



Book	Policy Manual
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8350 - **CONFIDENTIALITY**

State and Federal law requires that student education records, including health records, be confidential. (see Policy 8330) State law also exempts certain information and records from public disclosure (see Policy 8310). As such, the School Board is obligated to take appropriate steps to maintain certain information and records as confidential.

Pursuant to State law, any District employee who has custody of information and records for which there is a statutory exemption to the right of any person to inspect and copy a public record has the duty and obligation to assert the exemption and redact the confidential information from the record before producing the remainder of such record for inspection and copying. There shall be no redaction in the case where the entire record is confidential and exempt from disclosure.

Further, individuals who have access to student education records may not remove them from Board property without express permission from their building principal or supervisor. An individual authorized to remove student education records from school property is responsible for the safety and security of the records and for returning them to the District intact. Confidential information and records may not be disclosed except as authorized by Board policy and procedures.

A student's educational record and all personally identifiable information shall not be properly released except on the condition that the information being transferred will not be subsequently released to any other party without first obtaining the consent of the parent or adult/eligible student. The disclosed information may be used by the appropriate officials of the agency or institution to which the information was properly released, but only for the purpose for which the disclosure was made.

Released copies of educational records and personally identifiable information must be destroyed when no longer required by the person to whom the information was appropriately released. In order to comply with the above, all copies of the information being released should be marked as follows: "Information contained herein may not be released without written permission of the parent or eligible student. This information shall be destroyed when no longer needed."

Individuals who have access to confidential information and records while employed by the Board are reminded that their legal obligation to maintain such confidences extends beyond their term of employment in the District and they are prohibited from releasing, disclosing, or otherwise disseminating confidential information or records subsequent to leaving the Board's employ.

Confidential Information Received from Another Public Agency

In addition, when the District receives in trust from a public agency information identified as confidential (whether such information is confidential by Florida law, Common Law Privilege, Case Law, or Federal law), the Board will maintain the confidentiality of said information to the maximum extent permitted by the law.

In order to prohibit the unauthorized disclosure of information identified as confidential by the sending public agency, the Board may seek to obtain court protection by:

A. denying requests for release of such information absent subpoena or court order;

B. pursuing motions to quash or protective orders to prohibit unauthorized/unlawful disclosure of such information.

When possible, the Board will attempt to notify the sending public agency of the request for release of confidential information that it provided to the District before complying with the request.

Limited Use of Social Security Numbers and Other Statutorily Exempt Information

The District recognizes the need to safeguard privacy and restrict access to personally identifiable information contained in employee and student personnel records collected in the course of the District's business. Pursuant to State law, all social security numbers held by the District are confidential and exempt from F.S. 119.071 and Section 24(a), Article I of the State Constitution. This exemption applies to all social security numbers held by the District before, on, or after the effective date of this exemption. In addition, there are statutory exemptions for other personally identifiable information.

It is the policy of the Board that neither the Board nor its employees shall permit the release of the social security numbers or other statutorily exempt information of an employee, student, or other individual except in accordance with State and Federal law. Access to documents containing social security numbers shall be restricted to only those District employees who have a need to know such information.

Further, it is the policy of the Board that social security numbers shall only be collected in order to fulfill its responsibilities as prescribed by law. The District, upon the collection of an individual's social security number shall provide that person with a statement of the purpose or purposes for which the social security number is being collected and used. Social security numbers shall not be used by the District for any purpose other than the purpose or purposes stated when the social security number was collected.

Pursuant to State law, when a student enrolls in a District school, the District shall request that the student provide his/her social security number and shall indicate whether the student identification number assigned to the student is his/her social security number. A student satisfies this requirements by presenting his/her social security card or a copy of the card to a school enrollment official.

However, a student is not required to provide his/her social security number as a condition for enrollment or graduation. The District shall record the student's permanent record and shall indicate in that record if the number recorded is not a social security number.

Pursuant to State law, if a document containing social security numbers and/or other statutorily exempt information is to be released in compliance with a public records request, the social security numbers and/or the other statutorily exempt information shall be redacted before the document is provided to the requestor.

Social security numbers may be disclosed to another governmental entity or its agents or employees if disclosure is necessary for that agency to perform its duties and responsibilities. The District shall inform the receiving agency in writing of its obligation to maintain the confidential and exempt status of such information.

Limitations on Collection and Retention of Certain Information

The District shall not collect, obtain, or retain information on the political affiliation, voting history, religious affiliation, or biometric information of a student or a parent or sibling of a student. For purposes of this paragraph, the term "biometric information" means information collected from the electronic measurement or evaluation of any physical or behavioral characteristics that are attributable to a single person, including fingerprint characteristics, hand characteristics, eye characteristics, vocal characteristics, and any other physical characteristics used for the purpose of electronically identifying that person with a high degree of certainty. Examples of biometric information include, but are not limited to, a fingerprint or hand scan, a retina or iris scan, a voice print, or a facial geometry scan.

No report or record relative to a student that includes a copy of a student's fingerprints will be maintained by the District. The Superintendent or designee will be responsible for the privacy and security of records that are not under the supervision of the school principal.

Responsibility to Enforce This Policy and Consequences for Failing to Do So

As described above, the Board prohibits the release of social security numbers and other statutorily exempt, confidential information to unauthorized persons or entities.

Employees who intentionally display, disclose, transfer, or unlawfully use the social security number of any student, employee, or other individual, as well as any other statutorily exempt, confidential information, in violation of this policy shall be subject to discipline, up to and including termination.

Accordingly, the Superintendent shall provide all staff with access to this policy. In addition, the Superintendent shall take the steps necessary so that staff who have access to files and records that contain confidential information and/or social security numbers are made aware of their responsibility to see that such information is released only in accordance with Federal and State law and this policy, as well as the consequences if they fail in that regard.

Legal

F.S. 1002.222, 1008.386

F.S. 119.07(1)d, 119.071(5)(a)2, 119.071(5)(a)3, 119.071(5)(a)4, 119.071(5)(a)5

20 U.S.C. 1232g