
FRESNO COUNTY BOARD OF EDUCATION

Board Bylaws**DISCLOSURE OF CONFIDENTIAL/PRIVILEGED INFORMATION**

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

Disclosure of Closed Session Information

A County Board member shall not disclose confidential information acquired during a closed session of a board meeting to a person not entitled to receive such information, unless a majority of the County Board has authorized its disclosure. (Government Code 54963.)

For these purposes, 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.)

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 (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.
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

A County Board member shall not disclose, for pecuniary gain, confidential information acquired in the course of his/her official duties. Such a disclosure may result in criminal prosecution. For these purposes, confidential information also 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. (Government Code 1098.)

Disclosures made to law enforcement officials when reporting improper governmental activities are excepted from this prohibition. (Government Code 1098.)

Adopted: 11/15/2018

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Legal Reference

Education Code

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, especially:

54956.8 Open meeting laws

54956.9 Closed meeting for pending litigation

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)

Management Resources

CSBA Publications

Professional Governance Standards for County Boards, October 2014

Web Sites

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