Connecticut’s Once-Innovative Approach to Obtaining Shopper Card Data

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April 25, 2008

Honorable J. Robert Galvin, M.D., M.P.H., M.B.A.
Department of Public Health
410 Capitol Avenue
Hartford, CT 06134

Dear Commissioner Galvin:

Your department has requested an opinion from this office regarding the following questions:

1. What is the authority of the Commissioner of the Department of Public Health to obtain customer identifying information and related product information from a retail food establishment in order to investigate or control a foodborne illness outbreak?

2. Is the consent of the customer required in order for the Department to obtain said information?

3. What is the Department’s ability to delegate this authority to local health authorities?

4. Does the Department have the ability to obtain a court order or subpoena for customer identifying information from retail food establishments?

It is the opinion of this office that the Department has the authority to obtain, without customer consent, customer identifying information from retail food establishments in connection with a foodborne illness outbreak. Although the Department does not have subpoena power, it may seek a court order compelling production of such information. The Department need not delegate this power to local health authorities because Department regulations already provide local health authorities this power.
In early May, 2016, CDC identified *Salmonella* Bareilly 1605MLJAP-1 cluster.

A multi-state call was held on May 11, 2016

**Confirmed case definition:**
Illness in a person infected with *Salmonella* Bareilly, with isolate matching PFGE *XbaI* pattern JAPX01.0064 or JAPX01.0751, and with estimated or reported onset date on or after 4/1/2016

12 confirmed cases from 5 states- CT, MA, NY, PA, VT

Estimated onset dates from 4/9/2016 - 4/22/2016
People infected with the outbreak strain of *Salmonella* Bareilly, by state of residence, as of May 11, 2016 (n=12)
The following day...

CT Food Protection Program (who are all FDA commissioned) received an email from the FDA Northeast Emergency Response Coordinator (ERC).
  • provided detailed information from CORE Signals
  • Included information regarding previous clusters and suspect food items from those
  • Also included information regarding common food items mentioned by current cases

FDA ERC asked to be kept in the loop regarding any suspect food items of interest.
Students at Yale were busy contacting the CT cases, administering the HGQ, and asking for shopper card information.

### Section 6: Sources of Food at Home

Now I have a few questions about where the food came from that you ate at home in the 7 days before your illness began. This isn’t necessarily where you shopped during that week, but where what you actually ate came from. I’m going to list several types of stores, for each type please tell me the names of each store you would have eaten food from during the 7 days before you were sick.

<table>
<thead>
<tr>
<th>Did you (your child) eat foods from?</th>
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</thead>
<tbody>
<tr>
<td>Grocery stores or Supermarkets</td>
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<tr>
<td>Warehouse stores such as Costco or Sam’s Club</td>
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<tr>
<td>Small markets or Mini markets (convenience stores, gas stations, etc.)</td>
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<tr>
<td>Ethnic specialty markets (Mexican, Asian, or Indian groceries)</td>
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<tr>
<td>Health food stores or Co-ops</td>
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<tr>
<td>Fish or meat specialty shops (butcher’s shop, etc.)</td>
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<tr>
<td>Farmer’s markets, Roadside stands, Open-air markets, or food purchased directly from a farm</td>
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<tr>
<td>Any other sources of food at home that you ate during the 7 days before your illness began?</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>STORE NAME</th>
<th>STORE LOCATION</th>
<th>LOYALTY CARD #</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td></td>
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<td>2.</td>
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<td>3.</td>
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<td>4.</td>
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<td>5.</td>
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Email sent:

Hi QA Director Person at Grocery Store A,
Long time since we spoke...hope you are doing well! Wanted to give you a head’s up that CT is involved with a multistate Salmonella Bareilly cluster and I will be requesting shopper card history records from you over the coming days. My first request is for the following account:

- Shopper card is issued to: Name of card holder associated with case
- Address of card holder
- Shopper card # (if we have it)

I am requesting the shopper card history for March 10-April 10, 2016. It is my understanding that this individual uses delivery service the majority of the time.
Any questions, please contact me directly at (860) 509-7297.
Shopper history was received from Grocery Store A for period of interest on Friday.

On Monday, a request was sent to Grocery Store B to request shopper history for a second case.

The records were received on Tuesday.

**Case #1:**
- Organic Sweet Baby Lettuce
- Organic Grape Tomatoes
- Multicolored Greenhouse Gourmet mini tomatoes
- Boston Hydroponic Lettuce
- Organic Romaine Hearts
- Campari tomatoes
- Red Onions
- Cilantro

**Case #2:**
- 3-pk seedless cucumbers
- Red Onions
- 4-pk tomatoes French beans
- Olivia’s Organic Spinach
- Tomato “on the vine”
- Cilantro
1. The Attorney General’s letter has given the FPP the capability to obtain records in a timely manner, advantageous to the investigation.
2. We do not typically need to wait for the company’s legal team to review records request and approve.
3. No need to jump through hoops trying to find the right person to request information from.
4. Can by-pass the store manager.
5. Has allowed collaborative relationships to form between government and industry.

- While this cluster investigation did not implicate any food items, maybe the next one will!
Questions?

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(860) 509-7297

Thank you!