



Memorandum

#15-012

TO: WIC Regional Directors
WIC Local Agency Directors

FROM: Amanda Hovis, Unit Manager
Nutrition Education/Clinic Services Unit
Nutrition Services Section

DATE: January 20, 2015

SUBJECT: Digital Communications with Participants

The State WIC office has received requests and inquiries from WIC Local Agencies regarding the feasibility of using digital communications with WIC participants such as social media, text message or email. The purpose of this memo is to provide guidance about the limitations and safeguards that should be in place for Local Agencies that wish to offer this service to WIC participants.

Communication through social media, email and text messages should remain within the confines of non-specific, general correspondence which may include office closings, appointment reminders, educational messages, and/or other non-confidential notifications. Local agencies must adhere to their parent agency policies and legal guidance. All communication must comply with state policy GA: 01.0 Confidentiality of Participant Information. Communications containing nutrition education must comply with state policy NE: 04.0 Nutrition Education Lessons and Materials.

Federal Regulation 7 CFR 246.26 limits the sharing of participant and applicant information for WIC purposes. The federal regulations require that participants consent to sharing their confidential information with third parties for a WIC purpose. Therefore, before a local agency may utilize a third party vendor to provide digital communication services to a participant, a consent form opting-in to participation in the service must be signed by the participant. The consent form should specify the parties to which the confidential information may be disclosed. Participants must provide consent for each service; blanket opt-in consent forms are not sufficient. Participants must also be able to opt-out at any time.

The request for participants to sign voluntary consent or release forms must occur after the certification process is completed. Participants must be allowed to refuse to sign the consent form. Participants must be notified that signing the form is not a condition of eligibility and that it will not affect the client's participation in the WIC program.

Questions regarding digital communications should be directed to Mary McCaffity, Policy & Special Projects Coordinator at mary.mccaffity@dshs.state.tx.us or 512-341-4564 or Hildreth England, Engagement Specialist at hildreth.england@dshs.state.tx.us or 512-341-4509.