

Employees and members of the Johnston County Board of Education shall maintain the confidentiality of records and other information as required by law. Employees and board members, by the nature of their positions, are exposed to confidential information that should not be repeated or discussed except with those recognized by law as having a right to the information. Any employee or board member who is not sure whether particular information may be protected by state or federal confidentiality laws should seek clarification from his or her immediate supervisor or the assistant superintendent for human resources (for employees) or from the superintendent or board attorney (for board members). When violations occur, appropriate disciplinary action will be taken.

A. PERSONNEL FILES

It is a criminal violation for an employee or board member to do either of the following:

1. knowingly, willfully and with malice permit any unauthorized person to have access to information contained in a personnel file, or
2. knowingly and willfully examine, remove or copy a personnel file that he or she is not specifically authorized to access pursuant to G.S. 115C-321.
3. use confidential information acquired in an official capacity to gain any pecuniary benefit affected by the information or by the official action of the Board or JCPS, or to intentionally aid another to do so.

B. STUDENT RECORDS

Employees and board members shall safeguard the confidentiality of student records as provided in policy 4700, Student Records.

C. DATA IDENTIFYING A PERSON AS A SUPPORTER OF A NONPROFIT ORGANIZATION

Except as otherwise provided in G.S. 55A-18-05, employees and board members shall not: (1) require any person or nonprofit organization to provide personal information or otherwise compel the release of personal information; (2) release, publicize, or otherwise publicly disclose personal information of others; or (3) request or require a current or prospective contractor to provide a list of nonprofit organizations to which the current or prospective contractor has provided financial or nonfinancial support. For purposes of this section only, "personal information" is defined as any list, record, register, registry, roll, roster, or other compilation of data of any kind that directly or indirectly identifies a person as a member, supporter, volunteer, or donor of financial or nonfinancial support to

any nonprofit organization. The terms “supporter” and “volunteer” do not include the nonprofit organization’s governing board members, officers, directors, or staff.

D. HANDLING AND TRANSMITTING ~~PERSONALLY IDENTIFIABLE~~ CONFIDENTIAL INFORMATION

The superintendent or designee is directed to establish and enforce processes and protocols for the secure handling and electronic transmission of personally identifiable information of students and employees and any other information protected by state or federal confidentiality laws.

It is a violation of Board policy for Board members or employees to make secret recordings, in any format, on school system property, at a school-related event or meeting, or otherwise related to Board or school business.

Legal References: Family Educational Rights and Privacy Act, 20 U.S.C. 1232g; G.S. 14-234.1; G.S. 55A art. 18; 115C-47(18), -321, -402

Cross References: Communicable Diseases – Students (policy 4230), Student Records (policy 4700), Public Records – Retention, Release and Disposition (policy 5070/7350), Personnel Files (policy 7820)

Other Resources: Transmitting Private Information Electronically: Best Practices Guide for Communicating Personally Identifiable Information by E-mail, Fax, or Other Electronic Means, available at <https://www.dpi.nc.gov/best-practices-guide-pii-and-email/download?attachment>

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Replaces: Board policy 1225 Confidential Information

Revised: September 12, 2023; DATE