



DCF Legislative Testimony

February 03, 2026

TESTIMONY OF: Marc Alternbernt, General Counsel, Department for Children and Families

TESTIMONY ON: Neutral | Written only testimony | SB 428: Requiring the secretary for children and families and the secretary of health and environment to execute a memorandum of understanding, data use agreement or other written data-sharing instrument upon written request of the United States department of agriculture or the United States department of health and human services and comply with data requests from such federal agencies.

Chair Erickson and members of the committee, thank you for the opportunity to speak on SB428 – Requiring the secretary for children and families and the secretary of health and environment to execute a memorandum of understanding, data use agreement or other written data-sharing instrument upon written request of the United States department of agriculture or the United States department of health and human services and comply with data requests from such federal agencies.

DCF is tasked with maintaining SNAP data that is necessary to determine whether the program is being conducted in compliance with Federal law regarding the administration of the SNAP program (7 U.S.C. 2020(a)(3)(A)). The SNAP data held by DCF is to be made available for inspection by the USDA for auditing purposes (7 U.S.C. 2020(a)(3)(B)). DCF must otherwise protect the data from disclosure for any reason other than the following:

- Disclosure of the information is permitted to “persons directly connected with the administration or enforcement of the provisions of this chapter, regulations issued pursuant to this chapter, Federal assistance programs, or federally assisted State programs;
- The subsequent use of the information contained in paragraph 1 above, but “only for such administration and enforcement;”
- Use by the “Comptroller General of the United States for audit and examination authorized by any other provision of the law;”
- Information obtained “from an applicant household shall be made available...to law enforcement for the purpose of investigating an alleged violation of this chapter or any regulation issued under the chapter;”
- Information may be given to the agencies of the Federal Government for purposes of collecting the amount of over issuance of benefits;
- Information such as “address, social security number, and photograph of any member of a household if the law enforcement officer furnishes the State agency with the name of the member and notifies the agency that the member is fleeing to avoid prosecution, or custody or confinement, or is violating a condition of probation or parole;”
- “For the immediate reporting to the Immigration and Naturalization Service by the State agency...that a member of a household is ineligible to receive SNAP benefits because that member is present in the United States” illegally.

On June 23, 2025, the USDA published a System of Records Notice in the Federal Register (copy attached). The Notice lists eleven “routine uses” of the data to be collected from State agencies. DCF's objection is to use number 8 which goes far beyond what is allowed by federal statute in terms of with whom DCF may share confidential data. Use number 8 reads,

“8. When a record on its face, or in conjunction with other records, indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule, or order issued pursuant thereto, USDA/FNS may

disclose the record to the appropriate agency, whether federal, foreign, state, local, or tribal, or other public authority responsible for enforcing, investigating, or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation, or order issued pursuant thereto, if the information disclosed is relevant to any enforcement, regulatory, investigative or prosecutive responsibility of the receiving entity.”

This “use” is not related to the administration of the SNAP program. This purpose creates an allowance for USDA to distribute confidential information to a variety of other states, agencies, and even foreign countries, for the enforcement of any laws whether ‘civil, criminal or regulatory’ and exceeds the allowed use referenced in 7 U.S.C. § 2020(e)(8)(A)(ii)