

*Series 4000 – Personnel*

SP 4119.23(a)

4219.23

All Personnel

4319.23

## **UNAUTHORIZED RELEASE OF CONFIDENTIAL/ PRIVILEGED INFORMATION**

The Sutter County Superintendent of Schools 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 County 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 County Board to meet lawfully in closed session. (Government Code 54963)

*(cf. 9011 - Disclosure of Confidential/Privileged Information)*

*(cf. 9321 - Closed Session Purposes and Agendas)*

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)

*(cf. 4118 - Suspension/Disciplinary Action)*

*(cf. 4218 - Dismissal/Suspension/Disciplinary Action)*

The County 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 County Superintendent 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 County Office 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 County Board action that has been the subject of deliberation during a closed session

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**UNAUTHORIZED RELEASE OF CONFIDENTIAL/  
PRIVILEGED INFORMATION** (continued)

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

2. Expressing an opinion concerning the propriety or legality of County 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 County Office, students or staff shall be subject to disciplinary action.

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/privileged information shall be recorded, and the record shall be placed in the employee's personnel file. Depending on the circumstances, the County 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.

**Security of Information**

Employees are responsible for maintaining the confidential nature of materials by carefully observing the security measures listed below:

1. Permit no other persons to have access to confidential information or materials and do not discuss any aspect of the data/information or other confidential personnel-related matters with any other persons unless they are:

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- a. members of the SCSOS staff who need the information to perform their work
  - b. authorized by your supervisor or another designated member of the SCSOS staff
2. Secure all confidential materials when not directly working with them.
  3. Do not retain any copies or make personal file copies of confidential materials unless necessary. Any extra copies of confidential materials should be destroyed by shredding when they are no longer necessary.
  4. If employees have any questions about the confidentiality of any of the information to which you have access, employees should assume the information is confidential and handle it as such until informed otherwise by a supervisor.

These security standards apply to any and all confidential materials to which employees have access. It is essential that these standards and any additional ones that are requested or may be necessary are maintained at every stage of a confidential process.

Because of the importance of security, employees should notify their supervisor or the Human Resources Director if any circumstances cause them to believe that confidential nature of any material or process has not been maintained.

*Legal Reference:*

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*

GOVERNMENT CODE

*1098 Public officials and employees: confidential information*

*6250-6270 Inspection of public records*

*54950-54963 Brown Act*

UNITED STATES CODE, TITLE 20

*1232g Family Education Rights and Privacy Act*

*Management Resources:*

WEB SITES

CSBA: <http://www.csba.org>