

**SECTION: ADMINISTRATIVE POLICIES AND PROCEDURES**

**SUBJECT: Program Compliance Monitoring**

**ITEM: Access to and Security of Confidential Information**

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## **Purpose**

To ensure compliance with federal regulations and state directives, and protect the right to privacy of WIC employees, applicants and participants.

## **Policy**

The local agency is required to protect the confidentiality of its employees, applicants and participants by preventing the unauthorized disclosure of their personal information.

## **Authority**

7 CFR 246.26 (d)

State Health Administrative Manual Sections 11-3050 and 11-3060

## **Definition**

Employee, applicant and participant confidential information includes, but is not limited to: name; Social Security Number; address; telephone number; family size and members; physical description; income data; employment history; information on Medi-Cal, food stamps or TANF status; medical data; food instrument issuance data that identifies the individual; fair hearing documents that identifies the individual; and discrimination complaint documents that identifies the individual. **NOTE:** Lists of WIC employee names and work telephone numbers are not confidential as they are public information.

## **Required Procedures**

- I. Each local agency is responsible for restricting the disclosure of confidential information obtained from employees, applicants or participants without their written consent. WIC employee, applicant or participant information may be disclosed without written consent only when:

- A. requested by a representative of the State agency, State Department of Health Care Services' Audits and Investigations, State Controller's Office, USDA, and other authorized State or federal representatives designated by federal WIC regulations/statutes during normal business hours for the purpose of inspecting, auditing, and photocopying such records. The local agency is also required to assure that all confidential records are stored in such a manner so as to allow for ease of identification and retrieval, or
  - B. requested by another WIC agency to verify that individual's program eligibility and to investigate potential dual participation.
- II. A local agency may make available summary statistical information to the general public which does not directly identify employees, applicants or participants. However, a local agency must receive approval from the State agency prior to releasing such information.
  - III. Unauthorized disclosure of WIC applicant or participant confidential information could potentially result in a formal complaint or lawsuit brought against the State agency or a local agency by the applicant or participant. Therefore, it is critical that the local WIC agency assures its staff is trained on the proper procedures for disclosing confidential information. Providing confidential information is disclosed in accordance with approved program policies, adverse action will not be taken against the local agency or its staff.
  - IV. A local WIC program may be part of a multi-service social service and/or health agency that provides more than WIC services, i.e., a hospital or a county health department. In such situations, only WIC program staff may have access to WIC applicant and participant confidential information. Non-WIC personnel may have access to specific applicant and participant confidential information if prior written consent to access such information is first obtained from the applicant or participant in question.
  - V. The local agency is required to assure restricted access to confidential participant information maintained in the Integrated Statewide Information System (ISIS). This assurance includes, but is not limited to:
    - A. turning off and securing all ISIS computer terminals at the end of the workday;
    - B. logging out of ISIS when leaving the computer terminal unattended; and
    - C. limiting viewing of applicant and participant data or records that is showing on ISIS computer screens and computer printouts to local agency employees, the applicable applicant or participant.

- VI. The local agency is required to assure the security of paper documents containing confidential employee, applicant and participant information. This assurance includes, but is not limited to:
- A. locking away confidential information if left unattended, even for a few minutes;
  - B. during non-working hours, keeping confidential information in a locked desk, cabinet or office, even if the building is secured;
  - C. placing confidential documents for shredding in a locked shred container at the end of each workday, or securing the documents in a locked desk, cabinet or office; and
  - D. directing custodial and maintenance staff to not enter a locked office unless requested for cleaning and in emergency situations. Should an employee request cleaning of a locked office, it is the responsibility of that employee to lock all confidential information in a desk or cabinet within that office space.
- VII. It is critical that all employees immediately report any loss of documents containing WIC employee, applicant or participant confidential information; any suspected breach of the security of such confidential information; or in the event of unintentional, unauthorized disclosure of confidential information. The report must be made the day the loss or suspected breach of confidential information is discovered by calling the State agency's Program Integrity Unit at **(800) 852-5700**, or email at: **wicfraud@dhs.ca.gov**.