

All Personnel

BP 4119.23(a)
4219.23
4319.23

**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. (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 access to such information and shall take any steps necessary to prevent any further unauthorized release of such information.

(cf. 5125 - Student Records; Confidentiality)
(cf. 9321 - Closed Sessions)

Legal References:

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

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

Policy

adopted: February 24, 1997

CAPISTRANO UNIFIED SCHOOL DISTRICT

San Juan Capistrano, California