

APPENDIX C24

WIC ADMINISTRATIVE DATA REQUEST TO STATES FROM REGIONS

XX/XX/XXXX

To: **[STATE WIC DIRECTORS FROM ALL STATES]**
From: **[FNS REGIONAL OFFICE]**

Subject: WIC Administrative Data Request for FNS's "Third National Survey of WIC Participants Study"

Dear **[FIRST NAME] [LAST NAME]**:

The U.S. Department of Agriculture (USDA) Food and Nutrition Service (FNS), working with Capital Consulting Corporation and their partners 2M Research Services and Abt Associates (hereafter, referred to as "the Contractors"), is conducting the "Third National Survey of WIC Participants" (NSWP-III). NSWP-III will collect the data necessary to develop reporting for Congress as mandated by the Improper Payments Elimination and Recovery Improvement Act (IPERIA). The first NSWP data were collected in 1998 and NSWP-II data were collected in 2009.

The NSWP studies were designed to provide additional information, beyond the biennial WIC Participant and Program Characteristics Study (WIC PC), on the characteristics of nationally representative samples of WIC participants, State agencies (SAs), and local agencies (LAs), and to produce estimates of improper payments resulting from participant certification errors in the WIC program about every 10 years. In addition to this primary purpose, NSWP-III also aims to identify information on certification-related policies, to obtain a description of caseload and operations from each SA, and to describe enrollment experiences.

You have been selected to participate in this study. We would like your help in providing the Contractors with administrative data on WIC participants from your State. The data will be used by FNS to fulfill the requirements of IPERIA. Federal guidance on sharing data is provided in the attachment, "7 CFR 246.26 - Other provisions." The administrative data needed are generally collected by State agencies. These types of data include WIC participant and applicant contact information, WIC ID numbers, eligibility, certification and redemption, local agency and clinic, and demographic characteristics.

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0584-XXXX. The time required to complete this information collection is estimated to average 5 minutes (0.08 hours) per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Department of Agriculture, Food and Nutrition Services, Office of Policy Support, 3101 Park Center Drive, Room 1014, Alexandria, VA 22302, ATTN: PRA (0584-xxxx*). Do not return the completed form to this address

Soon, the Contractors will contact you to discuss next steps in transferring your data. Your participation is highly valuable and will help strengthen the WIC program. FNS appreciates the full support of your State agency. If you have any questions or concerns, you may call Dr. Jim Murdoch, the study director, at 817-856-0863 or email him at jmurdoch@2MResearch.com.

If you have any further questions or need additional information, please contact me. Thank you in advance for your assistance with this important study.

Sincerely,

[FNS REGIONAL OFFICE]

7 CFR 246.26 - Other provisions.

Representatives of FNS (including Contractors) are entitled to access confidential WIC program records under 7 CFR 246.26(g). As explained in the preamble for this regulation, “the provisions providing access to the Department and the Comptroller General extend to contractors and other agents of the Department or the Comptroller General who may be performing research or other activities on behalf of the Department, so long as those activities relate to the administration or enforcement of the WIC Program.” Special Supplemental Nutrition Program for Women, Infants, and Children (WIC): Miscellaneous Provisions; Proposed Rule, 67 Fed. Reg. 71,774, 71,784 (Dec. 2, 2002).

The Contractor’s research to evaluate the WIC program for FNS falls within that purpose because it directly relates to administration of the WIC program. After FNS and its Contractors access the information, confidentiality remains protected under 7 CFR 246.25(a)(4): “Any reports or other documents resulting from the examination of such records that are publicly released may not include confidential applicant or participant information.”

Contractors’ access to confidential WIC information is not barred by 7 CFR 246.26(d)(1)(ii) because it is a use “otherwise permitted by this section [7 CFR 246.26].” The list of permitted users in 7 CFR 246.26(d)(1)(ii) is not exhaustive. The preamble to the regulation explains that “the listing in the provision of functions demonstrating a need to know was not intended to be all-inclusive, but rather to be illustrative.” Special Supplemental Nutrition Program for Women, Infants and Children (WIC): Miscellaneous Provision; Final Rule, 71 Fed. Reg. 56,708, 56,722 (Sept. 27, 2006).

Source: [Electronic Code of Federal Regulations](#)