

Subject: Program Compliance Monitoring

Item: Subpoenas and Search Warrants

PURPOSE:

To ensure compliance with federal regulations and state directives when responding to a subpoena or search warrant request for WIC employee, applicant or participant confidential information.

POLICY:

- I. The local agency (LA) is required to adhere to the following procedures when presented with a request for WIC program confidential information via a legally executed subpoena or search warrant. The LA director is required to ensure that all LA staff is knowledgeable of the approved procedures.

PROCEDURE(S):

- I. Upon receipt of a subpoena, the LA is required to immediately contact its legal counsel and its assigned CDPH/WIC contract manager.
 - A. If the subpoena is a request for WIC participant confidential information, the LA will be advised to send a response letter to the requesting party. CDPH/WIC will provide the LA with approved language for the letter.
 - B. If the subpoena is a request for a LA staff member to appear in court, CDPH/WIC will advise that the staff member appear at the time and place indicated on the subpoena.
 - C. If the subpoena is a request for a LA staff member to appear in court and provide a participant's confidential information, the LA is required to respond to the subpoena using a CDPH/WIC approved letter discussed in "A" above and appear in court following the procedures in "B" above.
 - II. Upon receipt of a search warrant, the LA is required to:
 - A. Carefully review the search warrant to identify the specific information to be disclosed and to verify that it is signed by a judge.
 - B. Limit access to the information specified in the search warrant.
 - C. Notify CDPH WIC contract manger and the LA legal representative.
 - D. Retain a copy of the search warrant.
 - III. There is no legal obligation for CDPH/WIC or the LA to notify a program applicant or participant of any subpoena or search warrant received requesting that individual's confidential information.
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IV. The LA is required to advise and consult with legal counsel if any formal complaint or notice of lawsuit by a program applicant or participant is received as a result of the LA releasing confidential information in response to a subpoena or search warrant. If the confidential information is disclosed according to approved program policies, adverse action will not be taken against the LA or its staff. The LA must immediately notify CDPH/WIC of the complaint or notice of lawsuit:

Local Support Unit

Phone: 1-(800)-852-5700

Email: WICABUSE@cdph.ca.gov

AUTHORITY:

[7 CFR 246.26 \(i\)](#)

[22 CCR 40793](#)

CROSS REFERENCE:

WPPM 970-10 Glossary