



American Society of Access Professionals, Inc.

## 7<sup>th</sup> Annual National Training Conference

May 12-14, 2014

Renaissance Capital View Hotel - Arlington, Virginia

(Revised 05022014)

### Monday, May 12

7:30 am-4:00 pm Program Registration - check in – Salon Ballroom Registration Area

7:30 am-9:15 am Morning Refreshments – Salon Ballroom Foyer

7:55 am-8:00 am Welcome and Announcements

8:00 am-9:00 am

#### Session 1.01 Bonus Class

##### **NEW! Creating a Culture of Privacy: Privacy Training and Awareness**

Are you tasked with privacy training or are you looking for ways to contribute to the success of your office? This dynamic session explores programs that have been built by others, how the program is delivered, what topics work and which ones don't.

Instructors: *Steve Richards, Department of Homeland Security*

*Peter Miller, Federal Trade Commission*

9:15 am-10:30 am

#### CONCURRENT SESSIONS – PLEASE CHOOSE ONE

##### Session 1.02

##### Basic/Refresher Track - FOIA

##### FOIA Procedural Overview

This is the perfect starting point for newcomers and those seeking to refresh their grasp of the Act's requirements. Included is discussion of the key procedural elements of the statute and a summary of its exemptions. This session ensures that you have a basic working knowledge of the FOIA and will provide a strong foundation for growth.

- *Carmen Mallon, Office of Information Policy, Justice*

- *Dione Stearns, Federal Trade Commission*

##### Session 1.03

##### Basic/Refresher Track – Privacy

##### The Privacy Act of 1974 Overview

A great basic or refresher overview featuring the scope of the Act; policy objectives; what has changed since its inception; its impact on how we conduct business; systems of records notices; exemptions and administrative considerations.

- *Ramona Oliver, Dept. of Labor*

##### Session 1.04

##### Intermediate/Advanced Track –

##### NEW! Handling Appeals

What happens after a requester files an appeal? As a requester, what should I know before I file an appeal? As a FOIA professional what can I learn from those who review appeals? What are the most common types of issues that come up on appeal? This session explores the complex appeal process, including independent review and communications between the appellant and the FOIA professional. In this session, you will gain insights into what goes on during the appeal process and suggestions/best practices to, hopefully, prevent the need for an appeal.

- *Carol Maloney, Dept. of Health & Human Services*

*Shari Suzuki, Customs & Border Protection, DHS*

10:30 am-10:45 am

Stretch/Refreshment Break

10:45 am-12:15 pm      **CONCURRENT SESSIONS – PLEASE CHOOSE ONE (increased by 15 minutes)**

**Session 1.05**  
**Basic/Refresher Track - FOIA**

**FOIA: The Nine Exemptions Overview**  
This session is in lecture style format and discusses in general the nine exemptions, their applications, and sets the stage for additional sessions on individual exemptions. This session ensures that you have a basic working knowledge of the FOIA and will provide a strong foundation for growth.  
- *Scott Hodes, Scott A. Hodes, Attorney*  
- *Joel D. Miller, Retired FBI*

**Session 1.06**  
**Basic/Refresher Track – Privacy**

**Writing and Using Privacy Act Statements**  
You've just learned of a collection of personally identifiable information that doesn't contain a Privacy Act Statement (PAS). Do you know when a PAS is required and how to write one if you need to? Building on the information on SORNs provided in Privacy Act Overview, in this session you'll learn how to use a System of Records Notice to write a strong PAS along with other useful tips for writing effective PASs.  
- *Sarah English, Dept. of Defense*  
- *Elizabeth Doyle, Dept. of Homeland Security*

**Session 1.07**  
**Intermediate/Advanced Track – FOIA/PRIVACY**

**What's New in Case Law? (NEW INFORMATION)**  
Learn more about recent developments in FOIA and Privacy case law and how it could affect your policies.  
- *Dick Huff, Consultant*

12:15 pm-1:45 pm      Lunch – On Your Own

1:45 pm-3:00 pm      **CONCURRENT SESSIONS – PLEASE CHOOSE ONE**

**Session 1.08**  
**Basic/Refresher Track – FOIA**

**Fees, Fee Waivers and Other Administrative Matters (AGAIN, BACK BY POPULAR DEMAND)**  
You will learn the criteria for determining fee categories, i.e., where do bloggers fit, and the factors to consider in deciding fee waiver requests. You will also learn administrative tips on how you can keep the process moving and what to do as you wait for other agencies' offices to respond.  
- *Doug Hibbard, Office of Information Policy, Justice*  
- *Ginger McCall, EPIC*

**Session 1.09**  
**Basic/Refresher Track - Privacy**

**Privacy Act: Processing and Conditions of Disclosure**  
Now that you have a request, what can you release? This session will help you understand systems of records notice and exemption rules; and the 12 reasons a record may be released without an individual's authorization.  
- *Cindy Allard, Dept. of Defense*  
- *Dick Huff, Consultant*

**Session 1.10**  
**Intermediate/Advanced Track -FOIA**

**NEW! Technology: Practical Applications and Best Practices**  
Clarify rather broad requests down to a manageable topic, best practices for meta-stripping, 508 compliance: these are areas ripe for technology application that are underutilized by agencies. Learn how you can use these technological best practices as part of your daily routine.  
- *Marty Michalosky, CFPB*  
- *Nate Jones, National Security Archive*  
- *To Be Confirmed*

3:00 pm-3:15 pm      Stretch/Refreshment Break

3:15 pm-4:30 pm

**CONCURRENT SESSIONS – PLEASE CHOOSE ONE**

**Session 1.11**

**Basic/Refresher Track - FOIA**

**FOIA and the Privacy Act Interface**

This session explores the complex relationship between the Privacy and the Freedom of Information Acts: when to apply the statutes, where they dovetail, and where they diverge. This also includes a discussion of the issues affected by both Acts.

- Ramona Oliver, Dept. of Labor

**Session 1.12**

**Basic/Refresher Track - Privacy**

**NEW! SORNs – Soup to Nuts**

Now that you have a broad overview of the Privacy Act, it's time to delve into the how's and why's of a SORN. This session provides a practical explanation and exercise of how a System of Records Notice (OPM/GOV'T-1) is constructed, how to read and interpret it, and how all of the pieces must fit together.

- Elizabeth Doyle, Dept. of Homeland Security

**Session 1.13**

**Intermediate/Advanced Track – FOIA**

**Exemptions 2, 3 & 7(A),(B),(D),(E),(F)**

This session will explore these exemptions in-depth.

- Joel D. Miller, Retired, FBI

- Karen Finnegan, Dept. of State

4:30 pm

Daily Program Ends - Return daily evaluations, Certificates issued for May 12 only attendees

**Tuesday, May 13**

7:30 am-4:00 pm

Program Registration for Tuesday/Wednesday Registrants – Salon Ballroom Registration Area

7:30 am-9:15 am

Morning Refreshments – Salon Ballroom Foyer

7:55 am-8:00 am

Welcome and Announcements

8:00 am-9:00 am

**Session 2.01 Bonus Class – Historical, Precedent Setting Litigation (Landmark Decisions)**

There are more than 4500 court decisions on issues concerning agency FOIA implementation, but only a few have truly defined how we administer the statute. This session looks at some of those critical decisions, and provides another foundation for truly understanding the FOIA.

- Anne Weismann, Citizens for Responsibility and Ethics in Washington

- Miriam Nisbet, Office of Government Information Services, NARA

9:00 am-9:15 am

Morning Refreshments Available – Salon Ballroom Foyer

9:15 am-10:30 am

**CONCURRENT SESSIONS – PLEASE CHOOSE ONE**

**Session 2.02**

**Intermediate/Advanced Track – FOIA**

**Exemption 5: Privileged Information**

This session will discuss the elements and privileges incorporated in Exemption 5, including threshold requirements, and the elements of the deliberative process, the attorney-client, and the attorney work product privileges.

- Anne Weismann, CREW

- Brent Evitt, Defense Intelligence Agency

**Session 2.03**

**Intermediate/Advanced Track– Privacy**

**Writing PIA's & SORNs**

The E-Gov Act has made Privacy Impact Assessments a part of everyone's life. Just what is a PIA and how does it fit into the government's responsibilities and activities? Systems of Records Notices - What's involved in writing a SORN, when should you prepare a SORN, how should SORNs be updated, and how can Program Managers help in drafting a SORN? This session is sure to provide you comprehensive knowledge and implementation know-how for the two key privacy law requirements.

- Sarah English, Dept. of Defense

- Fred Sadler, Food & Drug Administration

**Session 2.04**

**Other/Specialty/Niche Track**

**NEW! Backlogs**

Some agencies have been very successful in reducing their backlogs. Representatives will discuss what methods and resources worked for them.

Moderator: Bobby Talebian, Office of Information Policy, Justice

- Marianne Manheim – Dept. of State

- Catrina Pavlik-Keenan, Immigration and Customs Enforcement, DHS

10:30 am-10:45 am

Stretch/Refreshment Break

10:45 am-12:00 pm      **CONCURRENT SESSIONS – PLEASE CHOOSE ONE**

**Session 2.05**  
**Intermediate/Advanced Track – FOIA**

**Business Information: Exemption 4**

Agency considerations and obligations in handling data submitted by business and government contractors are examined. Learn how to recognize trade secret and confidential, commercial information. This session also focuses on Submitter Notice under E.O. 12,600 and contracts.

- *Fred Sadler, Food & Drug Administration*

**Session 2.06**  
**Intermediate/Advanced Track– Privacy**

**Setting Up an Effective Privacy Program (Including Breaches)**

What does it take to run an effective privacy program? Come and hear from experts who have built privacy programs from scratch. You will learn about the legal requirements and operational structures that need to be in place to ensure that your program is effective.

- *Mike Reheuser, Dept. of the Army*

- *Lillie Coney, US House of Representatives*

- *Larry Kearley, CAPA*

**Session 2.07**  
**Other/Specialty/Niche Track**

**NEW! FOIA & Dispute Resolution**

Dispute resolution is not just a good idea - since the 2007 amendments to the FOIA, it's the law. Hear from requesters and FOIA professionals (including representatives of the Office of Government Information Services) about how they are using dispute resolution techniques to resolve FOIA disputes before they go to court.

- *Moderator Carrie McGuire, OGIS*

- *Kathy Ray, Dept. of Transportation*

- *Brad Heath, USA TODAY*

12:00 – 1:30 pm      Lunch – On Your Own

1:30 pm-2:45 pm      **CONCURRENT SESSIONS – PLEASE CHOOSE ONE**

**Session 2.08**  
**Intermediate/Advanced Track – FOIA**

**Privacy and the FOIA: Exemptions 6 and 7(C)**

An examination of the protections provided by FOIA Exemptions 6 and 7(C) for personal information in general government and investigative files. This session will help you understand what is considered private information in your records, and how it is balanced against the public interest.

- *Karen Finnegan, Dept. of State*

- *Marianne Manheim, Dept. of State*

**Session 2.09**  
**Intermediate/Advanced Track– Privacy**

**NEW! What Happens if Sued?**

Being sued is a costly and protracted process. What are the ramifications of the various steps in the process and strategies are used by the attorneys?

- *Adam Sutton, Dept. of Defense*

- *Stephen Kohn, Kohn, Kohn & Colapinto*

- *Brad Rosenberg, Dept. of Justice*

**Session 2.10**  
**Intermediate/Advanced Track – FOIA**

**Due to popular demand, this session is being repeated. Exemption 5: Privileged Information**

This session will discuss the elements and privileges incorporated in Exemption 5, including threshold requirements, and the elements of the deliberative process, the attorney-client, and the attorney work product privileges.

- *Anne Weismann, CREW*

- *Brent Evitt, Defense Intelligence Agency*

2:45 pm-3:00 pm      Stretch/Refreshment Break

3:00 pm-4:30 pm

Plenary Session

**Session 2.11 Demystifying Urban Legends about Requesters**

Many agencies are recipients of requests that seem to go beyond reasonableness and take up untold agency resources. But is that really the case? Listen and learn how agencies and requesters can come to a happy medium where everyone respects the process and successful results are realized for all.

Moderator: - *Amy Bennett, Openthegovernment.org*

Panelists:

- *Michael Ravnitzky*

- *Michael Morisey, MuckRock*

- *Ginger McCall, EPIC*

4:30 pm

Daily Program Ends - Return daily evaluations, Certificates issued for May 12-13 only attendees

5:00 – 7:00 pm

**NEW!** Social Networking Hour – Jaleo, Crystal City

## Wednesday, May 14

7:30 am-4:00 pm Program Registration for Wednesday Only Registrants – Salon Ballroom Registration Area

7:30 am-9:15 am Morning Refreshments – Salon Ballroom Foyer

7:55 am-8:00 am Welcome and Announcements

8:00am-9:00am

### Session 3.01 Bonus Class – Legislation Update

Congressional staffers will update you on upcoming or pending legislation

- Krista Boyd, *Minority Counsel, House Committee on Oversight and Government Reform*

- April Carson, *Counsel, Senate Committee on the Judiciary- Invited*

- Ali Ahmad, *Professional Staff Member, House Committee on Oversight and Government Reform – Invited*

- Lauren Barlow, *Legislative Counsel, Senate Committee on the Judiciary- Invited*

- Nathan Hallford, *Counsel, Senate Committee on the Judiciary- Invited*

9:00 am-9:15 am

Morning Refreshments Available – Salon Ballroom Foyer

9:15 am-10:30 am

### CONCURRENT SESSIONS – PLEASE CHOOSE ONE

#### Session 3.02

##### Intermediate/Advanced Track – FOIA

#### Defense, Foreign Relations & Classified Information: Exemption 1

FOIA requests for documents containing classified national security information will be covered in detail. You will gain an understanding of FOIA's emphasis on disclosure with protecting classified national security information. An MDR overview will also be covered.

- Will Kammer, *Dept. of Defense*

- Brent Evitt, *Defense Intelligence Agency*

#### Session 3.03

##### Intermediate/Advanced Track –Privacy

#### Privacy Act Scenarios

Instructors will walk you through various scenarios and help you determine what the correct course of action should be.

- Ramona Oliver, *Dept. of Labor*

- William H. Holzerland, *FDA*

#### Session 3.04

##### Other/Specialty/Niche Track

#### **NEW!** Social Media on FOIA/Privacy and Records

What are your obligations for preserving Tweets, Facebook postings, web pages and forms that have captured public comments, etc.? How do you do this and perform search and response? How should you treat internal use of collaboration tools? Learn this and more!

- Hannah Bergman, *National Archives and Records Administration*

10:30 am-10:45 am

Stretch/Refreshment Break

10:45 am-12:00 pm

### CONCURRENT SESSIONS – PLEASE CHOOSE ONE

#### Session 3.05

##### Intermediate/Advanced Track – FOIA

#### Redaction Workshop – Part I of II

**This is a special session that continues at 1:15 pm. BACK, BY POPULAR DEMAND!**

Best practices in redaction process: the physical process, and the “do's & don'ts” of the redaction process, including making sure that the redactions cannot be reversed.

- Will Kammer, *Dept. of Defense*

- Fred Sadler, *Food & Drug Administration*

#### Session 3.06

##### Intermediate/Advanced Track– Privacy

#### Privacy Issues – Ask the Experts

This is a session with various assembled privacy and Privacy Act experts. It affords you the perfect opportunity to ask specific questions with agencies' foremost legal and policy experts. Everyone in the room will have needs concerning privacy so your questions and the answers will benefit all.

- Adam Sutton, *Dept. of Defense*

- Cindy Allard, *Dept. of Defense*

- Jonathan Cantor, *Dept. of Homeland Security*

#### Session 3.07

##### Other/Specialty/Niche Track

#### **NEW!** Customer Service –It's the Law!

The FOIA Public Liaison is instrumental in helping the agency provide excellent customer service. How can you best comply with the need to provide expected dates of processing? E.O. 13571 on Customer Service? Plain Writing?

- Kirsten Mitchell, *OGIS*

- Amy McNulty, *Health and Human Services*

- Jay Olin, *NARA*

12:00 am-1:30 pm

Lunch – On Your Own

1:30pm-2:45pm

CONCURRENT SESSIONS – PLEASE CHOOSE ONE

**Session 3.05\***  
**Intermediate/Advanced Track – FOIA**

**Redaction Workshop – Part II of II**  
**Continued from the 10:30 am time frame.**

**Session 3.08**  
**Intermediate/Advanced Track**

**NEW! Referrals**

When processing FOIA requests, located records may have originated with another agency, or component, or be of interest to another agency. So when do you refer or consult with the originating agency? How do you track that record or response efficiently and ensure consistency of responses?

- Matt Hurd, Office of Information Policy, Justice
- Nate Jones, National Security Archive
- William H. Holzerland, FDA

**Session 3.09**  
**Other/Specialty/Niche Track**

**NEW! The Government Information Specialist Position**

Skill sets at different levels are needed from fundamental organization to analytical, oral and written communication, managerial and even scientific or medical discipline depending upon the agency's mission. So how do we identify what is needed so that we can hire the best person?

- Catherine Teti, Health and Human Services
- Candace Boston, Food and Drug Admin.
- Marty Michalosky, CFPB

2:45 pm-3:00 pm

Stretch/Refreshment Break

3:00 pm-4:15 pm

**Session 3.10 Agency Breakouts/Ask the Expert**

Perhaps the most popular feature of the NTC, breakout sessions by agency will be organized based on the program attendance. All attendees are expected to attend their specific agency session. There will also be a session for "non-specific" so that all can attend a session.

- Ask the Expert (Non-specific Agency) – Dick Huff, Sean O'Neil
- Bureau of Ocean Energy Management - Melissa Allen
- Dept. of Agriculture (NRCS) - Deryl Richardson
- Department of Energy – Alexander "Chris" Morris
- Dept. of Veterans Affairs – Jeff Parrillo

- Other agencies may be scheduled, dependent on attendance

4:15 pm

Daily Program Ends - Return Daily Evaluations, Certificates of Completion Issued

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