from the district.
(Government Code 1098) (cf. 4112.6/4212.6/4312.6 - Personnel Files) (cf. 5125
- Student Records)

Disclosures excepted from this prohibition are those made to law enforcement
officials or to the joint legislative audit committee when reporting on
improper governmental activities. (Government Code 1098)

(Legal Reference next page)

BB 9011 (b)

Legal Reference:

EDUCATION CODE

35010Power of governing board to adopt rules for its own governance

35146Closed session

EVIDENCE CODE

1040Privilege for official information

GOVERNMENT CODE

1098Public officials and employees re confidential information
3549.1Meeting and negotiating in public educational employment
6250-6270Inspection of public records
54950-54963Brown Act, especially:
54956.8Closed meeting with negotiator
54956.9Closed meeting for pending litigation
54957Closed Session; "employee" defined; exclusion of witnesses
54957.1Subsequent public report and rollcall vote
54957.5Public records
54957.6Closed session; salaries, salary schedules or fringe benefits
54957.7Reasons for closed session
54963 Confidential information in closed session

ATTORNEY GENERAL OPINIONS

80 Ops.Cal.Atty.Gen. 231 (1997)

Adopted: (10-00) 5-03

Santa Ana, CA