



MEMORANDUM

From: Ben Kallos, New York City Council Member, Chair of Governmental Operations
Beth Noveck, Governance Lab at New York University
Daniel Stein, Stewards of Change
Steven Lee, Robin Hood Foundation

Date: December 17, 2015

Subject: Automatic Benefits: Using Government Data to Deliver Better Citizen Services for Less

Inspiration

“I want us to ask ourselves every day, how are we using technology to make a real difference in people’s lives.” — President Barack Obama¹

Executive Summary

We have the opportunity to help state and local governments dramatically improve the services they provide to citizens while saving money, if it acts to create and support implementation of the policy framework to enable “automatic benefits.” Accomplishing these goals is now possible due to (1) the significant advancements in technology and responsible information sharing, and (2) leveraging open government data, to make data held by government reusable and accomplish the following priorities:

- **Universal Application** - qualifies citizens for all the human services to which they are entitled based on the completion of a single form.
- **Automatic Renewal** – renews people for services rather than depending upon them to reapply.
- **Automatic Benefits** - use open government data (IRS, SSA, Human Services, etc.) to means test eligibility and automate the process of determination in order to deliver services for which people are eligible automatically.

We can advance automatic benefits at the federal, state and local level and create a lasting legacy for more open and effective government by:

1. Challenge the States to Use Existing Funding - The Federal government can lead the states by publicly challenging governors to use Affordable Care Act funding available until 2018 to reduce bureaucracy and waste by removing unnecessary paper work and rules in order to provide human service benefits to those who need them.

2. Integrate Automatic Benefits into Healthcare Exchanges - Upgrade HealthCare.gov so that applicants for health insurance are also screened, qualified and awarded all the other human services citizens qualify for in order to give them the comprehensive care they need to stay healthy.

3. Challenge the Private and Non-Profit Sector - Issue a challenge to states and locals to make the business rules underlying benefits decisions freely available as open data and invite the private and non-profit sector to innovate in delivery of government benefits, including by creating new kinds of eligibility apps.

4. Super Waiver – seeking a blanket waiver of any bureaucratic rules, identified below, that stand in the way of granting benefits to people who need them and following the framework laid out by automatic benefits legislation introduced in New York City.ⁱⁱ

President Obama has already laid the groundwork for “automatic benefits” through the Affordable Care Act, Executive Order 13563, Executive Memorandum, waivers, guidance and funding for each state to use *integration* and *interoperability* to improve delivery of federally-assisted human service benefits to their residents by leveraging information sharing across human service agencies to automatically recertify or provide benefits. Across the nation, states including California, Louisiana, North Carolina, Pennsylvania, and New York have begun to implement one stop websites for multi-benefit screening and application, online and mobile phone apps for self-service case management and updates, eligibility systems and business rule engines (BREs), electronic evidence imaging, and electronic data matching to provide benefits automatically.

Automatic benefits have the advantage of decreasing interaction with bureaucracy and making government more efficient, effective, and humane. But without intervention, a handful of states may build automatic benefits with governors claiming credit individually, but the vast majority will miss the 2018 deadline, leaving much of America without the benefits they need.

Introduction

Government has a unique window of opportunity to modernize in the next two years with a “no wrong door” approach that will create a seamless experience for citizens so that they receive increasing amounts of government service through minimal interaction with bureaucracy. Whether this happens in the next two years, or we miss it for a generation, is a question of whether someone provides a vision to organize state governments to innovate with the software and systems necessary to provide automatic benefits.

President Obama has already laid the groundwork for “automatic benefits” through mandates for *integration* and *interoperability* in the Affordable Care Act, Executive Order 13563, Executive Memorandum, waivers, demonstrations along with guidance and funding provided to states for implementing new systems capable of serving all federally-assisted human service benefits.

Tasked with leading this effort the Administration for Children and Families at the Department of Health and Human Services, has provided vision, funding, illustrations of key features, and legal frameworks clarifying that confidentiality requirements *do not preclude* information sharing among government agencies in order to determine eligibility among human services such as child welfare, child support, child care, TANF, LIHEAP, and SNAP automatically.

Following ACF/HHS funding and guidance towards interoperability, states across the nation have begun to implement client portals for multi-benefit screening and application, online and mobile phone apps for self-service case management and updates, eligibility systems and business rule engines (BREs), electronic evidence imaging, and electronic data matching to provide benefits automatically.

Existing programs provide models such as SNAP CAP demonstrations in more than one third of the states where some states are providing preloaded SNAP EBT cards to seniors who live alone and receive SSI, which has led to the highest participation rates in the country. In the private sector Intuit’s TurboTax has already built “automatic benefits” as “Benefits Assist,” Food Bank NYC’s VITA already completes SNAP applications, and even the IRS is sending notices for EITC, all of them seeking to provide government benefits using tax information.

“Automatic Benefits” legislation proposed by New York City Council Member Ben Kallos provides a framework for using a combination of tax information, screened application information, and existing government information to provide government benefits to residents, at first through a universal application, notifications and pre-filled forms then eventually automatically without need for further application or recertification.ⁱⁱⁱ “Automatic Benefits” is already a reality in piece meal and simply provides codification and a vision for a comprehensive approach to seamlessly providing government benefits.

Government at all levels can catalyze implementation through waiver, publicly challenging states and ensuring funding is used by to build interoperable systems, building the system at a federal level and giving it away to states, or working with the private sector to innovate and quickly provide human service benefits people need automatically.

Executive Order, Memorandum and Affordable Care Act Mandate and Funding for Interoperability and Integration

On January 18, 2011, President Barack Obama issued Executive Order 13563, “Improving Regulation and Regulatory Review,” which received attention largely around Section 6, “Retrospective Analyses of Existing Rules,” which is projected to save \$10 billion,^{iv} whereas Section 3, “Integration and Innovation,” provides an initial roadmap for “automatic benefits:

Some sectors and industries face a significant number of regulatory requirements, some of which may be redundant, inconsistent, or overlapping. Greater coordination across agencies could reduce these requirements, thus reducing costs and simplifying and harmonizing rules. In developing regulatory actions and identifying appropriate approaches, each agency shall attempt to promote such coordination, simplification, and harmonization.

A White House Memorandum that followed one month later President Obama provided for “Administrative Flexibility, Lower Costs, and Better Results for State, Local, and Tribal Governments,” facilitating the coordination and collaboration as well as streamline agency requirements among federal agencies, states and localities.^v

Funding to build interoperability systems was passed as part of the Affordable Care Act, resulting in a waiver of OMB Circular A-87, which would otherwise require cost allocation, allows states to receive 90% reimbursement across all human services through December 2018. Guidance from Health and Human Services and the United States Department of Agriculture followed on August 10, 2011 and January 23, 2012, advised states and localities of this funding, that they could integrate eligibility and provided an enumerated list of features that would be funded including application portals, data warehouses for case record imaging, outreach and verification, rules engines, and automation.

The Affordable Care Act’s Section 1561, required HHS in consultation with the in consultation with the Health Information Technology (HIT) Policy Committee and the HIT Standards Committee, to develop interoperable and secure standards and protocols that facilitate electronic enrollment of individuals in Federal and State health and human services programs.^{vi} The recommendations included making eligibility rules public in human and computer readable standards^{vii} and using health insurance coverage determinations to support eligibility and application for other human services such as SNAP and TANF.^{viii}

President Barack Obama, the Affordable Care Act and HHS have laid the ground work for “automatic benefits” through Executive Order, memorandum, guidance and even funding that will expire in December of 2018. This presents a narrow window of time to build interoperability across all 50 states, one that if missed could take another generation to implement. There is nothing standing in the way and the Federal government must publicly challenge and lead the states so that they in building interoperable systems to provide automatic benefits.

Regulations Waived to Improve and Integrate Access to Benefits

Previous administrations^{ix} have promulgated bureaucratic rules that exceeded the mandates of laws and remain on the books by virtue of institutional inertia. Many of these rules and regulations have been waived for as many as two dozen states and in most cases, at least a half dozen. Counterintuitively more political conservative states such as New Mexico, Arizona and Oklahoma are leading the nation. Waivers have focused on eliminating costly and time consuming “live” in-person interviews for application^x and recertification^{xi} for the elderly and the disabled in favor of over the phone through on-demand^{xiii} and interactive voice response^{xiv} as well as online. In addition states have moved toward using automatic identity verification^{xv} and electronic notification^{xvi} through email. Rather than a piecemeal, state by state approach, the Federal government should issue a 50 state waiver for all regulations that have already been waived for one state (see endnotes for specific regulations to be waived) and begin the process of repealing those regulations in favor of regulations requiring integration and interoperability to facilitate automatic benefits.

Interoperability & Data Sharing Mandated & Permitted by Federal Law & Regulations

Coordinated care and integrated case management can improve the overall health and well-being of individuals.^{xvii} Better outcomes mean healthier, safer, stabilized individuals and families with a better chance of sustaining self-sufficiency and long-term personal success, which, in turn, reduces costs to the state and local governments.^{xviii} The Administration for Children and Families (ACF) developed a Confidentiality Toolkit to help jurisdictions successfully navigate the delicate balance between privacy and security with the delivery of efficient and effective services between the following programs:^{xix} Child Welfare, Child Care, Temporary Assistance for Needy Families (TANF), Child Support, Low Income Home Energy Assistance Program (LIHEAP), and the Supplemental Nutrition Assistance Program (SNAP).^{xx}

- **Child Welfare** – While Federal laws^{xxi} require confidentiality, they do not prohibit and in many cases provide for or mandate information sharing,^{xxii xxiii xxiv} and in fact require automated child welfare information systems^{xxv} with funding for linking agencies for provision of comprehensive services.^{xxvixxxvii}
- **Child Support** – while broad data sharing of information is mandated for child support collection^{xxviii} with statewide automated data processing,^{xxixxxx} the data is mandated to go in to the system, but largely cannot come out,^{xxx} however since this data must be shared with one agency, it can also be shared with others.
- **Child Care** – unlike other federal human service laws and regulations, issues of confidentiality and information sharing are absent,^{xxxii} with block grants empowering the states.^{xxxiii} Best practices from many states set thresholds that relate to other benefits like SNAP; link to benefits like TANF, SNAP and Medicaid; use other early care and education programs such as Head Start, Pre-K to determine gaps and comprehensive service availability; and manage licensing and quality rating.^{xxxiv}
- **Temporary Assistance for Needy Families (TANF)** – Since replacing Aid to Families with Dependent Children (AFDC) in 1996, TANF provides broad flexibility to states for implementation with requirements for data sharing^{xxxv} and penalties for failure to participate in an income and eligibility verification system (IEVS)^{xxxvi} across other benefits.

- **Low-Income Home Energy Assistance Program (LIHEAP)** – confidentiality and information sharing is absent from this program’s laws and regulations,^{xxxvii} with categorical eligibility flexibility to serve households where at least one member is receiving SNAP, TANF, or SSI.^{xxxviii} States must coordinate this program with child welfare programs and Social Security, may apply policies consistent with TANF, but otherwise have broad flexibility.^{xxxix}
- **Supplemental Nutrition Assistance Program (SNAP)** – food is a primary need and integral to all other services which is why a joint application is mandated with TANF, though a selective application is allowed, with privacy protections for applicants but mandates for information sharing with other “federally-assisted state programs providing assistance on a means-tested basis to low income individuals” and integration with income and eligibility verification systems (IEVS) used by other programs such as TANF.^{xl}

Throughout all of the above programs, confidentiality does not preclude data sharing and in fact a mandate for data sharing exists for many of the programs. In all cases the Privacy Act of 1974 is easily satisfied by adding notification and consent for sharing information between agencies.^{xli}

Automatic Benefits in State and Local Government

Since 1997, federal law has required SSA to offer the opportunity to file SNAP applications while at the SSA office, leading to partnership with Food and Nutrition Services (FNS) to create Combined Application Projects (CAP) demonstrations in 18 states as of 2013, using one of two approaches, a standard model of seeking additional information in SSA interviews to complete the SNAP application or a modified model using information from SSA to automatically determine eligibility for single member households, which in some states includes mailing an pre-loaded EBT card along with SSI benefits.^{xlii} In all cases, SNAP uptake increased, with the highest enrollment from the modified model where pre-loaded EBT cards are provided automatically.^{xliii}

The Children’s Health Insurance Program Reauthorization Act allowed for Express Lane Eligibility (ELE) that uses data from SNAP to automatically enroll individuals into health insurance programs. The most progressive ELE programs, such as in Louisiana, automatically send health insurance cards to those eligible and allow them to start coverage immediately by using their card.^{xliv} The administration just made the Fast Track Medicaid program permanent, allowing states to use a similar SNAP match to automatically enroll individuals into MAGI Medicaid. Seven states have implemented this option, and all states that expanded Medicaid should be encouraged to take advantage of this option.^{xlv} Broad based implementation of Fast Track would help millions of eligible individuals quickly and seamlessly gain access to healthcare.

California launched the California Welfare Information Network (CalWIN) with a coalition of 18 counties, to manage welfare to work, Medicaid, SNAP, child welfare and other assistance programs with an integrated approach that shares data across agencies provides for online case management with a web and mobile phone app that allows residents to apply, see current benefits, recertify and update their profile online.^{xlvi}

New York City offers an online application for more than 30 government benefits and information sharing across 9 city human service agencies.^{xlvi} New York State announced the creation of an “Integrated Eligibility System” in partnership with an Anti-Hunger Task Force that will provide a “no wrong door” approach that uses in-person, phone and online intervention to capture information once in order to provide the answers and assistance people need.^{xlvi}

A survey of eleven states including Alabama, New Mexico, Kentucky, Oklahoma, Virginia and others, found broad implementation using Affordable Care Act funding for interoperability among human services using a waiver of OMB Circular A87 cost allocation to provide: client portals for multi-benefit screening and application, online and mobile phone app self-service case management and updates, eligibility systems and business rule engines (BREs), electronic evidence imaging, electronic data matching to provide benefits automatically.^{xlv}

Private Sector Screening Individual for Benefits Using Taxes

Intuit’s TurboTax has already built “automatic benefits” as “Benefits Assist” to provide government benefits using tax information and is poised to expand as a strong partnership between the public and private sectors. H&R Block has already tested using their tax preparers to screen and fill out benefits applications. Even the IRS is providing notifications for benefits. Tax based benefits screening are already a reality in piece meal and ready to become comprehensive. Taxpayer consent is allowed by the IRS to provide sharing by tax preparers of tax information.¹

This year Intuit’s TurboTax began processing 30.7 million consumer Federal tax returns,^{li} nearly 10% of the United States population,^{lii} many of whom were screened for Supplemental Nutrition Assistance Program (SNAP) using “Benefits Assist” in all 50 states during the month of January, before the system was shut down by request of the government. Intuit used tax information to screen applicants to receive additional questions which were used to electronically fill paper applications for each locality then submit them through facsimile.^{liii} The United States Department of Agriculture (USDA) Food and Nutrition Service (FNS) issued guidance that determined TurboTax’s electronic SNAP application to be valid and required that they be processed.^{liv} This year, Intuit plans to try again with the addition of digital supporting document submission by text message and an expansion from SNAP to include FCC Lifeline eligibility in cooperation of 35 states lead by early adopters Arizona and Missouri.

H&R Block and TaxAct each file 7 million tax returns annually.^{lv} In 2007, H&R Block participated in a study where certain tax payers were provided with one of several interventions including: educational materials on SNAP, notification that they were eligible for SNAP along with an application, or having their forms completed and submitted by a professional tax preparer.^{lvi} The results showed a 22% increase in application rates for tax payers who received notification and a blank or pre-filled application which nearly doubled to 40% when applications were filled and submitted by professional.^{lvii}

The Internal Revenue Service (IRS) provides a CP09 or CP27 notification to tax payers who fail to claim their Earned Income Tax Credit (EITC) of which 41% sign, return them and receive a check. In 2010 the IRS sent a second notice using different envelopes and different notices that varied from resending the standard form to a more complex form as well as including

indemnification, estimated time to complete, or including an estimated tax credit amount as low or high.^{lviii} The results found a 22% increase from the second intervention that included simplifying the notification and including the potential benefits.

Volunteer Income Tax Assistance (VITA) provides free income tax preparation for low-income Americans in all 50 states through a matching grant program administered by the IRS, first appropriated by the 110th Congress in December 2007, and re-appropriated each year thereafter.^{lix} One of the largest VITA providers is Food Bank for New York City which has provided the service since 2002 and completed 85,000 tax returns in 2014, screening them for SNAP, resulting in approximately 11,000 new enrollments.

Government has an opportunity to work with private sector for-profit and non-profit companies that have more flexibility and can innovate the use of tax information for providing benefits automatically.

Conclusion

President Obama has already laid the groundwork for “automatic benefits” through the Affordable Care Act, Executive Order 13563, Executive Memorandum, waivers, guidance and funding for each state to use *integration* and *interoperability* to improve delivery of federally-assisted human service benefits to their residents by leveraging information sharing across human service agencies to automatically recertify or provide benefits. Across the nation, states including California, Louisiana, North Carolina, Pennsylvania, and New York have begun to implement one stop websites for multi-benefit screening and application, online and mobile phone apps for self-service case management and updates, eligibility systems and business rule engines (BREs), electronic evidence imaging, and electronic data matching to provide benefits automatically.

We can advance automatic benefits at the federal, state and local level and create a lasting legacy for more open and effective government by:

- 1. Challenge the States to Use Existing Funding** - lead the states by publicly challenging governors to use Affordable Care Act funding available until 2018 to reduce bureaucracy and waste by removing unnecessary paper work and rules in order to provide human service benefits to those who need them.
- 2. Integrate Automatic Benefits into Healthcare Exchanges** - upgrade HealthCare.gov so that applicants for health insurance are also screened, qualified and awarded all the other human services citizens qualify for in order to give them the comprehensive care they need to stay healthy.
- 3. Challenge the Private and Non-Profit Sector** - issue a challenge to states and locals to make the business rules underlying benefits decisions freely available as open data and invite the private and non-profit sector to innovate in delivery of government benefits, including by creating new kinds of eligibility apps.

4. Super Waiver - granting a blanket waiver of any bureaucratic rules, identified below, that stand in the way of granting benefits to people who need them and following the framework laid out by automatic benefits legislation introduced in New York City.^{lx}

Automatic benefits have the advantage of decreasing interaction with bureaucracy and making government more efficient, effective, and humane. But without intervention, a handful of states may build automatic benefits with governors claiming credit individually, but the vast majority will miss the 2018 deadline, leaving much of America without the benefits they need.

ⁱ Barack Obama, “Remarks by The President at Opening Session of the Forum on Modernizing Government,” The White House Office of the Press Secretary, January 14, 2010 available at <https://www.whitehouse.gov/the-press-office/remarks-president-opening-session-forum-modernizing-government>

ⁱⁱ Ben Kallos, “Introduction 855 of 2015: A Local Law to amend administrative code of the city of New York, in relation to requiring the human resources administration/department of social services to use income tax filings to determine eligibility for public benefits,” New York City Council, July 23, 2015 available at <http://benkallos.com/legislation/introduction-855-2015-automatic-benefits>

ⁱⁱⁱ *Id.*

^{iv} Council of Economic Advisers, Executive Office of the President, “Smarter Regulations Through Retrospective Review,” May 10, 2010 available at https://www.whitehouse.gov/sites/default/files/lookback_report_rev_final.pdf

^v President Barack Obama, “White House Memorandum for the Heads of Executive Departments and Agencies: Administrative Flexibility, Lower Costs, and Better Results for State, Local, and Tribal Governments,” February 28, 2011 *designating* the Director of the Office of Management and Budget (OMB) to lead a process with the Chief Information Officer of OMB and the Chief Technology Officer of the Office of Science and Technology Policy to facilitate the coordination and collaboration as well as streamline agency requirements among federal agencies, states and localities.

^{vi} Administration for Children and Families, Health and Human Services, “Your Essential Interoperability Toolkit: An ACF/HHS Resource Guide,” July 2012 available at http://www.acf.hhs.gov/sites/default/files/assets/acf_toolkit_july_2012_final.pdf hereinafter “*Interoperability Toolkit.*”

^{vii} *Interoperability Toolkit* at 28 *citing* Recommendation 3.2.

^{viii} *Interoperability Toolkit* at 28 *citing* Recommendation 2.1.

^{ix} Federal Register, Volume 59, No. 110, June 9, 1994 and Federal Register, Volume 59, No. 235, December 8, 1994 noticing 7 CFR 272.2 et seq.

^x 7 C.F.R. 273.14(b)(3) waived in 7 states including New Mexico and Oklahoma to eliminate the interview for expedited applications.

^{xi} 7 C.F.R. 273.2(e)(2) & 273.14(b)(3) waived in 23 states including New Mexico and Oklahoma to eliminate in-person interviews in favor of recertification by phone or online.

^{xii} 7 C.F.R. 273.2(e)(2) & 273.14(b)(3) waived in 6 states to eliminate the “live” interview for recertification of elderly and disabled.

^{xiii} 7 C.F.R. 273.2(e)(3) & 273.14(b)(3) waived in 11 states including Arizona to provide on demand telephone interviews.

^{xiv} 7 C.F.R. 273.14(b)(3) waived in 6 states including New Mexico to allow Interactive Voice Response (IVR) for elderly and disabled.

^{xv} 7 CFR 273.2(f) waived in 8 states including Arizona to allow automated identity verification through third party applications such as Lexis Nexis.

^{xvi} 7 CFR 273.2(c)(5), (e)(3); 273.10(g)(1),(2); 273.12(c)(3)(i); 273.13(a)(3); 273.14(b)(1); 273.18(e)(3)(i)-(vi), (e)(4)(i)-(ii),(g)(2) waived in 10 states including Arizona to allow for electronic notices.

^{xvii} Administration for Children and Families, “Confidentiality Toolkit: A resource tool from the ACF Interoperability Initiative,” August 2014 available at https://www.acf.hhs.gov/sites/default/files/assets/acf_confidentiality_toolkit_final_08_12_2014.pdf hereinafter “*Confidentiality Toolkit*”

-
- ^{xviii} *Confidentiality Toolkit*.
- ^{xix} *Confidentiality Toolkit*.
- ^{xx} *Confidentiality Toolkit*.
- ^{xxi} *Confidentiality Toolkit* at 27-28 citing CAPTA; Child and Family Services Improvement and Innovation Act; Fostering Child Welfare Connections to Success and Increasing Adoptions Act; title IV-B (Child Welfare Services and Promoting Safe and Stable Families), title IV-E (Federal Payments for Foster Care and Adoption Assistance), and, title XX (Block Grants to States for Social Services) of the Act.
- ^{xxii} *Confidentiality Toolkit* at 18 citing Child Abuse Prevention and Treatment Act (CAPTA) section 106(b)(2)
- ^{xxiii} *Confidentiality Toolkit* at 20 citing Office of Child Support Enforcement and the Children’s Bureau, “Information Memorandum (IM-12-06),” August 1, 2012, that provides information on how State child support and child welfare agencies can improve their work, including through electronic data exchanges between child welfare and child support information systems.
- ^{xxiv} 42 U.S.C. §671(a)(8)(C) “State plan for foster care and adoption assistance. Requisite features of State plan. In order for a State to be eligible for payments under this part, it shall have a plan approved by the Secretary which . . . provides safeguards which restrict the use of or disclosure of information concerning individuals assisted under the State plan to purposes directly connected with . . . the administration of any other Federal or federally assisted program which provides assistance, in cash or in kind, or services, directly to individuals on the basis of need . . .”
- ^{xxv} *Confidentiality Toolkit* citing requirements for Statewide Automated Child Welfare Information Systems (SACWIS) The Act and/or implementing regulations at 45 CFR 1355.53(b)(2) states that, to the extent practicable and appropriate, the state should provide for electronic exchanges and referrals with other data collection systems including TANF, Medicaid, child support, and the National Child Abuse and Neglect Data System (NCANDS). At the same time, it does not specifically discuss interoperability or incorporating interoperable standards developed and maintained by inter-governmental partnerships.
- ^{xxvi} Child Abuse Prevention and Treatment Act (CAPTA) provides for confidentiality but does not prohibit information sharing among government agencies and provides CAPTA funding through HHS to states for linking child welfare agencies with the provision of services through other agencies.
- ^{xxvii} Child and Family Services Improvement and Innovation Act, Title IV-B, Section 437(f), allows HHS to award grants to regional partnerships that provide integrated activities, data interoperability and services that are designed to increase the safety, permanency and well-being of children who are in an out-of-home placement as a result of a parent’s or caretaker’s substance abuse.
- ^{xxviii} *Confidentiality Toolkit* at 32.
- ^{xxix} *Confidentiality Toolkit* at 32 stating “the state’s plan for child support must include certain information sharing with TANF, Foster Care, Medicaid, and SNAP.”
- ^{xxx} *Confidentiality Toolkit* at 32 citing 42 U.S.C. § 666(c)(1)(D)(i) in stating “It is important to note that the child support statute clearly states that the child support system shall have access to records of other state and local government agencies, including: vital statistics; tax and revenue records; real and titled personal property; occupational and professional licenses; ownership and control of corporations, partnerships, and other business entities; employment security records; public assistance programs; motor vehicle department; and corrections”
- ^{xxxi} *Confidentiality Toolkit* at 32
- ^{xxxii} *Confidentiality Toolkit* at 36 citing Child Care and Development Block Grant, 42 USC §658.
- ^{xxxiii} *Confidentiality Toolkit* at 36-37 citing The Privacy Act of 1974, 5 USC §552a, as amended, may prevent certain sharing of information without consent or memorandum.
- ^{xxxiv} *Confidentiality Toolkit* at 36
- ^{xxxv} *Confidentiality Toolkit* at 29 citing Social Security Act, Sections 408(a)(2) and 408(a)(3) and 45 CFR 264.30
- ^{xxxvi} *Confidentiality Toolkit* at 29 citing Social Security Act, Section 1137, 42 U.S.C. § 1320b-7.
- ^{xxxvii} *Confidentiality Toolkit* at 40-41 citing Home Energy Grants, 42 USC §8621 and The Privacy Act of 1974, 5 USC §552a, as amended, which requires consent of the individual whose information is shared and memorandum between agencies.
- ^{xxxviii} *Confidentiality Toolkit* at 40 and Office of Community Services, Administration for Children and Families, U.S. Department of Health and Human Services, “LIHEAP Service Eligibility FY 2014,” September 17, 2013 available at <http://www.acf.hhs.gov/programs/ocs/resource/liheap-eligibility-criteria>
- ^{xxxix} *Confidentiality Toolkit* at 40

^{xli} *Confidentiality Toolkit* at 42 -44 citing Supplemental Nutrition Assistance Program, 7 U.S.C. §§ 2011-2036a; 7 CFR Parts 271-285 noting notification of information should be provided to applicants.

^{xlii} *Confidentiality Toolkit*.

^{xliii} Stan Dorn, Sarah Minton, and Erika Huber, "Integrating Health and Human Services Programs and Reaching Eligible Individuals Under the Affordable Care Act," The Urban Institute prepared for Alana Landey, Office of the Assistant Secretary for Planning and Evaluation, DHHS, July 21, 2014 at 34 available at <http://aspe.hhs.gov/report/examples-promising-practices-integrating-and-coordinating-eligibility-enrollment-and-retention-human-services-and-health-programs-under-affordable-care-act> citing Food and Nutrition Service (FNS), *2013 Program Access Toolkit*. March 2013 listing Arizona, Florida, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, New Jersey, New Mexico, New York, North Carolina, Pennsylvania, South Carolina, South Dakota, Texas, Virginia, and Washington.

^{xliiii} *Id* at 19.

^{xliiv} Hensley-Quinn, M., Henderson, M. and Mooney, K. (2012). "State Experiences with Express Lane Eligibility: Policy Considerations and Possibilities for the Future." State Health Reform Assistance Network. Available at http://www.rwjf.org/content/dam/farm/reports/issue_briefs/2012/rwjf403808

^{xliv} Wachino, V. (2015). "Policy Options for Using SNAP to Determine Medicaid Eligibility and an Update on Targeted Enrollment Strategies." U.S. Department of Health & Human Services, Centers for Medicaid & Medicare Services. Available at: <http://www.medicaid.gov/Federal-Policy-Guidance/downloads/SHO-15-001.pdf>

^{xlvi} *Confidentiality Toolkit* at 48 and Alameda County Social Services Agency, "Information Services," available at http://www.alamedasocialservices.org/public/departments/agency_administration/information_services/index.cfm

^{xlvii} *Confidentiality Toolkit* at 50.

^{xlviii} Governor Andrew Cuomo, "2015 Opportunity Agenda," January 2015, at 191-192, available at https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/2015_Opportunity_Agenda_Book.pdf stating

1. Economic Opportunity for All New Yorkers. 92. Re-envision Human Service Information Technology.

Human Service Information Technology systems are a series of separate and mostly antique data bases that track well-being, safety and appropriate fiscal actions for New Yorkers receiving Government assistance. The Anti-Hunger Task Force found that these outdated systems can create barriers to individuals and families accessing all of the benefits for which they are eligible. Leveraging Federal funds that incentivize system modernization, the state is embarking on a massive overhaul, bringing many separate systems up to one single standard, with common interoperability and reporting capabilities. This "Integrated Eligibility System" will vastly improve client experience, the ability of workers to assist, system maintenance and reforms, and policy planning through robust data reporting.

The Anti-Hunger Task Force understands that hunger may co-present with a myriad of other human service needs. They recommend the "no wrong door" approach to this technology modernization effort- so that no matter what inquiry is presented, or which mechanism of presenting is used (in person, by telephone or through electronic application) the information technology is smart - capturing critical information once, and routing people to the right answers for their needs.

^{xlix} Teri Shaw, Lucy Streett, Shelby Gonzales and Dottie Rosenbaum, "State Innovations in Horizontal Integration: Leveraging Technology for Health and Human Services," Social Interest Solutions and Center of Budget and Policy Priorities, March 24, 2015 available at <http://www.cbpp.org/sites/default/files/atoms/files/3-23-15fa.pdf>

^l Internal Revenue Service, "Section 7216 Frequently Asked Questions," citing 26 U.S.C. §7216, Treas. Reg. §301.7216-3(a)(3), Revenue Procedures 2013-14 and 2013-19 last reviewed or updated May 21, 2015 available at <https://www.irs.gov/Tax-Professionals/Section-7216-Frequently-Asked-Questions>

^{li} Intuit: Fact Sheet and Outlook, September 17, 2015 available at <http://investors.intuit.com/financial-information/fact-sheet/default.aspx>

^{lii} Population of 320,695,675 on April 15, 2015 according to the United States Census, "U.S. and World Population Clock," available at <http://www.census.gov/popclock/>

^{liii} Lizbeth Silbermann, "Guidance to State Agencies on processing SNAP Applications Submitted by Intuit (TurboTax)," The United States Department of Agriculture (USDA) Food and Nutrition Service (FNS), February 27, 2015 available at <http://www.fns.usda.gov/snap-guidance-intuit-snap-applications>

^{liv} Lizbeth Silbermann, “Guidance to State Agencies on processing SNAP Applications Submitted by Intuit (TurboTax),” The United States Department of Agriculture (USDA) Food and Nutrition Service (FNS), February 27, 2015 available at <http://www.fns.usda.gov/snap-guidance-intuit-snap-applications>

^{lv} Nathalie Tadema, “Among Tax Prep Ads, H&R Block and TaxAct Lead the Pack for Creative Effectiveness,” Wall Street Journal, February 19, 2015 available at <http://blogs.wsj.com/cmo/2015/02/19/among-tax-prep-ads-hr-block-and-taxact-lead-the-pack-for-creative-effectiveness/>

^{lvi} Diane Whitmore Schanzenbach, “Experimental Estimates of the Barriers to Food Stamp Enrollment,” Institute for Research on Poverty, Harris School of Public Policy, University of Chicago, September 2009.

^{lvii} *Id.*

^{lviii} Saurabh Bhargava and Dayanand Manoli, “Why Are Benefits Left on the Table? Assessing the Role of Information, Complexity, and Stigma on Take-up with an IRS Field Experiment,” Carnegie Mellon University and University of Texas at Austin.

^{lix} Internal Revenue Service, Department of the Treasury, “Volunteer Income Tax Assistance: Helping You Help Others – VITA Grant Program Overview and Application Instructions,” Publication 4671 (Rev. 4-2015) Catalog Number 51402Q available at <https://www.irs.gov/pub/irs-pdf/p4671.pdf>

^{lx} Ben Kallos, “Introduction 855 of 2015: A Local Law to amend administrative code of the city of New York, in relation to requiring the human resources administration/department of social services to use income tax filings to determine eligibility for public benefits,” New York City Council, July 23, 2015 available at <http://benkallos.com/legislation/introduction-855-2015-automatic-benefits>