

COMMENTS OF THE ELECTRONIC PRIVACY INFORMATION CENTER
to the FOOD AND NUTRITION ADMINISTRATION, U.S. DEPARTMENT OF
AGRICULTURE

System of Records Notice, USDA/FNA-15: National Supplemental
Nutrition Assistance Program (SNAP) Information Database

91 Fed. Reg. 35948 | 2026-12005

July 15, 2026

The Electronic Privacy Information Center (EPIC) submits these comments¹ in response to the System of Records Notice (“the Notice”) published in the Federal Register by the U.S. Department of Agriculture (USDA) on June 15, 2026.² EPIC is a public interest research center in Washington, D.C., established in 1994 to protect privacy, freedom of expression, and democratic values in the information age.³

EPIC continues to strongly object to the creation of the National SNAP Information Database (NSID). USDA has sought to collect the sensitive personal data of all SNAP recipients and applicants from 53 state agencies, store it in a consolidated federal database (the NSID), and supposedly use it to combat waste, fraud, and abuse within the SNAP benefits system. As EPIC describes in this comment, such a database is an unlawful overreach of USDA’s authority.

¹ EPIC Clerk Karinna Gerhardt contributed to this complaint.

² 91 Fed. Reg. 35948 (June 15, 2026), <https://www.federalregister.gov/documents/2026/06/15/2026-12005/privacy-act-of-1974-system-of-records>.

³ *About Us*, EPIC.org, <https://epic.org/about/>.

USDA published this updated Notice after receiving 450 comments responding to its original System of Records Notice for the NSID issued on June 23, 2025.⁴ Many of these comments, including EPIC's, noted that the NSID constitutes an unprecedented consolidation of personal information that violates core privacy protections under the Privacy Act and the Food and Nutrition Act of 2008.⁵ USDA has now addressed some of the most blatant deficiencies EPIC noted within the original System of Records Notice, such as adding basic contact information to direct public comments. However, these revisions have failed to cure the systemic defects of USDA's Notice.

I. The Modified Notice Does Not Demonstrate That the NSID is Necessary to Achieve a USDA Purpose

USDA fails to modify the Notice to demonstrate that the NSID (and collecting the personal information of individual SNAP recipients and applicants within the database) is “necessary to accomplish” a required legal purpose of the agency.⁶ USDA cites two provisions of the SNAP Act to claim statutory authority for this database, along with two executive orders.⁷ However, under the SNAP Act, the sharing of state-managed SNAP records for federal inspection is “subject to data and security protocols agreed to by the State agency and Secretary.”⁸ No such data and security protocols have been proposed by USDA and agreed to by state agencies. Thus, populating the NSID with individual SNAP records seized from states cannot be necessary to accomplish any required legal purpose under this provision of the SNAP

⁴ 90 Fed. Reg. 26521 (June 23, 2025), <https://www.federalregister.gov/documents/2025/06/23/2025-11463/privacy-act-of-1974-system-of-records>.

⁵ Comments of EPIC to the USDA on the System of Records Notice for the SNAP Information Database, EPIC.org (Jul. 16, 2025), <https://epic.org/documents/comments-of-epic-to-the-usda-on-system-of-records-notice-for-the-snap-information-database/>.

⁶ 5 U.S.C. § 552a(e)(1).

⁷ 7 U.S.C. § 2020(a)(3); 7 U.S.C. § 2020(e)(8)(A).

⁸ 7 U.S.C. § 2020(a)(3)(B).

Act. Instead, USDA demanded states hand over individualized SNAP data under threat of sanctions, which courts have deemed contrary to the SNAP Act.⁹

USDA also cites § 2020(e)(8)(A) of the SNAP Act to claim the statutory authority needed for the NSID’s mass personal data consolidation effort. However, USDA’s stated goals of the NSID go well beyond the limited data sharing permissions granted by this provision, which only concerns “information obtained from applicant households” (by contrast, the original SORN seeks “records sufficient to calculate the total dollar value of SNAP benefits received by participants over time,” along with other administrative data elements).¹⁰ The updated SORN does not modify these record source categories, and thus fails to demonstrate that the information collected for the NSID is “necessary to accomplish” an agency purpose as granted by the SNAP Act.

Overall, USDA’s core failure to meet the Privacy Act’s requirement that agencies “maintain in its records only such information about an individual as is ... necessary to accomplish” a legally required purpose means that this Notice and the NSID are fundamentally deficient.¹¹

II. USDA’s Routine Use Modifications Do Not Solve Privacy Defects

The modified Notice did change the description of several routine uses of records maintained within NSID. However, despite these changes, the listed routine uses are still not “compatible with the purpose for which [the SNAP data] was collected,” violating a key requirement of the Privacy Act.¹²

⁹ *California v. U.S. Dep’t of Agric.*, No. 3:25-cv-06310 at 13 (N.D. Cal. Oct. 15, 2025), <https://law.justia.com/cases/federal/district-courts/california/candce/3:2025cv06310/453513/106/> (order granting preliminary injunction).

¹⁰ 7 U.S.C. § 2020(e)(8)(A); 90 Fed. Reg. 26521 (June 23, 2025), <https://www.federalregister.gov/documents/2025/06/23/2025-11463/privacy-act-of-1974-system-of-records>.

¹¹ 5 U.S.C. § 552a(e)(1).

¹² 5 U.S.C. § 552a(a)(7).

State agencies are responsible for administering federal SNAP benefits and verifying applicant and participant eligibility. To do so, states must collect and process personal information, such as social security numbers, home addresses, disability status, wages, and more.¹³ Such information is highly sensitive, and any data mismanagement increases the chance of harmful data breaches and identity theft, along with the significant risk of agency-driven data misuse leading to improper benefits denial. Any disclosure of such records is limited under the Privacy Act, with few exceptions (including disclosure for routine use, as long as that routine use is “compatible with the purpose for which [that record] was collected”). Disclosure of SNAP data is limited further under the SNAP Act, which requires states to establish “safeguards which prohibit the use or disclosure of information obtained from applicant households,” and allows for only a handful of specific exceptions.¹⁴

In this updated notice, USDA has modified routine uses (8) and (11), which had purported to grant USDA overly broad authority to share SNAP data with law enforcement and any domestic government agency, respectively. These modifications incorporate language from the SNAP Act’s list of eligible disclosure to the end of each routine use. While these updates are preferable to the original versions, the modified routine uses still risk significant overreach of USDA’s legal authority.

Routine use (8) still allows USDA to disclose records to any law enforcement agency if USDA decides that record indicates a “potential violation” of law. This Notice does not set forth any parameters for deciding what would constitute such a “potential violation,” thus setting an extremely low bar that would allow for seemingly unlimited data disclosure to law enforcement

¹³ 7 C.F.R. § 273.2(f).

¹⁴ 7 U.S.C. § 2020(e)(8).

without any public oversight of such disclosures. After this first part of routine use (8), USDA adds that when such records contain “information obtained from applicant households” that “derives from records provided by a State Agency or its vendor” this information may be shared pursuant to the SNAP Act’s enumerated list of permitted disclosures.¹⁵ Despite this change, the routine use still indicates USDA’s intent to use SNAP data in ways that are not “compatible with the purpose for which [the SNAP data] was collected,” since the first clause remains incredibly broad.¹⁶ This modified routine use would still allow for the nearly unchecked disclosure of data to law enforcement as long as that information is not specifically obtained from an applicant household (which could include sensitive inferences, SNAP usage data, and records used to determine benefits eligibility).¹⁷

Routine use (11) remains problematic despite similar modifications that add language from the SNAP Act’s list of disclosure exceptions. These modifications do not alter the core power granted to USDA, which allows sharing data with other domestic government agencies whenever “disclosure is deemed reasonably necessary ... to prevent, deter, discover, detect, investigate, examine, prosecute, sue with respect to, defend against, correct, remedy, or otherwise combat fraud, waste, or abuse.”¹⁸ While the modifications mostly tether this clause to the administration and enforcement of the SNAP Act (along with other SNAP Act disclosure exceptions), such a wide-ranging list of possible disclosures may still be incompatible “with the purpose for which [the SNAP data] was collected,” and thus violate the Privacy Act.¹⁹ The

¹⁵ 91 Fed. Reg. 35948 (June 15, 2026), <https://www.federalregister.gov/documents/2026/06/15/2026-12005/privacy-act-of-1974-system-of-records>.

¹⁶ 5 U.S.C. § 552a(a)(7).

¹⁷ 7 U.S.C. § 2020(e)(8).

¹⁸ Comments of EPIC to the USDA on the System of Records Notice for the SNAP Information Database, EPIC.org (Jul. 16, 2025), <https://epic.org/documents/comments-of-epic-to-the-usda-on-system-of-records-notice-for-the-snap-information-database/>.

¹⁹ 5 U.S.C. § 552a(a)(7).

Notice does not provide an explanation as to why the database or the modified routine use (11) is reasonably necessary to prevent fraud, waste, or abuse. It fails to explain why this type of data consolidation and disclosure is necessary to achieve this purpose compared to other, less invasive and more secure data uses.

III. Other Deficiencies Under the Privacy Act

USDA continues to fall worryingly short of its Privacy Act obligations by again failing to identify any “polic[y or] practice[] of the agency regarding . . . disposal of the records.”²⁰ EPIC already pointed out this defect in USDA’s original System of Records Notice one year ago, yet USDA failed to add a sufficient description of its planned disposal practices to the modified Notice.²¹ Instead, the 2025 SORN section on data disposal policies stands by default, meaning that USDA would be empowered to store sensitive NSID records “indefinitely . . . until NARA has approved a records schedule for this system.”²² It is alarming that USDA’s plan for disposing of sensitive personal data begins and ends with this NARA records retention schedule, which does not yet exist and may not be created for some time. In the meantime, USDA can permanently hoard sensitive information in NSID, needlessly exposing SNAP recipients and applicants to the dangers of data breaches and misuse. USDA’s failure to identify a legitimate disposal policy for records stored in NSID thus violates the Privacy Act’s public notice requirements.²³

Finally, USDA’s updated Notice does not modify the Record Source Categories section, meaning that the NSID still combines information from “53 State agencies that administer

²⁰ 5 U.S.C. § 552a(E)(4)(e).

²¹ Comments of EPIC to the USDA on the System of Records Notice for the SNAP Information Database, EPIC.org (Jul. 16, 2025), <https://epic.org/documents/comments-of-epic-to-the-usda-on-system-of-records-notice-for-the-snap-information-database/>.

²² 90 Fed. Reg. 26521 (June 23, 2025), <https://www.federalregister.gov/documents/2025/06/23/2025-11463/privacy-act-of-1974-system-of-records>.

²³ 5 U.S.C. §§ 552a(e)(4)(E); 5 U.S.C. § 552a(e)(11).

SNAP” with information from “other Federal agencies with which USDA partners on program integrity efforts.”²⁴ It remains highly likely that this mix of personal data constitutes a “matching program” under the Privacy Act, which is defined as “any computerized comparison of ... a system of records with non-Federal records for the purpose of ... establishing or verifying the eligibility of ... applicants for, recipients or beneficiaries of ... cash or in-kind assistance or payments under Federal benefit programs.”²⁵ Matching programs require agencies to establish written matching agreements with lengthy requirements, and such agreements must be made available upon request by the public.²⁶ As with the original Notice, the modified Notice does not mention any such written matching agreement between USDA and other agencies reportedly providing the NSID data. This constitutes another apparent violation of the Privacy Act.

IV. Conclusion

For the above reasons, USDA should withdraw its Notice and end its efforts to consolidate the sensitive personal information of SNAP recipients and applicants in the NSID. If there are any questions, please contact John Davisson, EPIC Director of Litigation, at davisson@epic.org.

Respectfully submitted,

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²⁴ 90 Fed. Reg. 26,522.

²⁵ 5 U.S.C. § 552a(a)(8).

²⁶ 5 U.S.C. § 552a(o).

/s/ Kabbas Azhar

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