



United States
Department of
Agriculture

Food and
Nutrition
Service

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SUBJECT: WIC Policy Memorandum 2015-2
Protecting WIC Participant Confidentiality
Within CDC Screening Protocols

TO: Regional Directors
Special Nutrition Programs
All Regions

WIC State Agency Directors
All States

In response to multiple questions raised by WIC State agencies, this policy memorandum provides guidance for the protection of WIC applicants' and participants' confidential information, as required in the Federal WIC regulations, while complying with screening protocols as recommended by the Centers for Disease Control and Prevention (CDC) to manage public health risks.

Background

When highly contagious diseases occur, CDC works closely with the World Health Organization, State and local health departments, clinicians, and other partners to better understand and manage these public health risks, such as those recently posed by the Ebola Virus Disease. As part of the State Health Department, WIC staff may be called upon to support this effort at the discretion of the Chief State Health Officer.

Impact on the WIC Program

WIC State agencies, as directed by their Chief State Health Officer, may be asked to follow CDC guidance regarding established screening protocols. However, prior to the release of the WIC applicant or participant information, State agencies must ensure that procedures implemented within their State agency comply with Federal WIC regulations.

WIC Confidentiality

Federal WIC regulations at 7 C.F.R. 246.26 deem any information that personally identifies applicants and participants as confidential. As such, confidential information may only be disseminated for non-WIC purposes when certain requirements are met. Pursuant to 7 C.F.R. 246.26(h), the Chief Health Officer of the State must designate in writing the permitted disclosures of confidential WIC information and the organizations to which such information may be shared. Once designated, State agencies must provide proper notice to applicants and participants regarding the permitted disclosures. Additionally, State agencies must enter into a written agreement with the State or Local

agency that will be using the information and amend the WIC State Plan in accordance with §246.26(h)(3).

While State agencies are afforded discretion as to how to comply with WIC confidentiality provisions under §246.26(h), State agencies must ensure that such actions with respect to CDC screening do not cause an undue barrier to participation in the WIC program.

One method of providing the required notice would be to advise each individual that his/her information may be shared with another health agency and subsequently obtain a signed consent for the release of that information. However, if an applicant or participant does not consent to the release, that individual must still be permitted to apply for WIC benefits. Another method would be for the WIC State agency to execute a Memorandum of Understanding (MOU) with its epidemiologic counterpart in the State Health Department (or in the case of an Indian State agency, the governing authority) regarding the communication of screening information related to the disease in question. Local WIC agencies and clinics could then post the mandatory notice describing the salient points of the MOU (as set forth at 7 CFR 246.26(h) (2)) at the registration desk (or another prominent location in the general waiting area), as well as have the notice available for clients during the screening interview and/or nutrition assessment and counseling process. This approach will serve to satisfy the regulatory requirement in a manner that is minimally alarming or intrusive.

Questions related to the information and guidance provided in this memorandum should be directed to your respective FNS Regional Office.



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