



American Society of Access Professionals

ASAP 2009 Annual Symposium & Training Conference

December 1-2, 2009

Walter E. Washington Convention Center

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In Flux: Information Practices and Policies

DECEMBER 1, 2009 (TUESDAY)

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

8:15 – 8:30 am Welcome, Announcements and Introductions – Steve McConnell, ASAP President

8:30 – 8:55 am **KEYNOTE ADDRESS: Miriam Nisbet, Director, Office of Government Information Services**

9:00 – 10:15 am **Session 1.1 – The Privacy Act – Will it be Changed?**

Times have changed, technology has changed, but the Privacy Act has not. Is 2010 the year for change?

- Moderator: Maya Bernstein, Privacy Advocate, Department of Health & Human Services

- Bob Gellman, Privacy and Information Policy Consultant

- Heather West, Policy Analyst, Center for Democracy & Technology

10:15 – 10:30 am Coffee Break

10:30 – 12:00 pm **Session 1.2 - Litigation Round-Up**

Find out what the latest FOIA and Privacy cases are all about and what impact it is sure to have on you.

- Dick Huff, Consultant (former Co-Director, Office of Information Policy, Dept. of Justice).

12:00 -1:00 pm Lunch – ROOM 152 A/B

1:00 – 2:30 pm **Session 1.3 - Where Have We Been this Year with FOI?**

Senator Patrick Leahy (D-Vt.) said, “The Freedom of Information Act guarantees the right of all Americans to obtain information from their Government and to know what their Government is doing.” There’s a lot of time and resources in processing FOIA requests, and the fruits of the labor are often unrecognized. But when the researcher or the reporter publishes the study or article derived from the information provided under the FOIA, an amazing amount of good can come from it.

Moderator: Yvette Chin, National Security Archive

- James Grimaldi, THE WASHINGTON POST

- Cori Zarek, Office of Government Information Services (Formerly Reporters Committee for Freedom of the Press)

- David Donald, Data Editor, The Center for Public Integrity

2:30 – 2:45 pm Coffee Break

2:45 – 4:15 pm **Session 1.4 – National Security Classification and Controlled Unclassified Information Horizons**

Listen to the experts speak on the state of the classification system, how the system is handling the shift towards electronic records, and what the NDC will be able to do when it is created. Learn what ISOO is doing to implement CUI and how agencies will handle CUI. What changes are there are on the horizon?.

Moderator: Meredith Fuchs, General Counsel, National Security Archive

- Jay Bosanko, Director, Information Security Oversight Office

- Steven Aftergood, Director, Project on Government Secrecy, Federation of American Scientists

- Bill Leonard, The Leonard Group

4:15pm Daily Program Ends

DECEMBER 2, 2009 (WEDNESDAY)

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

8:25 – 8:30 am **Announcements** – Steven McConnell, ASAP President

8:30 -9:00 am **KEYNOTE: Can the White House Make a Difference? – Dr. Norman L. Eisen, Special Counsel to the President for Ethics and Government Reform**

9:00 – 9:45 am **SPECIAL SESSION: Guidelines for Chief FOIA Officers with Melanie Ann Pustay, Director, Office of Information Policy, Department of Justice**

The Attorney General stressed in his FOIA Guidelines that "[i]mproving FOIA performance requires the active participation of agency Chief FOIA Officers." He directed Chief FOIA Officers to review all aspects of their agencies' administration of the FOIA and to report to the Department of Justice each year on the steps taken to improve transparency. The Attorney General informed agencies that the Office of Information Policy (OIP) would provide guidance to agencies on the content of these reports. On September 30, 2009, OIP issued "Guidelines for Chief FOIA Officer Reports to the Department of Justice Pursuant to the Attorney General's FOIA Guidelines." The Director of OIP, Melanie Ann Pustay, will discuss the requirements for these new Chief FOIA Officer Reports which will address a range of issues, including agency efforts to improve timeliness in responding to requests, steps taken to utilize technology, and examples of proactive disclosures.

* Ms. Pustay will speak for 45 minutes and then begin initial moderation of the Chief FOIA Officers Session

9:45 – 10:00 am **Coffee Break**

10:00 – 11:30 am **Session 2.1 Chief FOIA Officers Session**

Moderator: Melanie Pustay

- *Barry Walters, Chief FOIA Officer, Securities and Exchange Commission*

- *Llewellyn Hedgbeth, Deputy Assistant Secretary for Information Sharing Services, Dept. of State*

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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 **Session 2.2 Transparency: Is There a Gap Between Policy and Practice?**

When President Obama declared, on his first full day in office, that the new administration would be the most transparent in history, open government advocates rejoiced. When Attorney General Holder issued new FOIA guidelines two months later, requesters were optimistic that they would see a decrease in agency resistance and an increase in "discretionary" releases of information. Has that happened? As we approach the first anniversary of the Obama Administration, does the reality match the rhetoric? Is increased government transparency on the horizon?

Moderator: David Sobel, Senior Counsel at Electronic Frontier Foundation's Washington, DC office

- *Anne Weismann, Chief Counsel, Citizens for Responsibility and Ethics in Washington*

- *Melissa Goodman, Staff Attorney, American Civil Liberties Union, National Security Program*

2:15 – 2:30 pm **Coffee Break**

2:30 – 3:30 pm **Session 2.3 Can the Privacy Act Coexist with the First Amendment?**

Weighing the rights of privacy and free speech is an ultimate balancing act. How does one determine which gets the trump card?

Moderator: Lucy Dalglish, Executive Director of the Reporters Committee for Freedom of the Press

- *Dick Huff, Consultant (former Co-Director, Office of Information Policy, Dept. of Justice)*

- *Kirsten Moncada, Director, Civil Liberties & Privacy Office, Department of Justice*

- *David McCraw, Vice President and Assistant General Counsel, THE NEW YORK TIMES*

3:30 – 4:15 pm **Session 2.4 Wrap Up: Free Form Q&A – Don't leave without getting answers to your questions!**

- *Harry Hammitt, Editor & Publisher, Access Reports, Inc.*

- *Tom Hitter, Counsel, Initial Request Staff, Office of Information Policy, Department of Justice*

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

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