Updated: October 2026
Replaces: January 2026

Confidentiality of Participant Information

Policy

USDA Federal Regulations:

State plan requirements

246.4(a) By August 15 of each year, each State agency shall submit to FNS for approval a State Plan for the following fiscal year as a prerequisite to receiving funds under this section. (26) A list of all organizations with which the State agency or its local agencies has executed or intends to execute a written agreement pursuant to §246.26(h) authorizing the use and disclosure of confidential applicant and participant information for non-WIC purposes.

Certification forms

246.7(i) All certification data for each person certified shall be recorded on a form (or forms) which are provided by the State agency. The information on the forms shall include (11) If the State agency exercises the authority to use and disclose confidential applicant and participant information for non-WIC purposes pursuant to §246.26(d)(2), a statement that:

(i) Notifies applicants that the chief State health officer (or the governing authority, in the case of an Indian State agency) may authorize the use and disclosure of information about their participation in the WIC Program for non-WIC purposes;

(ii) Must indicate that such information will 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; and,

(iii) Will be added to the statement required under paragraph (i)(10) of this section. This statement must also indicate that such information can be used by the recipient organizations only for the following:

(A) To determine the eligibility of WIC applicants and participants for programs administered by such organizations;

(B) To conduct outreach for such programs;

(C) To enhance the health, education, or well-being of WIC applicants and participants currently enrolled in those programs;

(D) To streamline administrative procedures in order to minimize burdens on participants and staff; and,

(E) To assess and evaluate a State's health system in terms of responsiveness to participants' health care needs and health care outcomes.

Fair hearing decisions

246.9(k) (4) The State and local agency shall make all hearing records and decisions available for public inspection and copying; however, the names and addresses of participants and other members of the public shall be kept confidential.

Confidentiality in investigations

246.21(b) No State or local agency, participant, or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege under this part because that person has made a complaint or formal allegation, or has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The identity of every complainant shall be kept confidential except to the extent necessary to carry out the purposes of this part, including the conducting of any investigation, hearing, or judicial proceeding.

Recordkeeping requirements

246.25(a) (4) All records shall be available during normal business hours for representatives of the Department and the Comptroller General of the United States to inspect, audit, and copy. Any reports or other documents resulting from the examination of such records that are publicly released may not include confidential applicant or participant information.

Confidentiality and sharing of information

246.26(d) (1) WIC purposes. (i) 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). 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.

(ii) Except as otherwise permitted by this section, the State agency must restrict the use and disclosure of confidential applicant and participant information to persons directly connected with the administration or enforcement of the WIC Program whom the State agency determines have a need to know the information for WIC Program purposes. These persons may include, but are not limited to: personnel from its local agencies and other WIC State or local agencies; persons under contract with the State agency to perform research regarding the WIC Program, and persons investigating or prosecuting WIC Program violations under Federal, State or local law.

(2) Non-WIC purposes. (i) Use by WIC State and local agencies. Any WIC State or local agency may use confidential applicant and participant information in the administration of its other programs that serve persons eligible for the WIC Program in accordance with paragraph (h) of this section.

(ii) Disclosure to public organizations. The State agency and its local agencies may disclose confidential applicant and participant information to public organizations for use in the administration of their programs that serve persons eligible for the WIC Program in accordance with paragraph (h) of this section.

(3) Child abuse and neglect reporting. Staff of the State agency and its local agencies who are required by State law to report known or suspected child abuse or neglect may disclose confidential applicant and participant information without the consent of the participant or applicant to the extent necessary to comply with such law.

(4) Release forms. Except in the case of subpoenas or search warrants (see paragraph (i) of this section), the State agency and its local agencies may disclose confidential applicant and participant information to individuals or entities not listed in this section only if the affected applicant or participant signs a release form authorizing the disclosure and specifying the parties to which the information may be disclosed. The State or local agency must permit applicants and participants to refuse to sign the release form and must notify the applicants and participants 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 application or participation in the WIC Program. Release forms authorizing disclosure to private physicians or other health care providers may be included as part of the WIC application or certification process. All other requests for applicants or participants to sign voluntary release forms must occur after the application and certification process is completed.

(5) Access to information by applicants and participants. The State or local agency must 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. However, the State or local agency need not provide the applicant or participant (or the parent or guardian of an infant or child) 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 policy or unless the information supports a State or local agency decision being appealed pursuant to §246.9.

USDA/Comptroller access

246.26(g) The State agency must provide the Department and the Comptroller General of the United States access to all WIC Program records, including confidential vendor, applicant and participant information, pursuant to §246.25(a)(4).

Steps for non-WIC disclosure

246.26(h) Requirements for use and disclosure of confidential applicant and participant information for non-WIC purposes. The State or local agency must take the following steps before using or disclosing confidential applicant or participant information for non-WIC purposes pursuant to paragraph (d)(2) of this section.

(1) Designation by chief State health officer. The chief State health officer (or, in the case of an Indian State agency, the governing authority) must designate in writing the permitted non-WIC uses of the information and the names of the organizations to which such information may be disclosed.

(2) Notice to applicants and participants. The applicant or participant must be notified either at the time of application (in accordance with §246.7(i)(11)) or through a subsequent notice that the chief State health officer (or, in the case of an Indian State agency, the governing authority) may authorize the use and disclosure of information about their participation in the WIC Program for non-WIC purposes. This statement must also indicate that such information will 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.

(3) Written agreement and State plan. 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 State agency must also include in its State plan, as specified in §246.4(a)(24), a list of all organizations (including units of the State agency or local agencies) with which the State agency or its local agencies has executed or intends to execute a written agreement. The written agreement must: (i) Specify that the receiving organization may use the confidential applicant and participant information only for:

(A) Establishing the eligibility of WIC applicants or participants for the programs that the organization administers;

(B) Conducting outreach to WIC applicants and participants for such programs;

(C) Enhancing the health, education, or well-being of WIC applicants or participants who are currently enrolled in such programs, including the reporting of known or suspected child abuse or neglect that is not otherwise required by State law;

(D) Streamlining administrative procedures in order to minimize burdens on staff, applicants, or participants in either the receiving program or the WIC Program; and/or

(E) Assessing and evaluating the responsiveness of a State's health system to participants' health care needs and health care outcomes; and

(ii) Contain the receiving organization's assurance that it will not use the information for any other purpose or disclose the information to a third party.

246.26(i) Subpoenas and search warrants. The State agency may disclose confidential applicant, participant, or vendor information pursuant to a valid subpoena or search warrant in accordance with the following procedures: (1) Subpoena procedures. In determining how to respond to a subpoena duces tecum (i.e., a subpoena for documents) or other subpoena for confidential information, the State or local agency must use the following procedures:

(i) Upon receiving the subpoena, immediately notify its State agency;

(ii) Consult with legal counsel for the State or local agency and determine whether the information requested is in fact confidential and prohibited by this section from being used or disclosed as stated in the subpoena;

(iii) If the State or local agency determines that the information is confidential and prohibited from being used or disclosed as stated in the subpoena, attempt to quash the subpoena unless the State or local agency determines that disclosing the confidential information is in the best interest of the Program. The determination to disclose confidential information without attempting to quash the subpoena should be made only infrequently; and,

(iv) If the State or local agency seeks to quash the subpoena or decides that disclosing the confidential information is in the best interest of the Program, inform the court or the receiving party that this information is confidential and seek to limit the disclosure by:

(A) Providing only the specific information requested in the subpoena and no other information; and,

(B) Limiting to the greatest extent possible the public access to the confidential information disclosed.

(2) Search warrant procedures. In responding to a search warrant for confidential information, the State or local agency must use the following procedures:

(i) Upon receiving the search warrant, immediately notify its State agency;
(ii) Immediately notify legal counsel for the State or local agency;
(iii) Comply with the search warrant; and,
(iv) Inform the individual(s) serving the search warrant that the information being sought is confidential and seek to limit the disclosure by:
(A) Providing only the specific information requested in the search warrant and no other information; and
(B) Limiting to the greatest extent possible the public access to the confidential information disclosed.

Authority

7 CFR Part 246.4(a)(26)
7 CFR Part 246.7(i)(11)(i-iii)(A-E)
7 CFR Part 246.9(k)(4)
7 CFR Part 246.21(b)
7 CFR Part 246.25(a)(4)
7 CFR Part 246.26(d)(1-5)
7 CFR Part 246.26(g)
7 CFR Part 246.26(h)(1-3)(i-ii)
7 CFR Part 246.26(i)(1-2)(i-iv)(A-B)
FNS Instruction WIC 800-1
WIC Policy Memo 2015-2

Procedures

Access to the electronic WIC data system
Only WIC personnel (defined as funded by WIC grant funds) are allowed access to the electronic WIC data system, including the rights to "read" and edit records. Allowing a non-WIC employee to "read" electronic records constitutes a breach of confidentiality by the WIC personnel who allowed it to happen.

Disclosure of limited WIC participant data
The Iowa Department of Health and Human Services authorized the use and disclosure of limited WIC participant data to certain programs for the purposes of coordinating care, reducing duplication of services, and outreach. There is a written agreement on file at the Iowa Department of Health and Human Services listing these programs:

- Maternal and Child Health Title V Program
- Early Hearing Detection & Intervention (EHDI)
- Prenatal Risk Assessment Monitoring System (PRAMS)
- Immunization Program
- Lead Poisoning Prevention Program
- Oral Health Center

- Center for Congenital and Inherited Diseases
- Local Public Health Services Agencies
- Family Planning Program

These programs may use this confidential information only for:

- Establishing the eligibility of WIC applicants or participants for the programs the organization administers;
- Conducting outreach to WIC applicants and participants for such programs;
- Enhancing the health, education or well-being of WIC applicants or participants who are currently enrolled in such programs, including the reporting of known or suspected child abuse or neglect that is not otherwise required by state law;
- Streamlining administrative procedures in order to minimize burdens on staff, applicants, or participants in either the receiving program or the WIC Program; and/or
- Assessing and evaluating the responsiveness of a state's health system to participants' health care needs and health care outcomes.

What and how can data be shared

The limited WIC participant data that can be disclosed to non-WIC programs in the Iowa Department of Health and Human Services includes the following:

- Participant name
- Address
- Phone number
- Date of birth
- WIC participant category (e.g., infant, child, pregnant, breastfeeding, not breastfeeding)

The WIC agency may share limited participant data in the following ways:

- Verbally or in writing upon verbal request from the MCH agency.
- A report or an electronic file generated by the WIC state agency upon written request from the state MCH or any of their contractors. This request must describe the intended use of the data.

Additional data may be shared as described below:

- Nutrition Health History cards listing blood work results and anthropometric data can be provided to WIC participants and can be shared by that participant with other providers and program personnel.
- WIC data system outputs (e.g., pediatric growth charts, prenatal weight gain charts, nutrition interviews and nutrition care plans) may also be printed and given to the participant/parent/guardian or printed and shared if the participant has signed a release allowing for this information to be shared with the documented organizations on the release.

Data sharing agreements at the state agency

The following Data Sharing Agreement(s) are in place only between the Iowa Department of Health and Human Services and the following organizations for either WIC or non-WIC purposes:

- University of Iowa (Iowa Registry for Congenital and Inherited Disorders) on behalf of Dr. P. R. (non-WIC purposes)
- Iowa Department of Health and Human Services, Bureau of Financial, Food and Work Supports SNAP Program (SNAP list) (WIC-purposes)
- Division of Public Health, Bureau of Maternal and Reproductive Health (Pregnancy Risk Assessment Monitoring System, PRAMS) (non-WIC purposes)

Assessments by HHS child protection workers

When a Child Protection Worker (CPW) from HHS requests information from a WIC record, direct the CPW to submit a written request by email to the State WIC Director and the Community Wellness and Nutrition Bureau Chief, copying the local agency (LA) WIC Coordinator. Upon receipt of the email, the local agency will check that the appropriate State WIC staff have been included on the request. This ensures all parties are following current processes and procedures.

The CPW request should clearly state the specific information being requested. The following data fields may be provided to CPWs upon receipt of a proper written request, with the State WIC Director and the Community Wellness and Nutrition Bureau Chief included on the response:

- Confirmation of WIC participation
- Participation start date and current participation status
- Child weight values
- Weight values from appointments within the certification period
- Benefit redemptions
- Dates of benefit issuance and whether all or some benefits were redeemed
- Appointments kept or not kept within the current certification period and confirm status of attendance
- Relevant case notes (Note: WIC staff are mandated reporters and must report any concerns related to abuse or neglect.)

Subpoenas

A subpoena is a request for information issued by a court in response to a request by an attorney representing a party. It is not a court order to produce information; however, it cannot be ignored. Failure to respond to a subpoena could result in the state or local agency being found in contempt of court, and WIC employees could be fined or incarcerated. There are two responses to a subpoena:

- Produce the requested information, or

- File a motion to quash the subpoena (make it void).

A subpoena may be directed to an individual or an entity, and a subpoena duces tecum is a request for the production of designated tangible items (e.g., records).

- The subpoena will designate a deadline by which the state or local WIC agency must respond to the subpoena. The subpoena will also identify the individual or organization seeking the WIC information and who had the subpoena issued.

If your agency is served with a subpoena requesting WIC data, follow this procedure. The state agency staff will follow the same procedure if served with a subpoena.

1. Immediately notify the WIC Integrity Coordinator and the State WIC Director.
2. The State WIC Director and WIC Integrity Coordinator will acknowledge receipt and immediately provide it to Iowa Health and Human Services (HHS) legal counsel.
3. Upon review and decision by Iowa HHS legal counsel, the State WIC Agency will notify the local agency with next steps and action items.

Copies of subpoenas are considered records pertaining to WIC operations and must be retained on file by local agencies.

If your agency is required to release confidential information in response to a subpoena or search warrant and the release is made in accordance with WIC regulations, instructions and policy, Food and Nutrition Administration will not take adverse action against your agency. If a program applicant or participant files a formal complaint or begins litigation because the state or local agency released WIC information in response to a subpoena or search warrant notify the State WIC Coordinator and WIC Integrity Coordinator and await further guidance.

Search warrants

State and local agencies must comply with search warrants. A search warrant is presented in person and requires immediate compliance, whereas a subpoena provides a timeline for compliance.

Failure to fully comply with a search warrant at the time it is served could result in the immediate incarceration of state or local WIC agency staff. Search warrants usually specify exactly what information is being sought. Agency staff should carefully review the search warrant and provide only the specific information requested in the search warrant and no other information.

If your agency is served with a search warrant, follow this procedure.

1. Immediately notify the WIC Integrity Coordinator and State WIC Director.
2. The WIC State Agency staff will immediately notify Iowa HHS legal. The local agency must also immediately notify their legal counsel.
3. Comply with the search warrant.
4. Inform the individual(s) serving the search warrant that the information being sought is confidential and seek to limit the disclosure by:
    a. Providing only the specific information requested in the warrant and no other information, and
    b. Limiting to the greatest extent possible the public access to the information disclosed.

Copies of search warrants are considered records pertaining to WIC operations and must be retained on file by local agencies.

If your agency is required to release confidential information in response to a subpoena or search warrant and the release is made in accordance with WIC regulations, instructions and policy, Food and Nutrition Administration will not take adverse action against your agency. If a program applicant or participant files a formal complaint or begins litigation because the state or local agency released WIC information in response to a subpoena or search warrant notify the State WIC Coordinator and WIC Integrity Coordinator and await further guidance.

eWIC card customer service line

The eWIC customer service line must keep WIC participant information confidential.

- If an individual calls the eWIC customer service line who is not the cardholder (additional parent/guardian or proxy) and has all the required information (date of birth, zip code, and name of card holder), the eWIC customer service line cannot give out any information since they would not be able to verify if the individual is actually authorized to use the card.
    - The eWIC customer service staff will direct the individual to contact the local agency. The local agency staff will be able to confirm if the individual is an additional parent/guardian or proxy.
    - If the individual is authorized to use the eWIC card and needs information that can only be obtained through the eWIC database, contact the WIC state agency for assistance.