United States Department of Agriculture

Food and Nutrition Service

3101 Park Center Drive
Alexandria, VA 22302-1500

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SUBJECT: Sharing Income Eligibility Information between Child Nutrition Programs

TO: Regional Directors
Special Nutrition Programs
All Regions

State Agency Directors
Child Nutrition Programs
All States

The purpose of this memo is to highlight previously issued guidance on the disclosure of eligibility information between child nutrition programs, and to offer clarification on the application of this policy. This was a recommendation of the Child and Adult Care Food Program (CACFP) Paperwork Reduction Workgroup, whose purpose was to identify opportunities to streamline the paperwork involved in administering the CACFP.

Under the authority of the Richard B. Russell National School Lunch Act (NSLA), Section 9(b)(6), local education agencies (LEAs) may disclose children's names and all eligibility information, including eligibility status (whether they are eligible for free or reduced price school meals or free milk), to *persons directly connected* with the administration of other Federal child nutrition programs authorized under the NSLA and the Child Nutrition Act of 1966, which includes CACFP and the Summer Food Service Program (SFSP). Because LEAs are not required to give prior notice or receive consent from the household before sharing this information, these programs are subject to the same confidentiality and disclosure requirements.

The term "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. This is not to say that all employees of a sponsoring organization are entitled access to eligibility information. "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. For example, the individual responsible for documenting the eligibility of a site would have a clear need to access this information, while an individual serving meals or conducting recreation programs, would not.

The LEA or school administrator responsible for making free and reduced priced meal or free milk eligibility determinations is also responsible for the decision on what

information may be released, and to whom. The release of eligibility information between Child Nutrition Programs is an administrative option that is encouraged, but is not required. The LEA also has the option to enter into a written agreement with the institution or sponsor that will receive the information, which identifies the information to be shared, a description of how it will be protected and a prohibition against further use of the information.

The privacy and confidentiality of personal data must be protected, and LEAs must take the decision to release eligibility information seriously. It must be made clear that 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 the number of individuals that have access to it is limited. In this way, the LEA maintains control over the use and release of all eligibility information, and guards against improper disclosure.

State agencies should direct any questions concerning this memorandum to their FNS Regional Office. LEAs may consult the current Eligibility Guidance Manual for School Meals or their State agency for more information. The manual is available on the FNS website at http://www.fns.usda.gov/cnd/Governance/notices/iegs/EligibilityManual.pdf.

Original Signed

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