

WIC Participant Data Confidentiality

WIC federal regulations classify WIC applicant and participant data as confidential. Federal regulations also generally prohibit the disclosure of WIC data for purposes unrelated to the administration or enforcement of the WIC program.

Requests for WIC data by third parties

If anyone working outside the WIC program, including public health, health and human services, law enforcement, or other third parties, requests confidential WIC data, your program must follow the relevant federal regulations on data sharing.

- 7 C.F.R. § 246.26(d) protects WIC data and classifies any information about a WIC applicant or participant that individually identifies an applicant or participant and/or family members as confidential.
- Federal regulations require the state and local agencies ensure strict confidentiality of WIC data. The regulations generally prohibit sharing WIC data with third parties without a written release of information (ROI) from an individual who has legal authority to consent – for example, the participant, a child’s parent, guardian, or other authorized individual. If there is a question or dispute about who has legal authority to consent, WIC staff should require written proof of custody and involve their legal counsel. Consultation with legal counsel is especially important in situations involving custody/guardianship disputes or child protection matters. If uncertainty remains, the WIC agency staff should consult their local legal counsel.

Note: Confidential WIC data includes, but is not limited to name, date of birth, address, contact information, health data for the individual, WIC appointment times, and the fact that they have applied or are participating in WIC.

- Minnesota laws, like section 260E.20, subdivision 3, do not override federal WIC regulations. Because the WIC program is a federal program, WIC staff and grantees must follow the relevant federal regulations concerning the release or sharing of WIC data. If there is a conflict between state or local policy and federal regulations, then federal regulations govern.

There are exceptions when confidential WIC data may be released without written consent:

1. To comply with a court order or search warrant that explicitly authorizes access to the requested WIC information. If a search warrant is presented, the local WIC agency must

immediately notify their legal counsel and the state WIC staff and comply with the warrant.

A subpoena is not adequate for disclosure of confidential WIC data. If a subpoena is received by a local WIC agency, the local WIC agency must immediately notify their counsel and the state WIC staff as outlined in [7 C.F.R. 246.26\(i\)](#).

2. If WIC staff personally suspect or identify child abuse or neglect, the staff may release information to the proper authorities according to the applicable state and federal laws and regulations. It is recommended that local WIC agencies follow local agency policy for reporting suspected child abuse or neglect.

If local authorities ask for WIC data when they suspect or investigate a third-party report of suspected child abuse or neglect, WIC staff cannot disclose WIC data without either a court order or release of information signed by an authorized individual.

- Contact your WIC consultant with questions.

Note: Refer to Minnesota Operations Manual (MOM), [Section 1.7: Data Privacy](#) for additional details on data privacy in the WIC Program.

WIC program and ICE

Local WIC agencies, clinics, or local public health should consult with their legal counsel for guidance concerning Immigration and Customs Enforcement (ICE). The Minnesota Attorney General's Office has provided guidance on ICE and sensitive locations for reference:

[Know Your Rights with ICE](#)

[Guidance on ICE Enforcements in Sensitive Locations](#)

Reference – complete listing of hyperlinks

[7 C.F.R. § 246.26\(d\)](https://www.ecfr.gov/current/title-7/part-246/section-246.26#p-246.26(d)(3)) (https://www.ecfr.gov/current/title-7/part-246/section-246.26#p-246.26(d)(3))

[Section 1.7: Data Privacy](https://www.health.state.mn.us/docs/people/wic/localagency/program/mom/chsctns/ch1/sctn1_7.pdf)

(https://www.health.state.mn.us/docs/people/wic/localagency/program/mom/chsctns/ch1/sctn1_7.pdf)

[Know Your Rights with ICE](https://www.ag.state.mn.us/Brochures/pubKnowYourRightsWithICE.pdf)

(https://www.ag.state.mn.us/Brochures/pubKnowYourRightsWithICE.pdf)

[Guidance on ICE Enforcements in Sensitive Locations](https://www.ag.state.mn.us/Office/Communications/2025/docs/PublicGuidance_ICE_SensitiveLocations.pdf)

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