

Section III: State Agency Procedure Manual

I. State Vendor and Farmer Management

C. Confidentiality of Retailer Information

Purpose

The release of confidential retailer information is restricted.

Policy

Information about any retailer, except for name, address, authorization status, telephone number, website and business email address, and store type, is considered confidential. Release of confidential retailer information is limited by Federal WIC Regulations.

1. Confidential retailer information is available to:

- Persons the State Office has determined have a need to know for program purposes because of their direct connection with the administration or enforcement of the WIC Program or SNAP.
For example:
 - Montana WIC Program Local Agency Retailer Coordinator (LARC), or their designee;
 - Contractors hired by the Montana WIC Program to perform compliance investigations;
 - Other WIC State Agencies;
 - Other WIC State's Local Agencies;
 - Persons investigating or prosecuting WIC or SNAP violations under Federal, State or local law.
 - Persons directly connected with the administration or enforcement of any Federal, State law (see notation); and

Note: A written agreement must be entered into with any non-Federal agency specifying that information provided may not be used or disclosed except for the direct purpose of administration or enforcement of a Federal or State law.

 - An individual Retailer when subject to an adverse action, including claim information related to the adverse action.

2. Limitations of WIC

- The Montana WIC Program will apply the same limitations to the use and release of information obtained from SNAP regarding SNAP retailers whether or not the retailer is also a WIC retailer.

3. Who May Authorize

- The Retail Program Manager or the Montana WIC Program Director will determine the appropriateness of a request for confidential retailer information.
- All requests for confidential retailer information must be directed to the State Office.

4. Requirements

- Requests for confidential retailer information from an entity outside of the Montana WIC Program must be in writing.

5. Timeline

- State Vendor staff will respond to the request for confidential information within ten (10) working days with the exception of when legal advice or a legal opinion is sought from the DPHHS legal services. In the event the request for legal services delays the response the Retailer Coordinator will notify the requestor in writing of the delay. No requested response will be delayed beyond thirty (30) days.

6. Documentation

- Any request for confidential retailer information must be documented in the retailer's file by dates, including any action taken, agreement for the information released. State Office staff responsible for each action must sign the documentation.