

**New Jersey Department of Health
Division of Family Services
Farmers Market Nutrition Program
Policy and Procedure Manual**

Policy and Procedure #: SFMNP – 8
Effective Date: December 31,2025

Functional Area: Senior Farmers Market Nutrition Program

Subject: Confidentiality and Data Security

A. Policy

1. In accordance with [7 CFR 249.24](#) and State regulations, the State and local agencies will take reasonable steps to keep applicant's and participant's personally Identifiable Information (PII) records private to the extent provided by law. Any PII about applicants or participants in the Senior Farmers Market Nutrition Program (SFMNP) is to be restricted to:
 - a. Persons directly connected with the administration or enforcement of the SFMNP, including persons investigating or prosecuting violations in the SFMNP under Federal, State or local authority.
 - b. Representatives of public organizations designated by the chief State agency officer (or, in the case of Indian Tribal governments acting as SFMNP State agencies, the governing authority) that administer food, nutrition, or other assistance programs that serve persons categorically eligible for the SFMNP. The State agency must execute a written agreement with each such designated organization:
 - i. Specifying that the receiving organization may employ SFMNP information only for the purpose of establishing the eligibility of SFMNP applicants and participants for food, nutrition, or other assistance programs that it administers and conducts outreach to SFMNP applicants and participants for such programs; and
 - ii. Containing the receiving organization's assurance that it will not, in turn, disclose the information to a third party.
 - a. The Comptroller General of the United States for audit and examination authorized by law.

2. It is the responsibility of all State and Local Agency staff, and all users of the NJ WIC-MIS system to guard participants/applicants PII in all forms in which it is collected, displayed, exists, and transferred (i.e.: paper applications, computer displays, emails, and system outputs).

B. Procedure

1. No participant/applicant's PII may be released to any source that is not directly connected with and/or contracted for the administration of the SFMNP without a Release of Information signed by the participant/applicant.
 - a. The SFMNP Alternate Authorized Representative procedure is acceptable for the Senior to authorize another person to act on their behalf in all phases of the SFMNP.
 - b. The Senior Local Agency may use its own Release of Information forms and processes for all other requests for information.
2. In addition to the exceptions included at Section A, subsection 1 of this policy, there are 2 exceptions to the caveat requiring the participant/applicant's signed Release of Information to release any PII or confidential information, as noted below:
 - a. If a State, Local Agency, or Distribution Site staff member believes that they have "reasonable cause to suspect" that a senior participant/applicant is the subject of abuse, neglect and/or exploitation, they may act without the consent of the senior.
 - i. In such cases, as Mandated Reporters of Abuse in New Jersey, a report is to be made to Adult Protective Services at:
855-835-5277
 - b. If presented with a subpoena, court order, or search warrant, the State Agency, Local Agency and/or Distribution Sites may release PII or confidential information **only after** the guidance and direction of the State Agency and Sponsor Agency has been obtained and documented.
 - i. In such cases, the individual receiving the subpoena, court order, or search warrant must notify their Supervisor and the State and Sponsor Agency immediately before taking any action to release any information.
3. All State, Local Agency and Distribution Site Staff must keep participant and applicant information secure in their workspaces.
 - a. This includes, but is not limited to:
 - i. Hard copies of SFMNP Applications
 - ii. Appointment lists
 - iii. Notices of Ineligibility
 - iv. Any reports containing Potentially Identifiable Information (PII)
 - v. Phone calls
 - b. The electronic transfer of any PII or confidential information must be done securely. For example:
 - i. Using initials and MIS system identification numbers when emailing information about participants/applicants.
 - ii. Password protecting spread sheets

- iii. Use of secure software to transfer information.
4. If a participant makes a complaint against a Local Agency Staff person, a Farmer or Farmer Market, a State Staff person, another participant, or anyone else connected to the SFMNP, all individuals involved are to guard the disclosure of information about the complaint and/or any details of the complaint.
- a. Disclosure of any information or details should be only to those who have a need to know in the resolution of the complaint.