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Policy

The local agency is required to adhere to the following procedures when presented with a request for WIC program confidential information via a legally executed subpoena or search warrant. The WIC local agency director is required to ensure that all local agency staff is knowledgeable of the approved procedures.

Purpose

To ensure compliance with federal regulation and state directives when responding to a subpoena or search warrant request for WIC employee, applicant or participant confidential information.

Procedures

- I. Upon receipt of a **search warrant**, the local agency is required to:
 - A. Review the search warrant to identify the specific information to be disclosed and to verify that it has been signed by a judge.
 - B. Limit access only to the information specified in the search warrant.
 - C. Immediately notify the State agency and WIC Legal Services Officers.
 - D. Retain a copy of the search warrant.
- II. The release of confidential information pursuant to a **subpoena** must be handled on a case-by-case basis. Therefore, it is imperative that the local agency consult its legal counsel and/or the State Agency's WIC Legal Services Officer.
 - A. Upon receipt of a **subpoena**, the local agency must immediately notify the State agency and seek counsel from legal or the WIC Legal Services Officer.
 - B. If the subpoena is a request for confidential WIC applicant or participant information, the WIC Legal Services Officers will determine whether disclosing the information is in the best interests of the WIC Program.
 - C. If the subpoena is a request for a WIC local agency staff member to appear in court, the State agency will advise that a designated representative for the local agency appear at the time and place so indicated on the subpoena.
 - D. If the subpoena is a request for a local agency staff member to appear in court and to provide a participant's confidential information, the local agency will be advised to appear in court with the requested records, but not to turn over the documents until after the local agency representative has requested that the presiding judge order an *in camera inspection* of the documents.
- III. There is no legal obligation for the State or local agency to notify an applicant or participant of any search warrant received requesting the individual's confidential information.

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Authority

7 CFR §§ 246.26 (i); O.C.G.A. §§ 24-13-20, et. seq.; O.C.G.A. §§ 17-5-20, et. seq.; and, FNS Instruction 800-1.

Definitions/Supporting Documentation

Search Warrants - A search warrant is an order authorizing law enforcement to seize property or data, including confidential WIC applicant or participant information. State and local agencies must comply with the search warrant at the time it is served.

Subpoena - A subpoena is an order compelling its recipient to appear in court as a witness to give testimony, or to compel the production of documents and other evidence.

Confidential WIC applicant and participant information is any information about an applicant or participant, whether it is obtained from the individual, another source, or generated as a result of a WIC application, certification, participation, that individually identifies an applicant or participant and/or family member(s) (e.g., name, address, telephone number, etc.).