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United States  
Department of  
Agriculture

**Subject:** SNAP - Household's Review of Information in Automated Systems –  
(REVISED)

Food and  
Nutrition  
Service

**To:** All Regional Directors  
Supplemental Nutrition Assistance Program

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In many states, clients apply for SNAP through the Internet, through face-to-face interactive interviews, or through interactive telephone interviews. The State agencies' increasing use of on-line filing and interactive processing for applications and interviews has raised new questions about applicants' rights to review the information in automated systems. This memorandum is an updating of our policies when a state agency electronically records information from on-line electronic applications and interactive applications. As used in this memorandum, "on-line" means that a household submits information through the Internet but does not include situations in which a document is available on the Internet, but that a household submits by printing it and turning in a paper copy.

## Background

The SNAP regulations, at 7 CFR 273.2(c)(1), contain this requirement:

The State agency must provide households that complete an on-line electronic application in person at the food stamp office the opportunity to review the information that has been recorded electronically and must provide them with a copy of that information for their records.

The preamble to the final Noncitizen Eligibility and Certification rule, published on November 21, 2000 at 65 FR 70149 says:

Current regulations at 7 CFR 273.2(c)(1) require that households must file food stamp applications by submitting the forms to the food stamp office either in person, through an authorized representative, or by mail. No provision is made for the electronic submission of applications. As noted above, however, Section 11(e)(2)(C) of the Act, as amended by Section 835 of PRWORA, now allows for the use of signatures provided and maintained electronically, for the storage of records using automated retrieval systems only, and for any other feature of a State agency's application that does not rely exclusively on the collection and retention of paper applications or other records. In accordance with the revised provisions of Section 11(e)(2)(C) of the Act, we had proposed in the NPRM to revise section 7 CFR 273.2(c)(1) to specifically provide that applications signed through the use of electronic signature techniques and applications containing handwritten signatures which are then transmitted to the appropriate office via fax or other electronic transmission technique are acceptable means of filing a food stamp application.

We received several comments in support of the change, and are finalizing the provision at 7 CFR 273.2(c)(1). One commenter thought that the household should be given a paper printout of whatever information is recorded electronically in order to be able to

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review it and correct errors before the certification process has gone too far. We agree with the commenter that the household should be able to verify the information that has been recorded. However, we believe how that should be done should be left up to the State agency and we are amending the final rule accordingly.

Question and Answer H-2, from the NECP questions and answers, contains this guidance:

Question H-2

Must a state print out the entire computerized application for applicants to review prior to their signing the form? Or can a state produce a shorter version for the applicant, containing only certain information and a space for the signature?

Answer H-2

It is up to the state agency to decide. However, the regulations (please see 7 CFR 273.2(c)(1)) require the state agency to give the household:

- The “opportunity to review the information that has been recorded electronically”, and
- A “copy of that information for their records”.

## Policy

**First**, we are maintaining the policy in Question and Answer H-2 for an applying household who completes an on-line electronic application in person at the SNAP office. In particular, it is up to each state agency to decide how to give each household an opportunity to review electronically recorded information. Each state agency must also decide what information it will give to each household for their records.

**Second**, this same policy applies to a household who completes an on-line electronic application remotely from any location.

**Third**, this same policy now applies to an interactive application and interview when a household answers the questions of an intake worker either face-to-face or via telephone who then records the household’s answers electronically.

**Fourth**, each state agency must provide the household the opportunity to review the information and must provide a copy of the information, regardless of the means by which the information was provided and recorded. It is not acceptable to provide the opportunity to review the information, and to provide a copy of the information, only when the household asks for them.

**Fifth**, on-line applications must meet all of the standards that are required for paper applications, including all of the statements that are listed at 7 CFR 273.1(b)(1).

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**Sixth**, the mechanism for submitting an on-line application must meet all the standards that are required for paper applications, including a method for submitting an application that contains only a name, date, and signature, as described at 7 CFR 273.2(g)(1).

### **Additional Guidance**

When a state agency is deciding how much information to print out for a household, the agency should discuss this with its own legal authorities. 7 CFR 273.2(b)(1)(iii) requires the application to tell a client that a signature is also considered to be certification that information on the application is true. The Program Development Division discussed this matter in a memorandum to the regional offices, dated April 20, 1995. Although changes in the Food and Nutrition Act have superseded much of that memorandum, the following paragraph is still useful advice:

Before the applicant can certify the truth of the automated information, the applicant must have the ability to fully review the information. This is to ensure that the applicant gave the correct information and that the EW correctly entered the information into the automated system. For this reason, we believe it would be useful – although not imperative – that a paper copy of the completed automated portion of the application be provided to the applicant. Failure to provide the applicant the opportunity to review a paper copy of the completed application form could expose the applicant's certification to collateral challenge in any subsequent adverse action against a household. Therefore, at a minimum, any system that does not require the applicant to fill out a complete paper application should allow the applicant to review the data entered into the computer, and give the applicant a printout of all data on which the eligibility and benefit level decisions were based for the applicant to review, and to keep as a record of the interview, if he/she wishes.

This memorandum supersedes the earlier memorandum on this subject, dated January 14, 2009, and makes a technical correction to the paragraph beginning with "**Fourth**", on the second page.

If your staff has any questions or comments about this policy, please ask them to contact their liaison in the Certification Policy Branch.



Arthur T. Foley

Director

Program Development Division