



From The President

Dear Colleagues:

Only one short year ago, I had the pleasure of wishing ASAP and its supporters a “Happy Anniversary.” At that time, ASAP’s year-long celebration, in recognition of the 25th anniversary of the founding of our organization, was well underway. We observed the occasion at each of our programs last year with special presentations, anniversary memorabilia, and retrospective reviews.

This year, I again have the opportunity to say “Happy Anniversary” because on July 4, 2006, we observed the 40th anniversary of the signing of the Freedom of Information Act. Some say that that there were considerable reservations about the FOIA, at all levels of government, and that we were lead “kicking and screaming” toward passage of the bill. But, pass it we did, and America was changed. The philosophy of ownership was reversed. Instead of the government releasing records only when oblique criteria were met or when a requester could justify the need to access records, the FOIA

opened our file drawers to the public and the world. The world watched, and countless nations followed our example, as America led the way.

In a speech given before Chinese government officials two years ago, former ASAP President and now retired Dept. of Health and Human Services FOI Officer Ross Cirrincione said:

While making basic information available to the public regarding organizational structure, mission, programs, rules, policies, and budgets through government publications, pamphlets, and in reading rooms is extremely important, the real impact of the FOIA was in making available to the public those records which were not prepared for public dissemination; the internal records that showed what was actually happening within the government as it conducted its day-to-day business. Over thirty-five years ago, early estimates predicted that there would be approximately 50,000 requests made for that sort of government information each year. In 1996, recognizing the huge

growth that had occurred in the use of electronic communications media, Congress amended the FOIA to require (among other things) that any time two or more requests for essentially the same information were received or anticipated, the responsive records should also be made available on the internet. Throughout the federal government, a more pro-active dissemination of information on the internet was encouraged. In other words, rather than wait for a request for information, federal agencies, on their own initiative, were to make even more information available through their websites than they had previously. Despite these efforts, in 2003, federal agencies reported receiving over 3,250,000 FOIA requests — a 6,500% increase over the initial estimates of the 1960s. It appears that by satisfying the initial curiosity for basic information, we have created a much more knowledgeable citizenry, which now seeks a more sophisticated and complex level of information about government activities.

Maybe one thing that we should work on is the way in which we present our accomplishments to the public. We probably don’t educate them enough, when it comes to numbers of requests filled, staff hours expended, and the extent of the efforts to which a FOIA officer will go to do a professional job. Just

“The basic purpose of [the] FOIA is to ensure an informed citizenry, vital to the functioning of a democratic society, needed to check against corruption and to hold the governors accountable to the governed.”

United States Supreme Court in
NLRB v. Robbins Tire & Rubber Co., 437 U.S. 214, 242



**AMERICAN SOCIETY OF ACCESS PROFESSIONALS
NEWSLETTER**

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The *ASAP Newsletter* is a periodic publication of the American Society of Access Professionals for its members.

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ask the disclosure professionals on the ground in Afghanistan and Iraq. Or, closer to home, those staffers in the Washington, D.C. buildings that were flooded last month. The program continues, we strive to meet the objectives, and we believe that FOIA is good for America.

I guess that's what ASAP Board members Charlene Wright Thomas and Brent Evitt meant, in their WRTC presentation in San Jose last March, when they said that FOIA Officers

“wear the white hats.” FOIA officers really are the good guys, the ones who make it work. And it does work. In spite of cutbacks, inadequate staff, and political finger-pointing, we work through Executive Orders, Program Assessments, and Improvement Plans. And, I continue to be amazed and inspired at your accomplishments. Many thanks for the opportunity to work with all of you.

Fred

**2006 Symposium and Training
Conference** *By Rebecca Daugherty*

ASAP's 2006 Symposium and Training Conference, “Marching to a New Order,” will be held at the Ronald Reagan Building/ International Trade Center on September 26 and 27. The Symposium will bring ASAP members together to view the intensive plans agencies have promised in line with the new Executive Order to improve FOIA processing government-wide, the technological changes and challenges which will affect how Freedom of Information and Privacy Offices do their work, the hot topics now being addressed in access offices, and the latest legal and legislative measures

which could change our work.

Dr. Allen Weinstein, Archivist of the United States, will kick off the conference. A noted historian, the Archivist has been a vocal opponent of efforts to change the status of declassified records and the leader of proponent action to shore up the government's electronic record-keeping. The second day keynoter is not yet confirmed. As speakers are confirmed, additional program information will be posted on the ASAP website <www.accesspro.org> where registration information is also posted.

Identity Theft

Identity theft can happen to anyone. Individuals whose identities are stolen can spend months or years trying to clear their names and reestablish their credit records. Don't let this happen to you! The Federal Trade Commission has produced a booklet that provides sound advice on steps to take to minimize the likelihood that you will be a victim of identity theft. The booklet also gives guidance on what to do if your identity is stolen. The booklet can be accessed online at <www.ftc.gov/bcp/conline/pubs/credit/idtheft.htm>.

Susan Salus Retires as FOIA and Privacy Act Officer

On June 2, 2006, Susan Salus, the Freedom of Information Act and Privacy Act Officer for the Defense Logistics Agency retired after 42 years of federal service. She began her federal career as a clerk for the Administrative Office of the U.S. Courts. The last 30 years of her federal career were devoted to Freedom of Information Act and Privacy Act programs. During her service, she formulated FOIA and privacy policy and procedures, served as advisor on FOIA and privacy matters, and received and responded to individual FOIA requests.

Shortly after the Privacy Act was passed in 1974 and major amendments to the FOIA were enacted, Susan was assigned the FOIA and Privacy Act programs as an additional duty. She worked for the Air Force Office of Scientific Research at that time. There was little activity with either program at the time, partly due to their newness. But that was by no means an indication of things to come.

In 1979, Susan Salus took on FOIA/Privacy Act duties full time with the Air Force Intelligence Service where she was faced with more requests than she could process. Faced with a growing backlog of requests, she decided to take an unheard-of approach. Because she dealt with several repeat requesters, she invited them to her Pentagon office to meet and discuss procedures for filing requests. Educating requesters on the ground rules allowed for smoother processing and a reduction in backlog. At the same time, Susan was able to get a better sense of the type of records her constituency was seeking, allowing her to identify in advance where archival records of interest were located so they could be

quickly retrieved upon request. Her innovative meet-and-greet tactic clearly benefited requesters as well as FOIA officers.

During the mid-1980's, Susan moved to the Air Force Systems Command to take over the FOIA and privacy programs. In this position, Susan focused her efforts on training the Command field-level FOIA officers to work smartly and closely with requesters. She encouraged them to know where their records were located to facilitate quick retrieval and to know their sensitivity levels for expeditious processing. Early on she learned the benefits of personal contact with requesters. Faced with requesters who weren't sure what terms to use when requesting records, she used a one-on-one approach to ferret out their needs, asking "What do you want to know when you're done?" This allowed the requester to state his needs in his own terms. Her knowledge of record holdings allowed her to use the requester's response to identify a specific type of record or record series. Her question became so well-used that a few repeat requesters would begin their FOIA request with "Here's what I want to know when I'm done."

In 1988, she left the Dept. of Defense to work for the Dept. of Agriculture's Animal and Plant Health Inspection Service as their FOIA/Privacy Officer. After several months, the Dept. of Defense asked if she would consider returning to the Department. She did and in 1989 went to work for the Defense Logistics Agency (DLA). During her service at DLA, Susan was able to make great advances in the FOIA



Susan Salus, long-time FOIA/Privacy Act Officer and ASAP member, retires.

program. In 1993, she spearheaded an initiative to make several DLA procurement files available to the public electronically. Initially, the data was copied to tape and overnight mailed to a standing list of FOIA requesters. A year or two later, the method of delivery was changed. The data was moved to the Internet where it could be downloaded on demand. This shift reduced the DLA FOIA caseload from a high of about 14,000 to about 8,000 requests per year. She continued to extol the virtues of personal contact with requesters and made it a requirement for the FOIA officers in the DLA field activities.

Just as the DLA FOIA program was getting under control, the privacy program, long a back-burner program, was starting to heat up. Misuse of personal data, improper safeguards, and identity theft were issues that she

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“Food for Thought” Luncheon

On July 20, approximately 70 ASAP members and friends celebrated the FOIA’s 40th birthday at Tony Cheng’s Restaurant in Chinatown at this year’s second “Food for Thought Luncheon” – “Lordy, Lordy FOIA’s Forty: What Hath We Wrought?” The luncheon speaker was FOIA scholar Dr. Martin Halstuk, Assistant Professor in the College of Communications

at Pennsylvania State University. Dr. Halstuk spent over 21 years as a journalist, working as an award-winning reporter at the *San Francisco Chronicle*, night city editor for the *San Francisco Examiner*, copy editor at the *Los Angeles Times*, and at newspapers in New York and Pennsylvania. Prior to joining the faculty at Penn State, he taught at UCLA, the University of San Francisco, the University of

Florida, and the University of Nevada at Las Vegas. He is a member of the Society of Professional Journalists. Dr. Halstuk shared his thoughts about the changes FOIA has made in the public’s knowledge about its government. He also explored the role our FOIA has played in encouraging access to government information in countries around the world.

New Training Offered in September

Traditionally, ASAP has held a Business Information Training seminar the day before the Annual Symposium and Training Conference. This year, ASAP will instead offer two one-half day programs on issues of great interest to the information professional – privacy and national security. The programs will be held on Monday, September 25, at the Ronald Reagan Building/International Trade Center. The first session, “Emerging Privacy Issues Training,” is scheduled to begin with a presentation by Paul Hutter, Acting Assistant Secretary at the Dept. of

Veterans Affairs, on what to do when sensitive information is lost and steps that can be taken to prevent this kind of occurrence. Next we will hear from knowledgeable federal employees from the Dept. of Justice, Dept. of Homeland Security, and IRS about developing Privacy Impact Assessment (PIA) policy and compliance with federal law regarding PIAs. Finally, a panel of information technology professionals will discuss privacy from the security and IT perspective.

The second session, “National Security in the Information Age:

Cooperation or Collision,” will open with a keynote speaker (yet to be determined) who will share “Thoughts on National Security and Open Government.” Plans for the remainder of the day include a presentation on classification and reclassification and two panel discussions on the topics “Protecting Information During Wartime: How Far Is Too Far?” and “Life After Automatic Declassification.” Check the ASAP website <www.accesspro.org> for program details and registration information for both of these new and innovative seminars.

Susan Salus Retires as FOIA and Privacy Act Officer

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grappled with on a regular basis. As the DLA FOIA Officer, she became a strong advocate for privacy and developed both online and classroom privacy training programs to keep the DLA staff informed on privacy issues. She also developed a Privacy Act self inspection survey for DLA field activities to use as a tool to keep privacy issues in check.

Throughout her FOIA career, Susan played a unique role. She pio-

neered new approaches to program management and was recognized for her initiative, creativity, and tenacity. During the early 1980’s, she became a member of the American Society of Access Professionals and participated as an instructor for ASAP and at Dept. of Defense gatherings of FOIA officers. The FOIA/Privacy community will sorely miss her.

Thanks to the DLA for providing this article.

NOTICE OF GENERAL MEMBERSHIP MEETING

The ASAP General Membership Meeting will be held on September 27 during the Annual Symposium and Training Conference at the Ronald Reagan Building/International Trade Center, Washington, D.C.

Privacy Association Reaches Milestone

Peter Kosmala, CIPP • Assistant Director, IAPP

This past July, the International Association of Privacy Professionals (IAPP) passed the 2,600 member mark and became the largest professional organization serving the privacy industry today. IAPP represents privacy professionals in business, government, and higher education from 20 countries in North America, Europe, Asia, and Latin America. These professionals work within a variety of industries from healthcare, financial services, and retail to technology and consumer goods in addition to state and federal government agencies.

The growth of IAPP is testament to the services and programs the association offers. It also reflects the increasingly important role that privacy professionals play in governments, businesses, and academic institutions around the world. In light of growing data security concerns and the desire for stronger customer trust and citizen service, corporations and government agencies alike are creating positions and programs that address information privacy effectively and proactively.

Founded in 2002 from what was previously known as the Association of Chief Privacy Officers, IAPP has since grown to represent a broader spectrum of privacy professionals than just corporate executives – just as the privacy profession itself has expanded from a pure legal compliance function to a broader set of disciplines that now include information access, data security, privacy program management, international data flows, customer relations, and employee awareness.

Much of the association's growth can be attributed to its

introduction of the first major professional certification in information privacy. In October 2004, IAPP launched the Certified Information Privacy Professional (CIPP), a foundation course in U.S. and E.U. private sector information privacy laws, technologies, and practices. The program was established with founding grants from HP and Microsoft and its five-part curriculum developed with support from leading privacy executives at HP, Microsoft, Nationwide Insurance, Nordstrom, Wal-mart, Procter & Gamble, Corporate Privacy Group, and Privacy and Information Management Services, P.C.

Recognizing the growing importance of privacy officers in government, IAPP followed the successful launch of CIPP with the first publicly available certification in U.S. government privacy, the Certified Information Privacy Professional/Government (CIPP/G). This advanced credential debuted at the IAPP National Summit in

Washington, D.C. in March 2005 with underwriting support provided by IBM.

The CIPP/G was developed in close coordination with privacy leaders from U.S. federal and state governments, including Zoe Strickland, Chief Privacy Officer of the U.S. Postal Service; Stephania Putt, Privacy Office Director at the U.S. Department of Veterans Affairs; Eva Kleederman, Policy Analyst for the U.S. Office of Management and Budget; and Joanne McNabb, Chief of the Office of Privacy Protection at the California Department of Consumer Affairs. The program also benefited from the expertise of top government vendors and consultants including Harriet Pearson, VP Corporate Affairs and Chief Privacy Officer, IBM Corporation; Julie Smith McEwen, Principal Information Privacy and Security Engineer, MITRE Corporation; Dr. Stuart Shapiro, Lead Information

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Calendar of Events

2006

Aug 17	Board of Directors Meeting	Wash., DC
Sep 21	Board of Directors Meeting	Wash., DC
Sep 25 (a.m.)	Privacy Training	Wash., DC
Sep 25 (p.m.)	National Security Training	Wash., DC
Sep 26-27	Annual Symposium & Training Conf.	Wash., DC
Sep 27	General Membership Meeting	Wash., DC
Oct 19	Board of Directors Meeting	Wash., DC
Nov 16	Board of Directors Meeting	Wash., DC
Dec 21	Board of Directors Meeting	Wash., DC

2007

Mar 4-7	2007 WRTC	Las Vegas, NV
Jun 5-7	2007 Training Series	Wash., DC

Dates Subject to Change

May Training Series Huge Success

ASAP held its 2006 Training Series on May 2, 3, and 4 at the George Washington University's Cafritz Center in Washington, D.C. This annual event provides much needed basic FOIA and Privacy Act training as well as discussions of new and emerging issues. ASAP Vice President Marilyn Falksen welcomed attendees on May 2, briefly outlining the day's schedule and encouraging participants to ask questions of the instructors and share their knowledge and experience with their fellow access professionals. The first day's program consisted of overviews of the Privacy Act, the FOIA, and the FOIA exemptions and an explanation of the interaction between the Privacy Act and the FOIA.

After a brief welcome by ASAP President Fred Sadler on the second day, Jason R. Baron, Director of Litigation at the National Archives and Records Administration, spoke. His presentation, titled "Managing Your Information and Records in the Electronic Age," addressed the

Sedona Conference's "best practices" guidance for recordkeeping with a focus on risk managing e-records to meet litigation and other access demands. During the remainder of the day, there were the usual sessions on the exemptions and best practices for redacting documents as well as two new sessions. A panel entitled "Beyond the Privacy Act" delved into privacy directives and requirements for Homeland Security Presidential Directive 12, the Health Insurance Portability and Accountability Act, and Privacy Impact Assessments and discussed information privacy policies. Finally, four FOIA Public Liaisons talked about their roles and their agencies' plans for meeting the reporting requirements of the FOIA Executive Order.

The third day began with a brief welcome and announcements by ASAP President Sadler. Thereafter Dan Metcalfe, Director of the Dept. of Justice's Office of Information and Privacy (OIP), gave an overview of the FOIA Executive Order, detailing

requirements and timetables established by the Order. Participants were then able to choose from a variety of sessions, including discussions of fees and fee waivers, the FOIA privacy exemptions, and the bases for safeguarding and/or protecting information seen as sensitive through a post-9/11 lens; a panel of requesters who talked about ways in which the FOIA benefits the public; and two new sessions dealing with how a request becomes the subject of litigation and preparing documents for litigation.

Judging by the written and oral comments received from the 174 participants, the 2006 Training Series was a huge success. A well-deserved "thank you" to the planning committee — Charlene Wright Thomas (Dept. of State), Ramona Oliver (NARA), Fred Sadler (FDA), and Marilyn Falksen (Dept. of Justice, OIP) — for organizing another excellent Training Series. (See pictures from the Training Series on pages 7 & 8.)

Privacy Association Reaches Milestone *Continued from p. 5*

Security Scientist, MITRE Corporation; as well as Timothy Skinner and Jill Rhodes, both of SRA International.

The CIPP/G program requires understanding of the CIPP foundation course in addition to essential government privacy laws and policies such as the Privacy Act, the e-Government Act, FOIA, FISMA, the Data Quality Act, systems of records notices (SORN), and privacy impact assessments (PIAs). The program also assesses knowledge of federal-standard practices for privacy management, policy enforcement, records management, and privacy auditing and compliance. The CIPP/G is an advanced course intended for privacy officers and employees of U.S. federal and state governments who currently hold privacy or security related responsibilities such as information

access, records management, record retention, and compliance. The credential is also relevant to private sector professionals such as vendors and consultants who serve clients in the U.S. government on matters of information privacy and security.

IAPP (<www.privacyassociation.org>) has certified government privacy professionals from a number of federal agencies and departments including Agriculture, Commerce, Homeland Security, Postal Service, Treasury, Veterans Affairs, and the Office of the Director of National Intelligence. Nearly 1,000 IAPP-certified professionals work in the privacy and security fields today. Of these, a full quarter hold the CIPP/G credential, the highest mark the IAPP currently offers.

May Training Series



Lesia Banks (Dept. of Agriculture) teaching the Exemptions 6/7C class



GayLa Sessoms (Dept. of Justice) talking with a Training Series participant



Jim Hogan (Dept. of Defense) sharing his knowledge about the privacy exemptions with Training Series participants



Rebecca Daugherty (ASAP Secretary) and Harry Hammitt (Access Reports) participating on a panel of FOIA requesters



Training Series attendees at one of the workshops



Board member Ramona Oliver (NARA) answering questions after the FOIA Public Liaisons panel

*More photos
on p. 8*

May Training Series *continued*



Training Series teachers from the Dept. of Defense Will Kammer and Karen Finnegan share a light moment between sessions.



ASAP President Fred Sadler (FDA) and Dick Huff (former Co-Director of OIP, Dept. of Justice) discussing the intricacies of the FOIA.



Training Series wrap-up session with Rebecca Daugherty (ASAP Secretary), Brent Evitt (Dept. of Justice, OIP), Fred Sadler (FDA) and Dick Huff (former Co-Director of OIP, Dept. of Justice)