

Supplemental Nutrition Assistance Program

Federal Law: The Supplemental Nutrition Assistance Program (SNAP) Disclosure Provisions

Theme: Social Service Programs

Citation: [7 U.S.C. Chapter 51](#); [7 C.F.R. § 272.1](#)

SNAP provisions limit the use and disclosure of SNAP applicant or recipient household information.

THE LAW

What does the law do?

The Supplemental Nutrition Assistance Program (SNAP) provides resources to low income families to purchase food. The Food and Nutrition Service administers the SNAP program in cooperation with state governments. The [regulations governing SNAP](#) contain provisions that limit the use and disclosure of SNAP applicant or recipient household information.

To whom does the law apply?

The law applies to the Federal Food and Nutrition Service and state agencies participating in the SNAP program.

How is “identifiable” information defined?

The law does not differentiate information protection requirements based on the identifiability of information. The regulations restrict uses and disclosures of [“information from SNAP applicant or recipient households.”](#)

SHARING OF IDENTIFIABLE DATA

Does this law allow identifiable data to be shared?

The law permits sharing SNAP applicant or recipient household data in [limited circumstances](#). Generally, SNAP data can be shared to support the administration, enforcement, and integrity of the SNAP program and other government assisted social service programs. SNAP data can also be shared to support the administration of the Child Support Program, and the Social Security Disability Insurance, and the Supplemental Security Income programs. Under limited circumstances, SNAP data can be shared for law enforcement purposes.

Among who?

The law restricts the use or disclosure of SNAP applicant or recipient household information to [persons directly connected with](#): 1) the administration or enforcement of certain federal or federally-assisted State programs; 2) certain social service programs where SNAP data is used for eligibility determinations; 3) the verification of immigration status of aliens SNAP beneficiaries; 4) the administration of the Child Support Program; 5) The

U.S. Comptroller General's Office for audits; 6) Local, State, or Federal law enforcement; and, 7) Local educational agencies administering the National School Lunch Program.

What are the prerequisites and conditions?

The [regulations](#) place a few restrictions on the use and disclosure of SNAP applicant or recipient household information. Generally, uses and disclosures must be related to the administration, enforcement or integrity of social service programs, such as SNAP, WIC, Social Security, and the School Lunch and School Breakfast programs. Local, state or federal law enforcement officials must make a written request in order to receive SNAP data for law enforcement purposes.

SHARING OF DE-IDENTIFIED DATA

Does this law allow de-identified information to be shared?

The law does not differentiate disclosure protections based on whether information is identifiable.

Does this law define de-identification or standards to render the data de-identified?

The law does not define specific standards to make identifiable data de-identified.

DATA SHARING IMPLICATIONS FOR PUBLIC HEALTH

Does this law support data sharing to improve the health of communities?

The SNAP disclosure protections are limited to the administration or enforcement of social service programs and law enforcement. The [permitted disclosures](#) related to federally-assisted state programs providing assistance targeting low income individuals, and general assistance programs which process applications jointly with SNAP benefits might further public health objectives if those programs target community health issues (e.g., food and nutrition).

How does this law hinder data sharing to improve the health of communities?

The law contains a broadly worded restriction on the use and disclosure of SNAP applicant and recipient household information, and the law contains only a few enumerated exceptions. The absence of provisions to support the public health or research use of SNAP data hinders the use of SNAP data to answer important questions relating to population health.

Does this law establish prerequisites, conditions, or limitations for data sharing, not previously identified?

Federal SNAP applicants must be provided [notice](#) if their information is to be provided to and use by other health and human service systems.

What other terms apply to sharing this data?

The law requires state agencies to execute a [data exchange agreement](#) that specifies what information will be exchanged and the procedures for data exchange.

What remedies or solutions might be employed to support data sharing while complying with this law?

[A toolkit created by the Administration for Children and Families](#) recommends that state agencies wishing to exchange SNAP data form two working groups to facilitate the creation of a data-sharing memorandum of understanding: a program group and a legal group each containing representative from both agencies. The program working group is tasked with determining what information should be shared and who should have access to that information. The legal working group is tasked with determining how to share the data consistent

with state and federal laws, and drafting the necessary documents, notices, and agreements required for the data sharing.

What ethical considerations apply to the exercise of discretion to share data under this law?

Many SNAP beneficiaries are low-income individuals and may represent vulnerable populations. Individuals who apply to receive SNAP benefits often do so out of necessity. Consequently, individuals might feel compelled to provide information to obtain access to needed benefits.

Additional information relating to the SNAP program and can be found [here](#).

SUPPORTERS



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This document was developed by Cason Schmit, Research Assistant Professor, Texas A&M University and reviewed by Jennifer Bernstein, Deputy Director, Mid-States Region of The Network for Public Health Law. The Network for Public Health Law provides information and technical assistance on issues related to public health. The legal information and assistance provided in this document does not constitute legal advice or legal representation. For legal advice, please consult specific legal counsel.