Disclosure of Confidential/Privileged Information

The San Mateo County Board of Education 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.

Disclosure of Closed Session Information

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.

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

If there is any doubt about the legitimacy of releasing any information from a closed session, the County Board will consult with its legal counsel before disclosing any confidential or privileged information discussed in a closed session.

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 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 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.
Disclosure of Confidential/Privileged Information

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

Legal References:

Education Code 35010 Power of governing board to adopt rules for its own governance
Education Code 35146 Closed session
Evidence Code 1040 Privilege for official information
Government Code 1098 Public officials and employees re confidential information
Government Code 3549.1 Meeting and negotiating in public educational employment
Government Code 6250-6270 Inspection of public records
Government Code 54950-54963 Brown Act

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