



Georgia Department of Early Care and Learning

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Governor

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Holly A. Robinson, Ed.D.
Commissioner

MEMORANDUM

Date: May 15, 2008

To: SFSP Participants

From: Jackie Romain, Director
Nutrition Services

A handwritten signature in cursive script that reads "J Romain".

RE: Disclosure of income eligibility information per USDA Policy Memo SFSP 04-2008
(February 15, 2008) and USDA CACFP Policy Memo 226.23-12 (January 4, 1999)

This memo is to highlight the disclosure of eligibility information between child nutrition programs. Per USDA SFSP Policy Memo 04-2008 (enclosed for your review), local education agencies may disclose children's names and all eligibility information including eligibility status (whether they are eligible for free or reduced priced school meals or free milk), to *persons directly connected* with the administration of other Federal child nutrition programs which includes Child and Adult Care Food Program (CACFP) and the Summer Food Service Program (SFSP). These programs are subject to the same confidentiality and disclosure requirements, and they may disclose income eligibility information to another child nutrition program.

"Persons directly connected" with the administration of another child nutrition program can include sponsors or local program operators of CACFP or SFSP, even if that sponsor is representing Parks and Recreation, a food bank, a child care center, or other entity not connected with the school system. "Persons directly connected" with the administration of the program must legitimately "need to know" the eligibility information in order to carry out their program responsibilities.

"Disclosure" is defined in the regulations found at 7 Code of Federal Regulation 225.2 as "reveal or use individual children's program eligibility information obtained through the free and reduced price meal eligibility process...[and] refers to access, release, or transfer of personal data about children by means of print, tape, microfilm, microfiche, electronic communication or any other means."

For the purpose of this memo, “determining agency” is defined as the child nutrition program that has determined the income eligibility status of participants, and the “receiving agency” is the child nutrition program that is obtaining the income eligibility information disclosed:

- 1) The disclosed information should be supported by some indication that the information was supplied by the determining agency, to include the name and address of the organization that made the income determinations, and the name and position of the person actually providing the information.
- 2) The disclosed information must have some indentifying information to differentiate between the participants with similar names. For example, a date of birth, and/or home address should be listed for each participant.
- 3) Income eligibility information disclosed must at minimum contain the statement, “Eligibility information may only be used for the purpose for which the discloser was made, that further use or disclosure to other parties is prohibited and that a violation of this provision may result in a fine of not more than \$1000 or imprisonment of not more than 1 year, or both.” If no agreement exists between the determining and receiving agency specifying how the information will be used, it’s recommended that the certification be worded to include the specific purpose for which the information will be used, for example, disclosure to the state health insurance programs.
- 4) The receiving agency will then use the disclosed information to ensure that the correct income eligibility is matched to the correct participant within the receiving agency’s sponsorship by reviewing the identifying information for individuals with like names.
- 5) If utilizing this system of obtaining income eligibility, the specific procedures must be detailed in the institution’s SFSP management plan under the section pertaining to obtaining and updating income eligibility statements.
- 6) The privacy and confidentiality of personal data must be protected. The sponsor or institution receiving eligibility information cannot share the information with any other entity or institution. The institution or sponsor must also ensure that the information is securely stored, and that the number of individuals that have access to it is limited.

Institutions are strongly encouraged to have an agreement with the determining agency that states the purpose for which the income information will be used. In situations where organizations may disclose eligibility information to the state health insurance programs, this information must be included in the agreement with the determining agency or be included in the certification statement discussed in item 3 above.

Enclosure: USDA Policy Memo Code SFSP 04-2008, dated February 15, 2008
 USDA CACFP Policy Number 226.23-12, dated January 4, 1999