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## Local Commissioners Memorandum

### Section 1

<b>Transmittal:</b>	03 LCM 8
<b>To:</b>	Local District Commissioners
<b>Issuing Division/Office:</b>	Division of Temporary Assistance
<b>Date:</b>	July 23, 2003
<b>Subject:</b>	Safeguarding of Personal Information for Food Stamp and Temporary Assistance Applicants and Recipients
<b>Contact Person(s):</b>	Eastern Regional Team @ 1-800-343-8859 Ext. 3-1469 Central Regional Team @ 1-800-343-8859 Ext. 4-9344
<b>Attachments:</b>	None
<b>Attachment Available On – Line:</b>	

### Section 2

#### I. Purpose

The purpose of this release is to remind local districts of the federal and State restrictions on access to and disclosure of personal information that has been gathered from food stamp and temporary assistance applicants and recipients.

#### II. Background

The New York State Office of Temporary and Disability Assistance (NYS OTDA) is taking this opportunity to reiterate the importance of safeguarding personal information that has been gathered and maintained on individuals applying for or receiving Food Stamp and Temporary Assistance benefits.

**Temporary Assistance:** Except in limited circumstances, Section 136 of the Social Services Law specifically prohibits the disclosure of whether a person has applied for, is receiving or has received temporary assistance, or from disclosing personal information provided to social services officials by public assistance applicants or recipients. The Social Services Law permits the disclosure of information only when such information will be used for purposes directly related to the administration of these programs. These purposes include determining whether someone is eligible for benefits, and the type and amount of benefits to be provided.

18 NYCRR Part 357 addresses the confidentiality of Temporary Assistance records. Part 357 addresses the nature of information that is to be safeguarded, the prohibition against disclosure of information, the basis for disclosure of information, the prohibition against improper use of lists of applicants/recipients and the procedures for safeguarding information maintained by NYS OTDA, SSDs and authorized

agencies. SSDs must disseminate to staff a policy and procedures manual addressing the confidentiality of records, as detailed in this Part, including the disciplinary actions for violations of confidentiality statutes, regulations and policies.

Additional information can be found in the Temporary Assistance Source Book, Chapter 4, Section Q.

**Food stamp program:** Federal food stamp regulations at 7 CFR 272.1(c)(1) and (2) limit the disclosure of personal information as described below:

(a) Use or disclosure of information obtained from food stamp applicant or recipient households is restricted to:

(i) Persons directly connected with the administration or enforcement of the provisions of the Food Stamp Act or regulations, other federal assistance programs (Family Assistance), federally assisted State programs providing assistance on a means-tested basis to low income individuals, or general assistance programs (Safety Net Assistance);

(ii) Persons 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 food stamp information is useful in establishing or verifying eligibility or benefit amounts under those programs;

(iii) Persons directly connected with the verification of immigration status of aliens applying for food stamp benefits, through the Systematic Alien Verification for Entitlements (SAVE) Program, to the extent the information is necessary to identify the individual for verification purposes;

(iv) Persons directly connected with the administration of the child support program under part D, title IV of the Social Security Act in order 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;

(v) Employees of the Comptroller General's Office of the United States for audit examination authorized by any other provision of law;

(vi) Local, State, or federal law enforcement officials, upon their written request, for the purpose of investigating an alleged violation of the Food Stamp Act 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;

(vii) Local, State or federal law enforcement officers, upon written request, for the purpose of obtaining the address, Social Security number, and, if available, photograph of any 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 in the State of New Jersey, a high misdemeanor), or is violating a condition of probation or parole imposed under a federal or State law. Districts are reminded that they cannot require a household to present photographic identification as a condition of eligibility and must accept any document that reasonably establishes the applicant's identity. Districts can also provide information regarding a household member, upon the written request of a law enforcement officer acting in his or her official capacity, where such member has information necessary for the apprehension or investigation of another member who is fleeing to avoid prosecution or custody for a felony, or has violated a condition of probation or parole. If a law enforcement officer provides documentation indicating

that a household member is fleeing to avoid prosecution or custody for a felony, or has violated a condition of probation or parole, the district must terminate the participation of the member. A request for information absent documentation would not be sufficient to terminate the member's participation. The district can disclose only such information as is necessary to comply with a specific written request of a law enforcement agency authorized by this paragraph.

(b) Recipients of information released under paragraph (a), above, must adequately protect the information against unauthorized disclosure to persons or for purposes not specified in this section. In addition, information received through the IEVS must be protected from unauthorized disclosure as required by regulations established by the information provider. Information released to districts pursuant to section 6103(l) of the Internal Revenue Code of 1954 shall be subject to the safeguards established by the Secretary of the Treasury in section 6103(l) of the Internal Revenue Code and implemented by the Internal Revenue Service in its publication, *Tax Information and Security Guidelines*.

### **III. Program Implications**

Districts should review their procedures to ensure that there are proper controls in place to safeguard both computer access as well as physical access to personal client information, particularly client Social Security numbers. Districts should ensure that access to this information is restricted to those individuals as described above.

#### **Issued By**

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