DISCLOSURE OF FREE AND REDUCED PRICE INFORMATION AGREEMENT

I. PURPOSE AND SCOPE

(Insert name of determining agency) and *(insert name of receiving agency)* acknowledge and agree that children's free and reduced price meal and free milk eligibility information obtained under provisions of the National School Lunch Act (42 USC 1751 et. seq.) or Child Nutrition Act of 1966 (42 USC 1771 et. seq.) and the regulations implementing those Acts is confidential information. This Memorandum of Understanding (MOU) is intended to ensure that any information disclosed by the *(insert name of determining agency)* to the *(insert name of receiving agency)* about children eligible for free and reduced price meals or free milk will be used only for purposes specified in this MOU and that the *(insert name of determining agency)* and *(insert name of receiving agency)* recognize that there are penalties for unauthorized disclosures of this eligibility information.

II. AUTHORITY

Section 9(b)(2)(C)(iii) of the National School Lunch Act (42 USC 1758(b)(2)(C)(iii)) authorizes the limited disclosure of children's free and reduced price meal or free milk eligibility information to specific programs or individuals, without prior parent/guardian consent. Additionally, the statute specifies that for any disclosures not authorized by the statute, the consent of children's parents/guardians must be obtained prior to the disclosure. For any unauthorized disclosure of children's eligibility information, the statute specifies a fine of not more than $1,000 and imprisonment of not more than 1 year, or both.

III. RESPONSIBILITIES

(Insert Name of Determining Agency) **will:**

Determine children's free and reduced price meal or free milk eligibility in accordance with the income eligibility criteria mandated by the Department of Agriculture;

Inform households that their children's free and reduced price meal or free milk eligibility information may be shared;

Ensure that children's free and reduced price meal or free milk eligibility information is provided only to persons directly connected with the administration or enforcement of a program or activity that is specifically authorized access by the statute or for which parents/guardians provided consent prior to disclosure;

Include a Privacy Act statement when necessary and ensure the statement meets the Privacy Act requirements;

Secure parents/guardians consent prior to any disclosure not authorized by the National School Lunch Act or any regulations under that Act and disclose eligibility information only to those persons directly connected to programs for which prior consent was given.

(Insert Name of Receiving Agency) **will:**

Ensure that only persons who are directly connected with the administration or enforcement of the *(insert name of the Program)* will have access to children's eligibility information;

Use children's free and reduced price eligibility information for the following specific purpose(s):

(Describe)

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Inform all persons that have access to children's free and reduced price meal or free milk eligibility information that the information is confidential and must be used only for purposes specified above;

Protect the confidentiality of children's free and reduced price meal or free milk eligibility information as follows:

(Specifically describe how the information will be protected from unauthorized uses and further disclosures.)

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IV. PENALTIES

Any person who publishes, divulges, discloses, or makes known in any manner, or to any extent not authorized by Federal law (Section 9(b)(2)(C) of the National School Lunch Act; 42 USC 1758(b)(2)(C)) or a regulation, any information about a child's eligibility for free and reduced price meals or free milk shall be fined not more than a $1,000 or imprisonment of not more than 1 year or both.

V. SIGNATURES

The parties acknowledge that children's free and reduced price meal and free milk eligibility information may be used only for the specific purposes stated above; that unauthorized use of free and reduced price meal and free milk information or further disclosure to other persons is prohibited and a violation of Federal law which may result in civil and criminal penalties.

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Receiving Agency Date

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Determining Agency Date