

**SECTION: Administration****SUBJECT: Confidentiality of Applicant and Participant, and Vendor information**

**Federal Regulations:** §246.26 (d) (1)(i)(ii) (2) (i) (ii) (5)(e) (h) Federal Privacy Act of 1974, 5 U.S.C. 552a, Food Stamp Act and de Code of Federal Regulations Section 278.1(q)

**POLICY**

Applicant or participant information is confidential, regardless of the original source and exclusive of previously applicable confidentiality provided in accordance with other Federal, State or local law.

Confidential applicant and participant information is any information about an applicant or participant, whether it is obtained from the applicant or participant, another source, or generated as a result of WIC application, certification, or participation, that individually identifies an applicant or participant and/or family member(s).

Vendor information is confidential, whether it is obtained from the vendor or another source.

Confidential vendor information is any information about a vendor whether it is obtained from a vendor or another source that individually identifies the vendor, except for vendor's name, address, telephone number, web site/e-mail, store type, and authorization status.

**Applicant and Participant Information****The Use and Disclosure of Confidential applicant and participant information is limited to:**

- Persons directly connected with the administration or enforcement of the WIC Program who the State agency determines have a need to know the information for WIC Program purposes; including
  - personnel from Connecticut local WIC agencies and other WIC State or local agencies,
  - persons under contract with the State agency to perform research regarding the WIC program,
  - persons investigating or prosecuting violations in the WIC program under Federal, State or local law.
- Public organizations for use in the administration of their programs that serve persons eligible for the WIC program\*.
- The Comptroller General of the United States for audit and examination authorized by law.
- Host organization as specified in the MOU with the local agency
- Representative of the following programs, as authorized by the Connecticut Department of Public Health:
  - DSS/Medicaid/HUSKY A;
  - DSS/Supplemental Nutrition Assistance Program (SNAP);
  - Connecticut DPH programs for which we have a signed MOU:
    - Family Health
    - Pregnancy Risk Assessment Monitoring System (PRAMS)

- Immunization Program
- Lead and Healthy Homes Program

All requests for confidential information not covered by a MOU must be sent to the State WIC Director.

\*The State or local agency must take the following steps before disclosing confidential information to public organizations for non-WIC purposes:

- The chief State health officer must designate in writing the permitted non-WIC uses of the information and the names of the organizations to which information is disclosed.
- The applicant or participant must be notified either at the time of application or through a subsequent notice that the chief State health officer may authorize the use and disclosure of information about their participation in the WIC Program for non-WIC program purposes. This statement must also indicate that such information shall be used by State and local WIC agencies and public organizations only in the administration of their programs that serve persons eligible for the WIC program.
- The State or local agency disclosing the information must enter into a written agreement with the other public organization or, in the case of a non-WIC use by a State or local WIC agency, the unit of the State or local agency that will be using the information.

The written agreement shall be in accordance with 7 CFR.26 (h) (3) (i) (A) (B) (C) (D) (E) (ii)

**Participant information may not be released to WIC vendors.**

### **Participant records**

All personnel must respect the confidentiality of all information to which they have access and not divulge confidential information without appropriate consent or seek to obtain access to confidential information to which they are not entitled to.

All personal and proprietary information must be kept physically secure and maintained in strict confidence. Reasonable measures must be taken to prevent access by unauthorized persons. Participant files, computer screens, or any other written information must be kept secure at all times in the work area. WIC participant data (names, demographic, and nutrition information), all clinic observations, and electronic transmittal of information must be treated as confidential at all times.

Access to Connecticut's MIS is provided for the sole purpose of facilitating staff job duties/roles. Any work done under a staff person's access code (User ID and password) is recorded and staff shall be responsible for these actions.

### **Access to information by applicants and participants**

The State or local agency shall provide applicants and participants access to all information they have 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 guardian of the infant or child assuming that any issues regarding custody or guardianship have been settled.

The State or local agency shall not provide the applicant or participant (or parent or guardian) access to any other information in the file or record such as documentation of income provided by third parties and staff assessments of the participant's condition or behavior, unless required by Federal,

State or local law or unless the information supports a State or local agency decision being appealed pursuant to CFR 246.9.

### **Vendor Information**

The use or disclosure of confidential vendor information is restricted to:

- Persons directly connected with the administration or enforcement of the WIC Program or SNAP who the State agency determines have a need to know the information for the purposes of these programs.
- Persons directly connected with the administration or enforcement of any Federal or State law.
- A Vendor that is subject to an adverse action.

Any other request for confidential vendor information must be sent to the State WIC Director

### **Penalties for unauthorized disclosure of confidential information**

Confidential information that is disclosed to unauthorized persons or organizations is a misuse of Federal property and may result in prosecution to the full extent of remedies available under Federal and State laws and regulations, including fines, imprisonment, or both.

Disclosing confidential information on individuals is protected under the Federal Privacy Act of 1974, 5 U.S.C. 552a.

Disclosing the SNAP retailer store financial data to unauthorized persons or organizations carries additional penalties under Section 9 of the Food Stamp Act and Code of Federal Regulations Section 278.1 (q).

### **Confidentiality Statement**

All WIC State agency Personnel and WIC Local Agency employees shall read and sign the Connecticut WIC Program Confidentiality Statement.

Upon hire and before any contact with participant and participant records, the local agency WIC staff must read and sign the Connecticut WIC Program Confidentiality Statement.

Keep a copy of the Connecticut WIC Program Confidentiality Statement in the employee's file and send a copy to the State agency no later than 30 days after its completion.

### **Access to Information by Auditors**

During Audits, it is the responsibility of the Coordinator to log into CT-WIC with their CT-WIC credentials and sit with the auditor for the duration of the audit. Program Coordinators need to be available to do this for all local agency sites even sub-contracted sites. Auditors may **not** be granted unsupervised access to CT-WIC.