

CLARIFICATION OF FEDERAL POLICY

In Texas, organizations that contract directly with Texas Department of Agriculture's USDA federally funded nutrition programs are called Contracting Entities or CEs. The Summer Food Service Program (SFSP) is identified as a nutrition program and, as such, sponsors are considered CEs.

Sharing Income Eligibility Information (Policy Alert SFSP 2010-13)

A sponsor must protect the confidentiality of any information that has been provided by a household, or received from a School Food Authority (SFA) for determining eligibility for free, reduced-price or paid meals. The sponsor may only use the information to determine eligibility. The sponsor must not release any information that contains a program participant's name or other individual information. Summary information, such as the number of program participants eligible for benefits, can be released.

SFAs operating the National School Lunch Program/School Breakfast Program (NSLP/SBP) and Special Milk Program (SMP) may disclose children's names and all eligibility information, including eligibility status (whether they are eligible for free or reduced-price meals or free milk), to **persons directly connected** with the administration of other Federal child nutrition programs authorized under the National School Lunch Act (NSLA) and the Child Nutrition Act of 1966, which includes the Child and Adult Care Food Program (CACFP).

Because SFAs are not required to give prior notice or receive consent from the household before sharing this information, the information obtained from the SFA is subject to the same confidentiality and disclosure requirements as information obtained directly from a household.

The term "**persons directly connected**" with the administration of another child nutrition program can include sponsors of the SFSP. Not all employees of a sponsoring organization are entitled access to eligibility information.

"**Persons directly connected**" with the administration of the SFSP must legitimately "need to know" the eligibility information in order to carry out their program responsibilities.

Example: The individual responsible for documenting the eligibility of a site would have clear need to access eligibility information, while an individual serving meals or conducting recreation programs, would not.

There is specific information that centers must obtain and use as documentation to determine that a child is eligible for free or reduced-price meals.

Sponsors wanting to use information from an SFA would need to obtain from the SFA, or provide information to the SFA, to:

- Document that the eligibility information applies to the specific child in question; and
- Verify the source/validity of the information. For example, the name of the SFA, name of the person providing the information, the date the information was obtained, and the name of the person at the child care center or sponsoring organization who obtained the information.

It is preferable that eligibility information received from an SFA be documented in writing by the SFA; however, documentation of verbal communication is sufficient to verify the information.

The sponsor and SFA should share the least amount of information needed to identify the child; however, it is understood that in some cases, it may be necessary to share more than the child's name to ensure that the eligibility determination applies to a specific child.

Example: A sponsor attempting to document the income eligibility of a child named "John Smith" may need to provide the child's date of birth to the SFA so that the SFA can verify that the information being provided applies to the "John Smith" in question. The following elements are required:

- Name of the SFA;
- Telephone number;
- Date information was obtained from the SFA;
- Name of the SFA representative providing the eligibility information;
- Name of the student;
- Student's eligibility category; and
- Printed name, title, signature and date of signature of the SFSP representative.

Note: The disclosure of information by the SFA is the SFA's option and not required by regulations to be provided.

The privacy and confidentiality of personal data must be protected and it must be made clear that the sponsor staff receiving eligibility information cannot share the information with any other entity*. The sponsor must also ensure that the information is securely stored and the number of individuals that have access to it is limited.

The sponsor must maintain control over the use of all eligibility information and guard against improper disclosure, no matter how the information was obtained.