

Division of Community Nutrition

<i>Subject:</i> Confidentiality and Release of Information		<i>Policy:</i> PRR 03.0
<i>Reference:</i> CFR §246.26	<i>Effective:</i> November 1, 2018	<i>Supersedes:</i> August 15, 2016

I. Policy:

Confidential applicant and participant information is any information about an applicant or participant, no matter how it is obtained, that identifies an applicant or participant and/or family member(s). Applicant or participant information is confidential, regardless of the original source. Local agency personnel shall restrict the use and disclosure of confidential applicant and participant information to persons directly connected with the administration or enforcement of the WIC Program.

II. Procedure:

- A. Privacy shall be provided to all applicants and participants when determining eligibility and during nutrition counseling.
- B. The Participant Release of Information Form (WIC-309) shall be signed at initial and subsequent certifications. Local agency personnel shall review contents of the form with the participant, parent, legal guardian, or caretaker. A copy of the form shall be given to the participant, parent, legal guardian, or caretaker at their request.
- C. If the participant, parent, legal guardian, or caretaker chooses not to give permission for release of information, a copy of the form shall be provided for the participant, parent, legal guardian, or caretaker to mark an X next to the statement on the form that states they do not allow sharing information. The form shall then be signed and scanned into Crossroads, with a copy of the form to be given to the participant, parent, legal guardian, or caretaker. An alert shall be prepared in Crossroads to inform WIC personnel of the refusal, and the Confidentiality box shall be checked in the Crossroads Family Demographics screen.
- D. Local agency personnel may use confidential applicant and participant information in the administration of its other programs that serve persons eligible for the WIC Program as follows:
 - 1) Local agency personnel and SWO staff are required by State law to report known or suspected child abuse or neglect and may disclose confidential applicant and participant information without the consent of the participant or applicant to the extent necessary to comply with such law. The WIC Coordinator shall contact the SWO Operations Liaison in order for the information to be reported to the proper authorities.
- E. When a retail store contacts local agency or SWO personnel and requests participant information, this information shall not be provided. The store making this inquiry shall be directed to call the Vendor Liaison for guidance.

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- F. Local agency personnel shall permit applicants and participants to refuse to sign the Participant Release of Information Form. Personnel shall convey that signing the form is not a condition of eligibility and refusing to sign the form will not affect the applicant's or participant's participation in the WIC program.
- G. Local agency personnel shall provide applicants and participants access to all information provided to the WIC Program. In the case of an applicant or participant who is an infant or child, the access may be provided to the parent or legal guardian of the infant or child, assuming that any issues regarding custody or guardianship have been settled.
- 1) The individual requesting access must provide documentation, such as court issued guardianship or government social service agency documentation verifying legal custody.
- H. Local agency personnel shall address being served with a valid subpoena or search warrant to disclose confidential applicant or participant information as follows:
- 1) The local agency shall immediately notify the SWO Operations Liaison.
 - 2) For a search warrant, the local agency is to comply with the search warrant
 - 3) For a subpoena, the SWO will notify legal counsel for the state of the subpoena and inform the local agency as to the determination of whether or not the information may be released.
 - 4) The following steps are to be taken by the local agency when providing information in response to a subpoena or search warrant:
 - a. Inform the recipient of the information that the information being sought is confidential
 - b. Provide only the specific information requested in the subpoena or search warrant
 - c. Limit to the greatest extent possible the public access to the confidential information disclosed
- I. If the Crossroads system is not accessible, the Participant Release of Information form (WIC-309) in the local agency's printed version of the WIC Policy & Procedure Manual shall be used. The parent, legal guardian, or caretaker shall sign a form for each infant or child. Signed forms shall be scanned into Crossroads when the system is accessible. A copy of the form shall be given to the participant, parent, legal guardian, or caretaker at their request.