



American Society of Access Professionals

ASAP 2008 Annual Symposium & Training Conference

December 3-4, 2008

Walter E. Washington Convention Center

801 Mount Vernon Place, NW, Washington, DC 20001

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Tip of the Iceberg

DECEMBER 3, 2008 (WEDNESDAY) ROOM 151 A/B

7:30 – 8:15 am Coffee & Danish and Registration

8:15 – 8:30 am Welcome, Announcements and Introductions – Rebecca Daugherty, ASAP President

8:30 – 8:50 am KEYNOTE ADDRESS: Access: An Essential Ingredient for Change in Government
Bill Leonard, former Director, Information Security Oversight Office, will address challenges confronting the new administration, Congress and the Courts in access to government information and present his thoughts on how those challenges should be addressed.

8:55 – 10:30 am Panel 1.1 - Does the Privacy Act Work Anymore?
Loopholes in the Privacy Act trigger concerns about its effectiveness. Earlier this year, GAO reported failures of the Act down to its basic definitions such as "System of Records" and "Routine Use." Some of these concerns have been recognized ever since the passage of the law in 1974, but others have emerged and grown with the advent of new technologies and new marketplaces for personal data. Panelists will discuss efforts to amend the Act expected in Congress early in 2009.
Moderator: Marc Groman, Chief Privacy Officer, Federal Trade Commission
Panelists: Jennifer Tyree, Legislative Director/Counsel, Office of Senator Daniel K. Akaka (D-HI)
Ari Schwartz, Vice President & COO, Center for Democracy and Technology

10:30 – 10:45 am Coffee Break

10:45 – 12:00 pm Panel 1.2 - Who Sued For What, Who Won, And What Those Wins Portend
Richard Huff, ASAP award winner and former co-director of the Office of Information and Privacy at the Department of Justice will present significant recent decisions on Privacy Act and FOIA issues, essential as case law sets the stage for decisions each FOI or Privacy Act office must make.

12:00 -1:00 pm Lunch – ROOM 152 A/B

1:00 – 2:30 pm Panel 1.3 - Unclassified but Sensitive Information: Problems and Prospects
Federal government agencies create and receive information that reveals threats, vulnerabilities, and risks and need to share it with other agencies and with entities outside the federal government. Some of this information is highly sensitive, at least for a period of time. Agencies have responded to the challenge by creating more than 100 separate designations, most not authorized by statute or regulation. The markings are supposed to indicate how to handle information, not whether to disclose it, but they are often taken as reasons to not disclose information. A 2008 Presidential Memo set up a framework to deal with the sharing problems, congressional legislation to address the overall issue and, particularly, the disclosure issues passed in the House. With a new administration and a new Congress, what lies ahead?
Moderator: Patrice McDermott, Director, Openthegovernment.org
Panelists: Jay Bosanko, Director, Information Security Oversight Office
Tom Finan, Subcommittee Director, US House Committee on Homeland Security
Meredith Fuchs, Counsel, National Security Archive
Sean Moulton, Director, Federal Information Policy, OMB Watch

2:30 – 2:45 pm Coffee Break

2:45 – 4:15 pm Panel 1.4 - It's Not Just Washington, You Know
Attorney Dave Bahr of the Western Environmental Law Center and panelists will demonstrate how the Freedom of Information Act has meaning outside the Beltway, how the hinterland has special and different needs for government information from agencies that may sometimes suffer from Beltway myopia.
Panelists: Richard Mietz, Attorney
Jennifer LaFleur, Director of Computer-Assisted Reporting, ProPublica.org

4:15pm Daily Program Ends

DECEMBER 4, 2008 (THURSDAY) ROOM 151 A/B

7:30 – 8:25 am **Continental Breakfast**

8:25 – 8:30 am **Announcements** – Rebecca Daugherty, ASAP President

8:30 - 9:45 am **Panel 2.1 Law's In The Works**

Sunshine in Government Coordinator Rick Blum will moderate a panel of congressional staffers and others who will discuss the not yet established Office of Government Information Services issues, ideas for better managing B3 FOIA exemptions in Congress, the Smithsonian's new disclosure policy including what we are likely to see in January and beyond with the new administration, perhaps even a new memo on FOIA from the new attorney general.

Panelists: Lydia Kay Griggsby, Chief Counsel for Privacy and Information Policy, US Senate Judiciary Committee
Matthew Johnson, Chief Counsel to Senator John Cornyn, US Senate Judiciary Committee (INVITED)
Corinna Zarek, Freedom of Information Director, Reporters Committee for Freedom of the Press

9:45 – 10:00 am **Coffee Break**

10:00 – 11:30 am **Panel 2.2 Managing Records Through The Transition**

As we near the end of a presidential administration, you may be wondering what happens to the records documenting a President's term in office, not to mention the records of cabinet secretaries and their senior advisors. Come and hear how the National Archives and Records Administration (NARA) works with the rest of the government to manage the transition from one administration to the next. The panelists will discuss the provisions of the Presidential Records Act and the Federal Records Act and how these statutes guide records management, not only at the White House, but throughout all agencies of the Government.

Moderator: Meredith Fuchs, Counsel, National Security Archive

Panelists: Gary M. Stern, General Counsel, National Archives and Records Administration
Nancy Smith, Director of the Presidential Materials Staff, National Archives and Records Administration
Laurence Brewer, CRM, Director Lifecycle Management Division, National Archives and Records Admin.

11:30 – 1:00 pm **Lunch – Room 152 A/B**

12:30 pm **ASAP General Membership Meeting - Room 151 A/B**

1:00 – 2:15 pm **Panel 2.3 When Your Business Is Everyone Else's Business**

Litigators with some success have addressed the need to monitor what the government is doing by checking out who's involved and who's affected. Attorney Charles Tobin won for Florida newspapers the right to see who got government monies after hurricanes wreaked disaster in that state and will lead a panel discussion on agency release of individual information to journalists and attorneys.

Panelists: Scott Hodes, Attorney, InfoPrivacyLaw.com
Jim McLaughlin, Attorney, *The Washington Post*

2:15 – 2:30 pm **Coffee Break**

2:30 – 3:30 pm **Panel 2.4 It's all a Matter of Timing: Search Fees and Misdirected FOIA Requests**

Melanie Pustay, Director of the Department of Justice's Office of Information and Privacy will detail provisions covered by Section 6 of the OPEN Government Act that take effect on December 31, 2008. In particular, she will focus on the new requirements for agencies to route misdirected FOIA requests, and to forego charging search fees if the 20-day response period cannot be met.

3:30 – 4:15 pm **Wrap Up: Free Form Q&A** – Don't leave without getting answers to your questions!

Melanie Pustay, Department of Justice, Office of Information and Privacy
Harry Hammitt, Publisher and Editor, Access Reports, Inc.

4:15 pm **Closing Remarks, Evaluations and Certificates of Attendance**

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