

DISCLOSURE OF CONFIDENTIAL/PRIVILEGED INFORMATION

The Monterey County Board of Education (County Board) recognizes the importance of maintaining the confidentiality of information acquired as part of a County Board member's official duties. Confidential/privileged information shall be released only to the extent authorized by law.

Confidential privileged information which is acquired during a closed session shall not be divulged or released unless a majority of County Board members agree to release the information.

The County 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 County Board policy, when the person is:

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
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

A County Board member shall not disclose, for pecuniary gain, 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 County Board member.

Disclosures excepted from this prohibition are those made to law enforcement officials or to a legislative audit committee when reporting on improper governmental activities.

Legal References (see next page)

DISCLOSURE OF CONFIDENTIAL/PRIVILEGED INFORMATION (continued)*Legal Reference:*EDUCATION CODE

1040 *Duties and Responsibilities: county board of education*
35010 *Power of governing board to adopt rules for its own governance*
35146 *Closed session*

EVIDENCE CODE

1040 *Privilege for official information*

GOVERNMENT CODE

1098 *Public officials and employees re: confidential information*
6250-6270 *Inspection of public records*
54950-54963 *Brown Act*
54956.8 *Open meeting laws*
54956.9 *Closed meeting pending litigation*
54957.1 *Subsequent public report and rollcall vote*
54957.5 *Public records*
54957.7 *Reasons for closed session*
54963 *Confidential information in closed session*

ATTORNEY GENERAL OPINIONS

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