



Food and  
Nutrition  
Service

January 6, 2021

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Braddock  
Place  
Alexandria,  
VA  
22314

**SUBJECT:** Informational Memorandum: Participant Requests to Share WIC Records with Private Physicians or other Private Health Care Providers

**TO:** Regional Directors  
Special Nutrition Programs  
MARO, MPRO, MWRO  
NERO, SERO, SWRO, and WRO

WIC State Agency Directors  
All WIC State Agencies

<b>Issuing Agency/Office:</b>	FNS/Supplemental Nutrition and Safety Programs
<b>Title of Document:</b>	Special Supplemental Nutrition Program for Women, Infants and Children (WIC Program) Informational Memorandum: Participant Requests to Share WIC Records with Private Physicians or other Private Health Care Providers
<b>Document ID:</b>	N/A
<b>Z-RIN:</b>	N/A
<b>Date of Issuance:</b>	January 6, 2020
<b>Replaces:</b>	N/A
<b>Summary:</b>	This memorandum sets forth the applicable requirements in WIC regulations that allow participant information to be shared.
<b>Disclaimer:</b>	<b>The contents of this guidance document do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.</b>

Body of guidance document follows.

The Food and Nutrition Service (FNS) has received questions about participant information sharing between WIC clinics and private health care providers. This memorandum sets forth the applicable requirements in WIC regulations that allow participant information to be shared. Per WIC Regulations 7 CFR 246.26(d), applicant and participant information must be kept confidential in accordance with federal, state, and local laws, unless otherwise stated. If a participant requests to share his/her information with their private physician or other private health care provider, the participant must sign a release form allowing the WIC agency to share his/her information (7 CFR 246.26(d)(4)).

7 CFR 246.26(d)(4) also allows State agencies to include release forms authorizing disclosure of WIC records to private physicians or other private health care providers as part of the WIC application and certification process. The State or local agency must inform applicants and participants that signing the form(s) is not a condition of eligibility, and refusing to sign the form(s) will not affect the applicant's or participant's application or participation in the Program.

Lastly, WIC Regulations at 7 CFR 246.7(e)(1)(ii)(B) allow referral data to be used to meet the requirement for the hematological test for anemia. WIC State agencies may choose to use this flexibility to reduce duplicative testing and minimize participant burden in the Program.

WIC State agencies should work with the health care community to consider how to best collaborate and share information. State agencies are further encouraged to develop policies and procedures for their local agencies on how participant information may be shared, and train local agency staff as appropriate. FNS strongly recommends State agencies consult their legal counsel to address the sharing of participant personally identifiable information (PII), the Health Insurance Portability and Accountability Act of 1996 (HIPAA, P.L. 104-191), and other relevant laws as needed.

State agencies may direct any questions to their respective FNS Regional Offices.



SARAH WIDOR  
Director  
Supplemental Food Programs Division