



Department of Human Resources
311 West Saratoga Street
Baltimore MD 21201

Family Investment Administration **INFORMATION MEMO**

Control Number #04-09

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**TO: DIRECTORS, LOCAL DEPARTMENTS OF SOCIAL SERVICES
DEPUTY/ASSISTANT DIRECTORS FOR FAMILY INVESTMENT
FAMILY INVESTMENT SUPERVISORS AND ELIGIBILITY STAFF**

FROM: KEVIN M. MCGUIRE, EXECUTIVE DIRECTOR, FIA

LINDA HEISNER, EXECUTIVE DIRECTOR, CCA

JOSEPH DAVIS, EXECUTIVE DIRECTOR, OOE, DHMH

RE: CONFIDENTIALITY OF CUSTOMER INFORMATION

**PROGRAM AFFECTED: FOOD STAMPS (FS), TEMPORARY CASH ASSISTANCE
(TCA), MEDICAL ASSISTANCE (MA), AND PURCHASE
OF CARE (POC)**

ORIGINATING OFFICE: OFFICE OF POLICY, RESEARCH AND SYSTEMS

SUMMARY

Information provided by individuals or families when they apply for any Federal, State or local assistance program is protected from disclosure under the Privacy Act of 1974 and under the Food Stamp Act of 1977 (as amended). In addition, the Maryland Annotated Code Art. 88A, §6 provides protection against disclosing information except in specific instances. In the wake of recent events involving identity theft, it is extremely important that everyone be aware of and adhere to confidentiality requirements.

Local departments must ensure that staff are aware of:

- ◆ Who may receive customer information,
- ◆ The reasons that information may be released and
- ◆ The penalties for incorrectly releasing confidential customer information.

Households have the right to review their case files after written request to the LDSS. Prior to the household member reviewing the file, identifying information about anyone who has disclosed information to the LDSS about the household without the household's knowledge must be removed.

Except for information contained in Medical Assistance records, information obtained from households applying for assistance may be released, without written consent, to people directly connected with the administration or enforcement of:

- ◆ TCA
- ◆ FS
- ◆ Medicaid (MA)
- ◆ Supplemental Security Income (SSI)
- ◆ Transitional Emergency Medical and Housing Assistance (TEMHA)
- ◆ Child Support
- ◆ Any other federal or federally–aided means tested program
- ◆ Refugee Cash Assistance (RCA)
- ◆ Public Assistance to Adults (PAA.)
- ◆ Housing assistance

PROGRAM SPECIFIC REQUIREMENTS

Food Stamps

Information may be released about a FS household to:

- ◆ Court orders
- ◆ Federal, state or local law enforcement officers, without a court order, upon written request if the information is needed for the investigation of a violation of the Food Stamp Act or regulation.
- ◆ Any law enforcement officer may be given the address, social security number and available photograph of any household member if the officer provides the name and notifies the local department the individual:
 - Is a fleeing felon
 - Has information related to a felony or parole violation
 - Has information about another household member who is a fleeing to avoid the law.
- ◆ Persons directly connected with verification of immigration status through Systematic Alien Verification for Entitlements (SAVE), to the extent the information is necessary for verification purposes.
- ◆ Persons connected with agencies that are conducting audit examinations as authorized by law.
- ◆ Employees of Health and Human Services (HHS) as necessary to assist in establishing or verifying eligibility for benefits.

Temporary Cash Assistance

The same policy as stated above applies if the customer receives TCA. Information may also be released without consent if:

- ◆ There is a court order.

- ◆ A local, state or federal official other than a law enforcement officer is pursuing an investigation of a program violation or requires information for the administration of the program.

Purchase of Child Care

Purchase of Child Care cases have both a customer and a provider with whom the case manager must interact. Case managers cannot share personal information about either individual with the other.

Case managers can share voucher duration, receipt of the voucher and status of redetermination information between provider and customer, if requested.

Medical Assistance

Medical Assistance records and information may be disclosed only for a purpose directly connected with administration of a Medical Assistance program including:

1. Establishing eligibility;
2. Determining the extent of coverage under the Program;
3. Providing services for recipients;
4. Assisting the Child Support Enforcement Administration (CESA) in locating absent parents; and
5. Conducting or assisting an investigation, prosecution, or civil or criminal proceeding related to the administration of the Program.

FEDERAL TAX INFORMATION (FTI)

Case managers may use federal tax information (FTI) to verify income during eligibility determinations. The information may be obtained from the Internal Revenue Service (IRS) and Social Security Administration (SSA) or other sources. FTI may be contained in the case record. However, federal statute prohibits redisclosure of this information except to the customer, the customer's legal representative, or the payer (financial institution or employer) during the verification process. The IRS considers information supplied from payer records as "third party information." There are no Internal Revenue Code (IRC) restrictions on third party information.

PENALTIES FOR DISCLOSING FTI INFORMATION

Unauthorized disclosure of FTI is a felony punishable upon conviction by a fine in any amount not to exceed \$5,000 or imprisonment of not more than 5 years, or both, together with the costs of prosecution, as mandated by IRC section 7213(a).

Unauthorized inspection of FTI is a misdemeanor punishable upon conviction by a fine in any amount not exceeding \$1,000 or imprisonment of not more than 1 year, or both, together with the costs of prosecution, as mandated by IRC 7213A.

Additionally, upon conviction of an unauthorized disclosure or inspection of FTI, civil damages equal to the sum of \$1,000 for each act of unauthorized inspection or disclosure or the actual damages sustained may be awarded to the customer.

When information is disclosed to someone other than an employee of the Department or a law enforcement officer, the individual to whom the information is disclosed must be advised of confidentiality requirements.

REMINDER

Staff are reminded to protect customer social security numbers and other identification as well as their own information.

- ◆ Do not leave originals or copies of information on your desk or anywhere that someone may pick them up.
- ◆ Do not discuss customer information including the customer's name, address or case specifics where other customers or the public can hear.
- ◆ When cleaning out case records, customer information must be shredded and not just thrown in the trash.

PENALTIES FOR OTHER VIOLATIONS

A finding of disclosure of confidential information that is in violation of State law may result in a fine of \$500 or 90 days imprisonment or both and result in civil damages. Employees may also face disciplinary actions for misconduct with regard to their employment.

INQUIRIES:

Please refer Food Stamp policy questions to Marilyn Lorenzo at 410-767-7333 or Kay Finegan at 410-767-7939, TCA questions to Gretchen Simpson at 410-767-7937. Direct MA questions to Cynthia Carpenter at 410-767-7495, and POC questions to Betsy Blair at 410-767-7845.

cc: FIA Management Staff CCA Management Staff DHR Help Desk
Constituent Services