



**POLICY TITLE:**                    **Confidentiality**

**POLICY NO.:**                    **PR-35**

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**I.     PURPOSE**

The purpose of this Policy is to prevent the unauthorized disclosure of Confidential Information (defined below) that is discussed, presented, or disclosed in any form or fashion in a closed session meeting of the Board of County Commissioners (“Board”) or any other County meeting where personal Employee (defined below) information is available or discussed. In addition, this Policy is intended to prevent all Employees (defined below) from divulging or discussing any confidential County or Employee personnel business not previously having been made public, disclosing Confidential Information to any person unless directed to do so by a department head, and giving interviews or making public speeches concerning Confidential Information not previously made public.<sup>1</sup>

**II.    DEFINITIONS**

- A.     “Confidential Information,” for purposes of this Policy, means any and all information or material, written or oral, presented, disclosed, and/or discussed in any closed session meeting of the Board, including, but not limited to, personnel matters, business development matters, litigation matters, statistical analyses, data, forms, items, contractual terms and conditions, and the like, disclosed and/or discussed in closed session or any other meeting or discussion which includes personal information. Confidential Information and the maintenance of such information in confidence are vital to the County and its Employees, as well as the programs and services provided to County citizens.
  
- B.     “Employee” or “Employees,” for purposes of this Policy, means elected and appointed officials, department heads, division directors, all full- and part-time employees, board and commission members, and unpaid volunteers.

**III.   POLICY COMPLIANCE**

- A.     All Employees shall keep Confidential Information private and shall hold and maintain Confidential Information in the strictest confidence.
  
- B.     Except as otherwise provided in this Policy, all Confidential Information regarding any matter that is presented, discussed, or disclosed in closed session or other such meeting shall be kept private and confidential and will

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<sup>1</sup> See Policy No. PR-2 Progressive Disciplinary and Dismissal regarding reference to this form of behavior as considered unacceptable in the workplace.

not be disclosed through any means to any third party unless authorized in advance by the Board or its designee or as necessary for the effectuation of the Board's decisions or the discharge of Employees' duties.

- C. Employees shall take reasonable precautions to restrict access to Confidential Information and shall not publish, copy, disseminate, or otherwise disclose to others, or permit the use by others for their benefit, any Confidential Information, except as otherwise provided in this Policy.
- D. Employees shall comply with all instructions given by the Board during closed session regarding note-taking, cell phone use,<sup>2</sup> the review and return of any materials used during any closed session, entering and exiting the meeting room, any attendance restrictions for various parts of the closed sessions, and any other behavior that may reasonably be expected to compromise the confidentiality of the closed session proceedings.
- E. Employees' obligations under this Policy do not extend to information that is publicly known at the time of discussion or subsequently becomes publicly known through no fault of any Employee or learned by an Employee through legitimate means other than the presentation, disclosure, or discussion in a closed session meeting.
- F. Confidential Information may be disclosed without violating this Policy when required by law.

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<sup>2</sup> See also Policy No. PR-39 Cell Phone Use During Board Meetings and Proceedings.

