

**ASAP 2008 1ST ANNUAL NATIONAL TRAINING CONFERENCE
MARCH 4-6, 2008
LAKE BUENA VISTA, FLORIDA – ROYAL PLAZA HOTEL**

MONDAY, MARCH 3, 2008

5:00 -9:00 pm Program Registration – Avoid the morning rush – check in and pick up your program materials.

TUESDAY, MARCH 4, 2008

7:00–8:00 am Program Registration and Continental Breakfast

8:00-8:15 am Welcoming Remarks – Rebecca Daugherty, ASAP President

8:15-9:45 am Session #1 **NEW! New FOIA Legislation – What it Means for You**
- Melanie Pustay, Director, Policy and Litigation, Office of Information & Privacy, Department of Justice

9:45-10:00 am Coffee Break

10:00–11:30 am CONCURRENT SESSIONS (Choose One)

Session #2
NEW INFORMATION!
FOIA Overview: The Statute and Basic FOIA Procedures
– This session is the perfect starting point for FOIA newcomers and for those seeking a refresher course. It will include a detailed discussion of the statute, its procedural requirements and any new requirements based on the new legislation.

Karen Finnegan, USEOA
David Hardy, FBI

Session #3
NEW! FOI Through the Eyes of GAO – What has congress asked GAO to review? What are the results of these audits? What lessons can we take from the recommendations for federal agency programs? Come and learn about the issues that have been considered. (A CD Rom containing select GAO reports will be provided.)

Dick Huff, Ret.
Meredith Fuchs, Nat. Sec. Arc.

Session #4
NEW! OMB Issuances: How do they affect us? – This session will discuss the OMB memoranda that impact how you operate your privacy program, that urge restrictions on SSN usage, and that address Personally Identifiable Information (“PII”).

Doris Lama, Navy
Charlene Thomas, State
Sam Jenkins, Def. Priv. Ofc.

Session #5
NEW! Mandatory Declassification Review (“MDR”) Workshop – How do MDRs work? What are the requirements? How do they differ from FOIA requests? What is the appeals process? Hear the experts discuss the details of this process and come ready with questions!

Jay Bosanko, ISOO
To Be Confirmed, ISOO
To Be Confirmed, ISOO

11:30 am – 12:45 pm – Group Luncheon

12:45-2:15 pm CONCURRENT SESSIONS (Choose One)

Session #6
FOIA Overview – The Nine Exemptions – The FOIA is a disclosure statute, but provides for the withholding of information in nine different circumstances. This session examines each of these nine exemptions in an overview fashion. Learn what the statute permits or requires you to withhold.

Ross Cirincione, Ret., DHHS

Session #7
NEW! HIPAA and FOIA – How do these Statutes Interact? Where does the FOIA leave off and HIPAA protection begin? Come and hear the experts clear up any confusion on the topic.

Sam Jenkins, Def. Priv. Ofc
To Be Confirmed

Session #8
Oh No! You’ve Been Sued! – What do you do when your agency gets sued? What is an administrative record and how do you make the best legal arguments? This session covers the litigation considerations involved in handling FOIA litigation. (For attorneys and non-attorneys)

Brent Evitt, OIP, Justice
Dick Huff, Ret., Justice

Session #9
NEW! Succession Planning – Now that many “career” FOIA and Privacy experts are retiring or close to retirement, how do you ensure that there is a smooth transition? What can you do to ensure that files and information can be found? How do you follow up with outstanding requests to other agencies?

Fred Sadler, FDA
Doris Lama, Navy
Rebecca Daugherty, Journalist

2:15-2:30 pm Coffee Break

2:30-4:00 pm CONCURRENT SESSIONS (Choose One)

Session #10

The Privacy Act of 1974: An Overview – A great basic or refresher course 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, NARA

Session #11

Exemption 2 – How can the “circumvention” argument be used to protect Homeland Security-related and IT-related information? How does Ex. 2 overlap with other exemptions? Come and learn about Ex. 2’s versatility!

Brent Evitt, Justice
Will Kammer, Defense

Session #12

Fees & Fee Waivers – Fee issues are always a difficult part of the FOIA officer’s life. This session will help you understand the FOIA fee structure including such difficult issues as requester fee categories, who should pay fees and under what circumstances, the basis for granting fee waivers, and reductions in fees.

Marilyn Falksen, Justice
David Hardy, FBI

Session #13

Exemption 5: Internal & Deliberative Information – Discussion of the elements and privileges incorporated in Exemption 5 and recent judicial decisions.

Karen Finnegan, USAEO

4:00 pm Complete and Return Daily Program Evaluation Form

WEDNESDAY, MARCH 5, 2008

7:00–8:00 am Program Registration and Continental Breakfast

8:00-8:15 am Announcements and Awards – Rebecca Daugherty, ASAP President

8:15-9:45 am Session #14 NEW! The New Office of Government Information Services
What will be the structure and responsibilities of this office and how will it help you?

Moderator: Ramona Oliver, NARA
Panelists: Meredith Fuchs, National Security Archive
Dick Huff, Retired (formerly Co-director, Office of Information & Privacy, Dept. of Justice)
Will Kammer, Dept. of Defense
Will Ferroggiaro, Consultant and Researcher/Writer

9:45-10:00 am Coffee Break

10:00–11:30 am CONCURRENT SESSIONS (Choose One)

Session #15

Defense, Foreign Relations & Classified Information: Exemption 1 – Everything you ever wanted to know about handling FOIA requests for documents containing national security information and the application of Ex. 1. Speakers will discuss the interplay of FOIA’s emphasis on disclosure and the E.O. 12958 requirements for protection. Automatic declassification issues will also be discussed.

Will Kammer, Defense
Will Ferroggiaro,
Consultant/Writer

Session #16

Privacy Act Exceptions: Disclosure Without Consent – Subsection (b) is discussed in depth, focusing on when an agency can disclose records from a Privacy Act system of records without the prior written consent of the individual to whom the record pertains. All 12 exceptions will be covered.

Ramona Oliver, NARA
Charlene Thomas, State

Session #17

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.”

Ross Cirrincione, Ret., DHHS

Session #18

It’s Time to Talk - Successfully communicating with requesters can create a win-win situation. FOIA legislation emphasizes more productive communications with requesters from the start of the FOIA process. This session will help you become a more successful communicator and may just help you attack your backlog!

Rebecca Daugherty, Journalist
David Hardy, FBI
Marilyn Falksen, Justice,OIP
Catherine Nielsen, Nat.Sec.
Arch.

11:30 am – 12:45 pm – Group Luncheon

12:45-2:00 pm CONCURRENT SESSIONS (Choose One)

Session #19

Best Practices in Redaction Techniques and Approaches – You know that some of the information in your document should be protected – but which information? How little or how much should you redact? This session will include a practical overview of the procedural and legal requirements used in processing FOIA requests.

Fred Sadler, FDA
To Be Confirmed

Session # 20

Exemption 5: Internal & Deliberative Information – Discussion of the elements and privileges incorporated in Exemption 5 and recent judicial decisions.

Karen Finnegan, Justice
Meredith Fuchs, Nst.Sec.Arc.

Session #21

NEW! Mandatory Declassification Review (“MDR”) Workshop – How do MDRs work? What are the requirements? How do they differ from FOIA requests? What is the appeals process? Hear the experts discuss the details of this process and come ready with questions!

Jay Bosanko, ISOO
To Be Confirmed, ISOO
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Session #22

NEW! What the Heck is a Privacy Act System of Records Notice (SORN)? – 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 with the best practices for drafting and maintaining Privacy Act SORNs.

Doris Lama, Navy
Ramona Oliver, NARA

2:00-2:15 pm Coffee Break

2:15-3:30 pm Session #23: Interactive FOIA and the Privacy Act Interface

The complex relationship between the Privacy and the Freedom of Information Acts: when to apply the statutes, where they dovetail, and there they diverge. Includes a discussion of the issues affected by both Acts.
- Doris Lama, Navy

3:30-5:00 pm CONCURRENT SESSIONS: SPECIALIZED TRAINING (Choose One)

**Session #24
Dept. of Defense**

Will Kammer
Sam Jenkins

**Session #25
Dept. of Interior**

Alex Mallus
Miriam Brown-Lam

**Session #26
Dept. of Energy
(Tentative)**

**Session #27
NASA**

Dick Huff

**Session #28
Indian Health
Service**

Bill Tibbitts

**Session #29
Non-Specific**

Brent Evitt

THURSDAY, MARCH 6, 2008

7:00–8:00 am Program Registration and Continental Breakfast

8:00-8:05 am Announcements – Rebecca Daugherty, ASAP President

8:05-9:15 am Session #30 NEW! FOIA Web Sites

FOIA web sites are growing in importance in FOIA administration. E.O. 13329 directs agencies to give special attention to FOIA web sites. Is your web site in compliance? Do you know what categories of records are required to be posted? Are you E-FOIA compliant? Come and hear about how to best achieve the best!

Moderator: Will Ferroggiaro, Consultant/Writer

Panelists: Fred Sadler, FDA
Will Kammer, Dept. of Defense
Brent Evitt, Dept. of Justice, OIP
Steve McConnell, NASA

9:15-10:30 am Session #31 FOI Around the World

US FOIA experts are traveling around the world and helping other countries with legislation and procedures. Some countries have even surpassed the US in FOIA efficiencies. Come and hear what the experts have learned from other governments and how that may impact you.

Moderator: Catherine Nielsen, National Security Archive

Panelists: Will Ferroggiaro, Writer/Consultant
Meredith Fuchs, National Security Archive
Ross Cirincione, Ret., Dept. of Health and Human Services
Melanie Pustay, Director, Policy and Litigation, OIP, Department of Justice
Sergio Poggione, Ret., Canadian Government (Invited)

10:30-10:45 am Coffee Break

10:45–12:00 am CONCURRENT SESSIONS (Choose One)

Session #32

Users Panel – Many FOIA officers have improved their own agency processes based upon suggestions from the requestors. Come and listen to the insights of requestors who have wide ranging experiences.

Rebecca Daugherty, Journalist
Catherine Nielsen, Nat'l Sec. Archive
Jim Leusner, *Orlando Sentinel*

Session #33

Privacy Impact Assessments (PIAs) – The E-Gov Act has made PIA a part of everyone's life. Just what is a PIA and how does it fit into the government's responsibilities and activities?

Sam Jenkins, Defense Privacy Office

Session #34

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, USAEO
Marilyn Falksen, Justice, OIP

Session #35

New! Redress & Privacy: Putting the Individual Back into your Information Process – What does the individual do if s/he cannot access their own data or there has been an information error in release?

Charlene Thomas, State

12:00 – 1:15 pm – Group Luncheon

1:15-2:30 pm CONCURRENT SESSIONS (Choose One)

Session #36

The Law Enforcement Tools of the FOIA: Exemptions 7(A), (B), (D), (E) & (F) – A close look at those special exemptions that apply exclusively to law enforcement records. The discussion will include the protection of informants, investigative techniques and persons who may be harmed during an investigation.

Brent Evitt, Justice, OIP
David Hardy, FBI

Session #37

Business Information: Exemption 4 - The 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 will focus on Submitter Notice under E.O. 12,600 and contracts.

Fred Sadler, FDA
Dick Huff, Ret., Justice, OIP

Session #38

Administrative Procedural Guidance – Where do I start when I receive a FOIA or Privacy Act request? How do I conduct a search? What are the best administrative practices related to processing requests? And what about assessing fees? This session will address all of these issues and more!

To be Confirmed
Marilyn Falksen, Justice, OIP

Session #39

Application of The Privacy Act to Personnel Records: A Hands-on Workshop – How does the statute impact personnel records? Discussion and work groups focus on OPM’s unique role with regard to various categories of records, supervisory notes, what’s reasonable for the public to see from your Official Personnel Folder, including drug test records and personal information.

Doris Lama, Navy
Ramona Oliver, NARA

2:30pm **Grab your coffee and cookies and make your way to Session # 40!**

2:30 – 3:30 pm **NEW! Session #40: Don’t Forget the FOIA E.O.**

How did agencies do under the E.O. last year and how does the E.O. interrelate with the new legislation?
- Melanie Pustay, Director, Policy and Litigation, Office of Information & Privacy, Department of Justice

3:30 – 4:00 pm **Session #41: Questions and Answers** – This is your last chance to get that burning question answered.
- All available faculty

4:00 pm Complete Evaluations/Return and Certificates of Attendance Distributed

SPECIAL NOTE: ASAP has submitted this program for Privacy CPE Credit.

Disclaimer: Programs are subject to change. While ASAP endeavors to ensure that all its program materials are in accordance with the law and established U.S. Government policies, none of the procedures or policies presented in any ASAP training session or set forth in any ASAP publication should be considered official U.S. Government or U.S. Government Agency policy. Official policy is set forth in the appropriate directives and regulations governing each agency's activities. ASAP, its Board of Directors, Officers, employees or volunteers are not liable for any and all claims or actions that may be brought against them arising out of or relating to speaker presentations.