

## **MIDDLETOWN UNIFIED SCHOOL DISTRICT**

### **Policy 4219.23: Unauthorized Release Of Confidential/Privileged Information**

**Original Adopted Date: 1/17/2024**

The Governing Board 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 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 Board to meet lawfully in closed session. (Government Code 54963)

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)

The 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 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
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**

An employee who willfully releases confidential/privileged information about the district, 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.

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.

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**Policy Reference Disclaimer:**

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

<b>State</b>	<b>Description</b>
Ed. Code 35010	<a href="#">Control of district; prescription and enforcement of rules</a>
Ed. Code 35146	<a href="#">Closed sessions regarding suspensions</a>
Ed. Code 35160	<a href="#">Authority of governing boards</a>
Ed. Code 44031	<a href="#">Personnel file contents and inspection</a>
Ed. Code 44932	<a href="#">Grounds for dismissal of permanent employees</a>
Ed. Code 44933	<a href="#">Other grounds for dismissal</a>
Ed. Code 45113	<a href="#">Notification of charges; classified employees</a>
Ed. Code 49060-49079	<a href="#">Student records</a>
Gov. Code 1098	<a href="#">Disclosure of confidential information</a>
Gov. Code 54950-54963	<a href="#">The Ralph M. Brown Act</a>
Gov. Code 7920.000-7930.215	<a href="#">California Public Records Act</a>
<b>Federal</b>	<b>Description</b>
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
<b>Management Resources</b>	<b>Description</b>
Website	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">CSBA</a>

**Cross References**

<b>Code</b>	<b>Description</b>
0450	<a href="#">Comprehensive Safety Plan</a>
0450	<a href="#">Comprehensive Safety Plan</a>
0470	<a href="#">COVID-19 Mitigation Plan</a>
1112	<a href="#">Media Relations</a>
1113	<a href="#">District And School Websites</a>
1113	<a href="#">District And School Websites</a>
1113-E(1)	<a href="#">District And School Websites</a>
1114	<a href="#">District-Sponsored Social Media</a>

1114	<a href="#">District-Sponsored Social Media</a>
1312.3	<a href="#">Uniform Complaint Procedures</a>
1312.3	<a href="#">Uniform Complaint Procedures</a>
1312.3-E(1)	<a href="#">Uniform Complaint Procedures</a>
1312.3-E(2)	<a href="#">Uniform Complaint Procedures</a>
1340	<a href="#">Access To District Records</a>
1340	<a href="#">Access To District Records</a>
3250	<a href="#">Transportation Fees</a>
3250	<a href="#">Transportation Fees</a>
3400	<a href="#">Management Of District Assets/Accounts</a>
3400	<a href="#">Management Of District Assets/Accounts</a>
3553	<a href="#">Free And Reduced Price Meals</a>
3553	<a href="#">Free And Reduced Price Meals</a>
4030	<a href="#">Nondiscrimination In Employment</a>
4030	<a href="#">Nondiscrimination In Employment</a>
4040	<a href="#">Employee Use Of Technology</a>
4040-E(1)	<a href="#">Employee Use Of Technology</a>
4112.41	<a href="#">Employee Drug Testing</a>
4112.41	<a href="#">Employee Drug Testing</a>
4112.5	<a href="#">Criminal Record Check</a>
4112.5-E(1)	<a href="#">Criminal Record Check</a>
4112.6	<a href="#">Personnel Files</a>
4118	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4118	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4119.1	<a href="#">Civil And Legal Rights</a>
4119.21	<a href="#">Professional Standards</a>
4119.21-E(1)	<a href="#">Professional Standards</a>
4119.42	<a href="#">Exposure Control Plan For Bloodborne Pathogens</a>
4119.42	<a href="#">Exposure Control Plan For Bloodborne Pathogens</a>
4119.42-E(1)	<a href="#">Exposure Control Plan For Bloodborne Pathogens</a>
4136	<a href="#">Nonschool Employment</a>
4143	<a href="#">Negotiations/Consultation</a>
4144	<a href="#">Complaints</a>

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4212.41	<a href="#">Employee Drug Testing</a>
4212.41	<a href="#">Employee Drug Testing</a>
4212.5	<a href="#">Criminal Record Check</a>
4212.5-E(1)	<a href="#">Criminal Record Check</a>
4212.6	<a href="#">Personnel Files</a>
4218	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4218	<a href="#">Dismissal/Suspension/Disciplinary Action</a>
4219.1	<a href="#">Civil And Legal Rights</a>
4219.21	<a href="#">Professional Standards</a>
4219.21-E(1)	<a href="#">Professional Standards</a>
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4219.42-E(1)	<a href="#">Exposure Control Plan For Bloodborne Pathogens</a>
4236	<a href="#">Nonschool Employment</a>
4243	<a href="#">Negotiations/Consultation</a>
4312.41	<a href="#">Employee Drug Testing</a>
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4319.42	<a href="#">Exposure Control Plan For Bloodborne Pathogens</a>
4319.42-E(1)	<a href="#">Exposure Control Plan For Bloodborne Pathogens</a>
4336	<a href="#">Nonschool Employment</a>
4344	<a href="#">Complaints</a>
4344	<a href="#">Complaints</a>
5125	<a href="#">Student Records</a>
5125	<a href="#">Student Records</a>
5125.1	<a href="#">Release Of Directory Information</a>

5125.1	<a href="#">Release Of Directory Information</a>
5125.1-E(1)	<a href="#">Release Of Directory Information</a>
5141.22	<a href="#">Infectious Diseases</a>
5141.22	<a href="#">Infectious Diseases</a>
5141.4	<a href="#">Child Abuse Prevention And Reporting</a>
5141.4	<a href="#">Child Abuse Prevention And Reporting</a>
5145.3	<a href="#">Nondiscrimination/Harassment</a>
5145.3	<a href="#">Nondiscrimination/Harassment</a>
6164.2	<a href="#">Guidance/Counseling Services</a>
9011	<a href="#">Disclosure Of Confidential/Privileged Information</a>
9321	<a href="#">Closed Session</a>
9321-E(1)	<a href="#">Closed Session</a>
9321-E(2)	<a href="#">Closed Session</a>