

To: Authorized Representatives of Child Nutrition Programs
National School Lunch Program
Child and Adult Care Food Program

From: Child and Adult Nutrition Services

Date: August 17, 2017

Subject: Confidentiality of Free and Reduced Price Information- Step-By-Step
Procedures for Release to Education Officials

Memo Number: SNP 207-1
CACFP 207-1
CACFP DCH 207-1

This memo replaces the previous memo on this topic dated September 23, 1997, memo number(s) NSLP- 19, CACFP-2. The purpose of this memo is to provide guidance about procedures for school food authorities that wish to provide children's individual free and reduce price information for a variety of Federal or State Education Programs.

This information should be shared with the person that distributes information about free and reduced price eligibility in the school district. This information should be shared with administration, as well as the school food authority. Questions about this memo can be referred to a SD Dept. of Education Child and Adult Nutrition Services staff member.

We have continued to receive questions about what procedures should be followed by a school food authority (SFA) if it wishes to provide children's individual free and reduced price information for Federal or State Education Programs, Us Department of Education Title I purposes, National Assessment of Educational Progress, or the Every Student Succeeds Act (ESSA). Below are provided general Guidelines to assist State agencies and SFAs. Under section 108 Public Law 103-448, individuals' rights to privacy are recognized by not only limiting disclosure of free and reduced price information to persons who are directly connected to the administration or enforcement of certain programs, but also by including criminal penalties for unauthorized disclosures of free and reduced price eligibility information. Therefore, the only persons to whom free and reduced price eligibility information is to be divulged are those individuals who have an essential need to know.

Guidelines for School Program Administrators:

1. Ascertain that the eligibility information is to be used for a program that is authorized to receive individual eligibility status information. Currently this can be provided to Title I, the National Assessment of Education Progress, for administration of ESSA requirements, or other State or Federal Education Programs.

2. Identify the persons who are directly connected with the administration or enforcement of the authorized program and determine whether these persons have a need to know children's eligibility status. This determination should be guided by determining the individuals who play an essential part in the operation to know. This may include contract employees acting on behalf of the Federal Government or State. These contractors may be considered the same as a "person directly connected with the administration or enforcement of an authorized program."
3. Minimize the number of individuals provided access to free and reduced price information. Only those individuals whose function require eligibility status or information may have access to the data. This includes support personnel, such as those performing automated data processing tasks.
4. Notify the persons receiving free and reduced price information that the information is confidential and should not be further disclosed for unauthorized purposes. Include information about criminal penalties for unauthorized disclosures.

Although the statute authorizes the disclosure of children's eligibility information, the final decision to disclose free and reduced price eligibility information rests with the local school food authority.