

**Indiana WIC Program
Indiana State Department of Health**

**Confidentiality
Requests for Information**

Policy

The local agency will ensure confidentiality of applicant and client information in accordance with WIC Federal Regulations.

Authority

7 CFR Part 246.26(d)(g)(h)(i)
FNS Instruction 800-1

Procedures

I. Release Forms

- A. Except in the case of search warrants or court orders, information released on behalf of an applicant/client to a specified party may only be done using a WIC Release of Information Form or a local agency multipurpose release form. A new release form must be completed with each release of information. (Completion of a WIC Release of Information Form does not constitute agreement to participate in a research study.)
 - 1. Local agency multi-purpose release of information forms must have prior approval by the State WIC office. The form must be similar to the WIC Release of Information Form and allow the applicant/client to authorize the disclosure and specify the parties to which information may be disclosed.
 - 2. Release forms from other agencies that are signed by the WIC applicant/client or authorized representative will not be honored.

- B. Completion of release of information forms, including agency multi-purpose release forms, must take place after the determination of WIC eligibility. Applicants/clients or authorized representatives must be notified that signing the form is not a condition of eligibility and refusing to sign the form will not affect their application or participation in WIC.

- C. Faxing of confidential client information to a medical provider, a social service provider, another WIC clinic or sponsoring agency is permitted. **Faxing to locations where confidentiality cannot be guaranteed (i.e. workplaces, residential faxes, businesses, etc.) is prohibited.**
 - D. All WIC Release of Information Forms and/or agency multi-purpose release forms, must be scanned into the client record in the INWIC.
- II. Access to Information by Applicants and Clients
- A. Release of information to an applicant/client or authorized representative is limited to only the information they provided to the WIC program (e.g. income information; height/weight/Hgb and growth grid or weight gain information). Print-outs of weight gain and growth grids and/or copies of Individual Care Plans, Nutrition Ed Counseling Notes, Breastfeeding Notes and General Notes may be included in this information if requested.
- III. Child Abuse and Neglect Requests for Information
- A. Confidentiality rules may apply to requests for information made by State or local child protection services.
 - B. Any information pertaining to an applicant or client may not be disclosed in response to such requests unless, in analyzing the individual case, the State or local agency legal counsel identifies a legal imperative to respond.
- IV. Subpoenas, Search Warrants, and Court Orders
- A. Upon receipt of a subpoena the local agency is required to notify the State WIC Office.
 - 1. If the State WIC Office determines that the information is confidential and prohibited from being used or disclosed, the local agency will be advised to attempt to quash the subpoena through the local agency's legal counsel.
 - 2. If the State WIC Office determines that disclosing the confidential information is in the best interest of the program the local agency will be instructed to comply with the subpoena through the agency's legal counsel. Inform the court or the receiving party that this information is confidential and seek to limit the disclosure by:

- a. providing only the specific information requested in the subpoena and no other information and
 - b. limiting to the greatest extent possible the public access to the confidential information disclosed.
- B. Upon receipt of a search warrant or court order notify the State WIC Office.
 - 1. notify legal counsel for the local agency;
 - 2. comply with the search warrant or court order; and,
 - 3. inform the individual serving the warrant or court order that the information being sought is confidential and seek to :
 - a. provide only the specific information requested in the search warrant or court order and no other information; and
 - b. limit, to the greatest extent possible, the public access to the confidential information disclosed.
- C. Copies of Subpoenas, Search Warrants and Court Orders are considered records pertaining to WIC operations, specific to the agency, and must be retained in a separate file with the local WIC Coordinator for a minimum of three years.