

Date of adoption: May 19, 2021

Education Service Provider (ESP) as of the date above: Pearson Virtual Schools

CONFIDENTIALITY POLICY

Purpose

The Board is committed to openness, transparency, and accountability. Its policies shall reflect its desire to balance the release of information while ensuring the protection of individual privacy, effective management of the School, and compliance with relevant legislation. This policy is intended to regulate the release of confidential information by Board members.

Policy

Board members shall not be permitted to release any confidential material obtained in the course of their service as a Board member, unless such release is in accordance with the requirements of applicable legislation, and is consistent with the Board's policies on access to public records.

Procedure

The Board shall endeavor to explicitly mark on the document whether any or all of its minutes, disclosures, or papers, or those of its sub-committees (not otherwise required by legislation, regulation, or its rules to be made public) are confidential. However, the failure to mark a document as confidential shall not waive the status of such document as confidential, privileged or otherwise exempt from disclosure. The Board may seek assistance from Board Counsel, as needed, to review requests for disclosure.

Board members shall be deemed school officials under the Family Educational Rights and Privacy Act (FERPA); however, shall only have access to student records where there is a legitimate educational interest. Board members shall be subject to FERPA provisions and shall ensure they comply with FERPA provisions for any disclosures of student records to any third parties.

On those occasions and for those documents and discussions that the Board elects not to make public, Board members shall respect the confidentiality of those documents, and of any discussions of the Board on those matters.

Notwithstanding the above, Board members are not authorized to speak on behalf of the School unless the same has been authorized by a vote of the Board or specifically requested and or reviewed by the

School leadership. A Board member in receipt of a request for a public document must refer such request to the School Records Custodian for response in accordance with proper procedures.

In particular, Board members shall not

- Disclose to any member of the public any confidential information acquired by virtue of their position as a Board member, such as minutes of closed sessions at which public access is not required by law;
- Disclose any privileged attorney-client communications;
- Use any confidential information acquired by virtue of their position on the Board for their personal financial or other benefit or for that of any other person;
- Disclose to any member of the public any confidential information related to the interests of individuals, groups or organizations acquired by virtue of their position on the Board;
- Make statements to the media in the name of the organization except after coordinating all such efforts with the School leadership;
- Permit any unauthorized person to inspect or have access to any confidential documents or other information.

Failure to maintain confidentiality may constitute a breach of the Board member's fiduciary duties to the School.

The obligation to protect such confidential matters from disclosure continues even after the individual Board member is no longer serving on the Board.

Unless otherwise restricted or required by law, or contract, the Board shall decide from time to time whether any guests shall be permitted to attend any or all of its closed meetings. Where appropriate, guests who the Board believes are necessary for the Board's consideration of the item or items to be considered may be admitted, subject to their undertaking to maintain confidentiality. Where appropriate and permissible by law, personally identifiable information about individuals may be redacted from material before consideration by the Board.

It is the responsibility of the Board Chair, with guidance from Board counsel, to ensure that Board materials are appropriately classified as confidential or open to release.

If the Board determines that the member has violated this policy, the Board shall take appropriate corrective action, which depending on the circumstances may include removal of a member from the Board.

Related Documents

[Access to Public Records Policy](#)