



Food and
Nutrition
Service

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Park Office
Center

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SUBJECT: SNAP Telephonic Signature Guidance

TO: Program Directors
All Regions

This memo is to inform you of clarifications related to the use of telephonic signatures in the Supplemental Nutrition Assistance Program (SNAP). Sections 11(e)(2)(B)(iv) of the Food and Nutrition Act of 2008 (the Act), as amended, requires that State agencies consider an application to be complete if it contains the client's name, address, and signature. Section 11(e)(2)(C)(ii) of the Act provides a State option for SNAP applicants to sign their applications with a telephonic signature. This provision went into effect on October 1, 2008.

States have broad flexibility in designing their telephonic signature systems. While the Act implementation memos provide some guidance on implementing telephonic signatures, numerous States, Regions and community based organizations (CBOs) have contacted the Food and Nutrition Service (FNS) requesting additional clarification or guidance.

Section 11(e)(2)(C)(i) of the Act provides the following requirements for State's implementing telephonic signatures:

- Establish a retrievable record of the verbal assent of the household member and the information to which assent was given;
- Safeguard against impersonation, identity theft, and invasions of privacy;
- Preserve the right to apply in writing;
- Promptly provide the household a written copy of the completed application, with a simple procedure for corrections;
- Comply with bilingual service requirements;
- Satisfy all requirements for a signature, with the date of the telephonic signature recording establishing the date of application.

Based on the questions FNS has received on telephonic signature implementation, FNS wishes to provide additional clarifications to the statutory requirements and implementation memos. In addition, procedures from States that have implemented telephonic signatures are provided to illustrate some of these clarifications.

Recording of the Signature

Section 11(e)(2)(c)(i)(I) of the Act states that the telephonic signature system shall record "...the verbal assent of the household member and the information to which assent was given." State agencies with a telephonic signature system need to record the verbal assent of the household member. The State agency does not have to record the entire conversation and verbal assent. To help assure the household's information to which

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assent was given is accurate, the State agency must provide a copy of the application information that was attested to via the telephonic signature process to the household with instructions for correcting any errors.

In San Diego County, a CBO has partnered with the county to conduct application assistance and capture telephonic signatures. Over the phone, the CBO walks a client through the questions on an electronic application and informs them of their rights and responsibilities. Once the application is complete, a telephonic signature is recorded. The CBO uses a script for each recording that solicits the client's affirmation of their name and identification information (e.g. date of birth, address). The CBO mails a hardcopy of the application to the client and informs the client to send any corrections to their local county office. A copy of the electronic application and attached telephonic signature audio file is sent electronically to the local county office.

In order for a signature to be considered a telephonic signature, the State agency must make an audio recording over the telephone of the household members' assent. State or local office staff attesting to securing the verbal assent over the telephone without actually making an audio recording of the household member's attestation does not meet the definition of a telephonic signature. States are encouraged to work with their legal counsel to determine what "assent" entails in order to be considered a legal signature.

Retrievable Record of the Telephonic Signature Recording

Telephonic signature files must be retrievable and comply with Federal records retention requirements in 7 CFR 272.1(f). The State agency's telephonic signature process must provide linkage between the recorded telephonic signature file and the application. This is to ensure there is ready access to the audio file containing the recorded verbal assent. States that have implemented telephonic signatures have achieved a linkage between the audio file containing the telephonic assent and assented information in the case file through a filename with a unique identifier or by adding a hyperlink to the audio file in the electronic case file.

In Idaho, the audio recording of the verbal assent is stored as an audio file in a database that is accessible by caseworkers. The linkage to the case file is accomplished by naming the audio file as the case number and the time/date stamp from when the verbal assent was recorded.

Safeguards

FNS expects States to develop a telephonic signature process that includes necessary safeguards against impersonation, identity theft, and invasions of privacy as is required by the Act. The State has discretion to determine those safeguards, but must implement them effectively.

FNS suggests that each State consult its legal counsel for assistance in ensuring that, 1) the captured telephonic signature meets the legal definition of a signature in the State, and 2) that there are necessary safeguards in place to protect a client against impersonation, identity theft, and invasions of privacy.

Third-Party Acting on Behalf of State Agency

State agencies that choose to implement a telephonic signature process with a third-party (e.g. CBO, private contractor) acting on behalf of the State agency, must ensure there is orderly accessibility to the records in the contractor's possession. The State must ensure that the telephonic signature files are readily accessible as discussed earlier in this memorandum.

In addition, State agencies using a third-party should be aware of the following:

- State agencies must follow the appropriate merit system personnel policy.
- Regardless of where the telephonic signature file is stored, the State owns the signature and any other data produced under contract from a third-party entity using Federal funding.
- Telephonic signature files and related data stored on third-party hardware must be transferred to the State agency in a usable format should the third-party relationship with the State agency terminate. The third-party cannot retain these records.

FNS recommends that the State agency include appropriate language in their memorandums of understanding or contractual agreements to ensure the third-party is in compliance.

Additional Guidance

Telephonic signatures are not limited to telephonic applications and can be used to sign any application regardless of the means by which the application is completed (e.g. online, telephonically, paper). However, the State agency needs to distinguish between telephonic signatures and other electronic means of capturing an applicant's signature. For example, a household entering a Personal Identification Number over the telephone would not constitute a telephonic signature but may constitute an electronic signature. State agencies should consult with their legal counsel to define these differences and ensure that each method used to indicate that the application is signed constitutes a legal signature in State law.

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If you have any questions, please contact Dawn Marie Williams at dawn.williams@fns.usda.gov or (703) 305-2481.

A handwritten signature in black ink, reading "Lizbeth Silberman". The signature is fluid and cursive, with a long horizontal flourish extending from the end of the name.

Lizbeth Silberman
Director
Program Development Division