



SNAP 101-1 Confidentiality

Supersedes: SNAP 101-1 (07/06/2022)

References: 7 CFR 272.1; 273.2

Overview: Supplemental Nutrition Assistance Program (SNAP) case information is confidential under federal law. The Department of Public Health and Human Services (DPHHS) may share participant information for purposes directly connected with the administration of the public assistance programs, other federal programs, and certain entitled entities.

HEALTH INSURANCE PORTABILITY & ACCOUNTABILITY ACT (HIPAA)

Guidelines in the HIPAA manual must be followed concerning the release of protected health information.

INFORMATION PROVIDED WITHOUT NOTICE TO OR PERMISSION OF PARTICIPANT

The use or disclosure concerning confidential information of a SNAP applicant or recipient households without notice to or permission of the individual can be provided to the following:

1. Persons directly connected with the administration of the Child Support Program under part D, title IV of the Social Security Act to assist in the administration of that program, and employees of the Secretary of Health and Human Services as necessary to assist in establishing or verifying eligibility or benefits under titles II and XVI of the Social Security Act.
2. Individuals establishing or verifying eligibility or benefits under Title II and Title XVI of the Social Security Act including Old-Age and Survivors Insurance, Social Security Disability Insurance (SSDI), and Supplemental Security Income (SSI).
3. Persons directly connected with the administration or enforcement of the provisions of the Food and Nutrition Act of 2008 or regulations, other Federal assistance programs, federally assisted state programs providing assistance on a means-tested basis to low-income individuals, or general assistance programs which are subject to the joint processing requirements in federal regulations.
4. Individuals directly connected with the administration or enforcement of the programs which are required to participate in the State Income and Eligibility Verification System (IEVS) to the extent the SNAP information is useful in establishing or verifying eligibility or benefit amounts for those programs.

5. Employees of the Comptroller General's Office of the United States for audit examination that is authorized by any other provision of the law.
6. Local, state, or federal law enforcement officials, upon their written request, for the purpose of investigating an alleged violation of the Food and Nutrition Act of 2008 or regulation. The written request shall include the identity of the individual requesting the information and his authority to do so, violation being investigated, and the identity of the person on whom the information is requested.
7. Local, state, or federal law enforcement officers acting in their official capacity, upon written request by such law enforcement officers that includes the name of the household member being sought, for the purpose of obtaining the address, social security number, and, if available, photograph of the household member, if the member is fleeing to avoid prosecution or custody for a crime, or an attempt to commit a crime, that would be classified as a felony, or is violating a condition of probation or parole imposed under a federal or state law. The State agency shall provide information regarding a household member, upon written request of a law enforcement officer acting in his or her official capacity that includes the name of the person being sought, if the other household member has information necessary for the apprehension or investigation of the other household member who is fleeing to avoid prosecution or custody for a felony or has violated a condition of probation or parole imposed under Federal or State law. The State agency shall disclose only such information as is necessary to comply with a specific written request of a law enforcement agency authorized by this paragraph.
8. Agencies of the federal government for the purpose of collecting over issued SNAP benefits.
9. Individuals directly connected with the Systematic Alien Verification for Entitlements (SAVE) Program to the extent the information is necessary to verify identity and alien status for SNAP.
10. Local educational agencies administering the National School Lunch Program established under the Richard B. Russell National School Lunch Act or the School Breakfast Program established under the Child Nutrition Act of 1966, for the purpose of directly certifying the eligibility of school-aged children for receipt of free meals under the School Lunch and School Breakfast programs based on their receipt of Supplemental Nutrition Assistance Program benefits.

Requests for information about current or past participants that do not meet the above criteria must be submitted in writing to the Public Assistance Bureau, Central Office. When there is a question about a breach of confidentiality, Central Office will refer the request to the Office of Legal Affairs.

RELEASE TO PARTICIPANT OR DESIGNEE

When there is a written request by a responsible SNAP household member or authorized representative to review material and information contained in its case file, the material and information in the case file are available to review during normal business hours.

Privileged information may be withheld such as the name of individuals who have disclosed information about the household without the household's knowledge, or the nature or status of pending criminal prosecution.

AUTHORIZATION OF INFORMATION BY PARTICIPANT

An individual's signature on the application allows the OPA to contact other persons or organizations to obtain necessary verification of any statements to determine initial eligibility.

A signed release of information form is not a condition of eligibility, and the household is not required to sign a form. However, the OPA Case Manager should ask the household to sign a release of information form to enable the OPA Case Manager to assist the household in obtaining necessary information or verification to determine eligibility. Each adult household member should be given the opportunity to review and sign a release of information form since an individual cannot waive another's right to confidentiality. If the household does not want to sign the form, it should be case noted that they were given the opportunity but did not sign the release of information. A participant always has the right to rescind in writing the authorization to release information.

Human and Community Services Division (HCS) currently has three release of information forms that are available for use.

1. HCS-101 form explains the participant's right to confidentiality and gives the participant the option of signing the form to authorize the release of information or declining to authorize the release of information by not signing the form. The authorization expires one year from the date of the signature, so the household should have the opportunity to sign the form at application and yearly thereafter.
2. HCS-102 is used for only very specific information to be released and specifies a specific date the release expires. The HCS-102 is only used on a limited case-by-case basis.
3. HCS-103 is used for case management to share general information between agencies such as progress reports, enrollment, attendance, and participation.

AGENCY PERSONNEL AND VOLUNTEERS

Personnel used in SNAP eligibility determination process must be employed and classified in accordance with the employment and classification standards of the State of Montana and the Department of Public Health and Human Services. Only qualified program employees conduct the required eligibility determination interviews and determine eligibility for SNAP.

Volunteers must be trained in sufficient detail and frequently enough to give correct information to households. Volunteers or other persons not employed by DPHHS may not conduct the required eligibility determination interviews and determine eligibility for SNAP. They may assist OPA Case Managers in related activities such as outreach, obtaining necessary verification, pre-screening applications, and assisting applicants in completing the application form.

Volunteers are restricted from disclosing confidential information the same as DPHHS employees.

Effective Date: December 15, 2023