



## 2019 ASAP FOIA/PRIVACY ACT TRAINING WORKSHOP September 4-6, 2019 - Sofitel Chicago - Chicago, Illinois

ICRM Certification Maintenance Credit – Pending; Illinois MCLE – Pending; ASAP is on the IAPP List of Preferred Providers  
**SPECIAL FEATURE!** A table of experts will be available throughout the Workshop for one-on-one questions and answers for the registrants.

### Tuesday, September 3 – Ballroom Foyer

**7:30 pm–9:00 pm** Registration – Avoid the morning rush: check-in with ASAP registrars and pick up your meeting materials

### Wednesday, September 4 *(Instructors may appear in their individual capacities)*

**7:30-8:00 am** Registration & Morning Coffee – Visit with the ASAP Sponsors!

**8:00-8:10 am** Welcoming Remarks & Announcements – **GRAND BALLROOM** – Kellie Robinson

**8:15-9:30 am** BREAK OUT SESSIONS (Choose One)

#### Session 1.01

##### Freedom of Information Act Procedural Overview

This session is a thorough introduction to the requirements of the FOIA statute, to include the definition of an agency record, public reading rooms, and basic procedures, and how the administration of the Act has been affected by statutory amendments.

*-Dick Huff, Consultant*

*-Scott Hodes, Dept. of Homeland Security, USCIS*

#### Session 1.02

##### Systems of Records Notices (SORNs) and Privacy Impact Assessments (PIAs)

This session provides practical explanations as to how a SORN is constructed, how it should be read and interpreted, and how all of the pieces fit together. It also delves into what is a PIA and how it fits into the government's responsibilities and activities. How exactly does it complement a SORN? What does a PIA deliver that a SORN fails to capture? This session provides you with comprehensive knowledge and implementation know-how for the two key Privacy Act requirements.

*-Kellie Robinson, Department of State*

*-Cindy Allard, Department of Defense*

**9:30-9:45 am** Coffee Break - Foyer - Visit with ASAP Sponsors!

**9:45-11:00 am** BREAK OUT SESSIONS (Choose One)

#### Session 1.03

##### FOIA Exemptions Overview

This session will provide an overview of the FOIA's nine exemptions and the basic elements of each exemption.

*-Dick Huff, Consultant*

*-Marianne Manheim, Dept. of Health and Human Services, NIH*

#### Session 1.04

##### Records Management Overview

This session will provide a broad overview of records management and what you should be doing. What is the definition of a federal record? Is your agency in compliance with NARA records management standards? Are there new ways of approaching records management? What is E-Discovery and will it impact how your agency maintains records? Learn the answers to these questions and more!

*-Ramona Oliver, Dept. of Labor*

**11:00-11:15 am** Stretch Break - Foyer - Visit with ASAP Sponsors!

**11:15-12:30 pm            BREAK OUT SESSIONS (Choose One)**

**Session 1.05**

**Fee Categories and Other Administrative Matters**

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.

*-Marianne Manheim, Dept. of Health and Human Services, NIH*

*-Ryan Mulvey, Cause of Action Institute*

**Session 1.06**

**Privacy Act Overview**

This session will review the basic concepts of the Act, administrative considerations, and responsibilities under the Privacy Act.

*-Ramona Oliver, Department of Labor*

*-Kellie Robinson, Department of State*

**12:30-1:45 pm            Lunch –Enjoy Lunch with Colleagues and Visit with Sponsors!**

**1:45-3:00 pm            BREAK OUT SESSIONS (Choose One)**

**Session 1.07**

**Exemption 7 (A), (B), (D), (E), and (F)**

Exemption 7 is FOIA's law enforcement tool dealing with records or information compiled for law enforcement purposes – literally a matter of life or death in some cases. Instructors will delve into the "how-to" of processing for these exemptions.

*-Scott Hodes, Dept. of Homeland Security, USCIS*

**Session 1.08**

**Privacy Act: Processing and Conditions of Disclosure**

Now that you have a request, what can you release? This session will help you understand the twelve exceptions to the presumption of no disclosure without consent.

*-Cindy Allard, Department of Defense*

**3:00-3:15 pm            Refreshment Break - Visit with ASAP Sponsors!**

**3:15-4:30 pm            BREAK OUT SESSIONS (Choose One)**

**Session 1.09**

**Head Scratchers: Foreseeable Harm, Reasonable Searches and Reasonable Description of FOIA Requests**

Debate rages on for these three basic elements of FOIA requests. Is it a case of "you call it Potato and I call it Potato? Listen as these instructors make reasonable cases for their view points.

*-Dick Huff, Consultant*

*-Ryan Mulvey, Cause of Action*

*-Scott Hodes, Dept. of Homeland Security, USCIS*

**Session 1.10**

**FOIA – Defense, Foreign Relations & Classified Information: Exemption 1**

You will cover everything you ever wanted to know about handling FOIA requests for documents containing classified national security information and the application of Ex. 1, including the interplay of FOIA's emphasis on disclosure with protecting classified national security information.

*-Kellie Robinson, Department of State*

*-Cindy Allard, Department of Defense*

**4:30 pm            Daily Evaluations and Program Recesses**

## **Thursday, September 5** *(Instructors may appear in their individual capacities)*

**7:30-7:55 am Morning Coffee – Foyer - Visit with Sponsors!**

**7:55-8:00 am Announcements in Respective Meeting Rooms**

**8:00 – 9:15 am BREAK OUT SESSIONS (Choose One)**

### **Session 2.01**

#### **Exemption 5: Privileged Information**

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

*-Scott Hodes, Dept. of Homeland Security, USCIS*

*-Ryan Mulvey, Cause of Action Institute*

### **Session 2.02**

#### **Breaches and Remediation**

OMB Memo M-17-12, Preparing for and Responding to a Breach of Personally Identifiable Information establishes policy for Federal agencies to prepare for and respond to a PII breach. Assessing and mitigating the risk of harm and guidance on how to provide notification and services to affected individuals will be discussed.

*-Kellie Robinson, Department of State*

*-Cindy Allard, Department of Defense*

**9:15-9:30 am Stretch Break - Foyer - Visit with ASAP Sponsors!**

**9:30-10:45 am BREAK OUT SESSIONS (Choose One)**

### **Session 2.03**

#### **Exemption 4: A New Look**

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, and what this means with the new SCOTUS ruling. This session also will focus on Submitter Notice and processing contracts.

*-Kellie Robinson, Department of State*

*-Marianne Manheim, Dept. of Health and Human Services, NIH*

### **Session 2.04**

#### **PRIVACY – Where the Rubber Hits the Road**

This session explains how you can help your privacy program work including considerations in balancing competing needs, dealing with scarce resources, and educating others about the importance of Privacy.

*-Cindy Allard, Department of Defense*

*-Ramona Oliver, Department of Labor*

**10:45-11:00 am Coffee Break - Foyer - Visit with ASAP Sponsors!**

**11:00-12:15 pm BREAK OUT SESSIONS (Choose One)**

### **Session 2.05**

#### **FOIA – The Personal Privacy Exemptions: 6 & 7 (C)**

This session includes an in-depth examination of the issues surrounding the balancing of personal privacy interests and the public interest as well as Exemption 7's threshold requirements.

*-Jaret Fishman, Dept. of Housing and Urban Development*

*-Scott Hodes, Dept. of Homeland Security, USCIS*

### **Session 2.06**

#### **The Evolution of ERM (Electronic Records Management)**

Records Management has come a long way from the days of paper files, and “print to file”. With deadlines looming from NARA requiring Federal records to be maintained electronically and according to their retention schedules, agencies have their work cut out for them right now. We’ll look at the path that brought us here, current guidance and mandates, and helpful tips on how to meet these requirements.

*-Marianne Manheim, Dept. of Health and Human Services, NIH*

*-Ramona Oliver, Dept. of Labor*

**12:15-1:30 pm Group Lunch – Foyer - Enjoy Lunch with Colleagues and Visit with Sponsors!**

**1:30-2:45 pm BREAK OUT SESSIONS (Choose One)**

**Session 2.07**

**Appeals, Litigation and Working with Your General Counsel**

Learn what's involved in preparing for an administrative appeal and things to keep in mind when the request becomes the subject of litigation and working with your agency General Counsel in these matters.

*-Dick Huff, Consultant*

*-Ryan Mulvey, Cause of Action Institute*

*-Jaret Fishman, Dept. of Housing and Urban Development*

**Session 2.08**

**eDiscovery**

With the explosion of FOIAs becoming eDiscovery requests, learn about best practices and solutions for beginners-to-advanced level on the most efficient and accurate ways to navigate the ever-growing sea of data; formulating searches, identifying custodians, collection of documents, review methods, and handling productions, as well as future trends.

*-Julian Ackert, iDiscovery Solutions*

*-To Be Confirmed*

**2:45-3:00 pm Coffee Break - Foyer - Visit with ASAP Sponsors!**

**3:00-4:30 pm**

**SESSION 2.09 PLENARY SESSION**

**Interface: Privacy & FOIA**

Learn about the complex relationship between the statutes and the issues affected by both Acts.

*-Ramona Oliver, Dept. of Labor*

*-Dick Huff, Consultant*

**4:30 pm**

**Daily Evaluations and Program Recesses**

## **Friday, September 6 – Grand Ballroom** *(Instructors may appear in their individual capacities)*

**7:30-7:55 am Morning Coffee – Foyer - Visit with Sponsors!**

**7:55-8:00 am Announcements – Kellie Robinson, Chair, Workshop Planning Committee**

**8:00-9:00 am 3.01 Plenary Session – Grand Ballroom**

### **Hear Ye: FOIA Updates from the Courts**

This session will provide an “up to the minute” review of recent rulings in FOIA cases. Cases will be correlated to the specific FOIA requirement, and review the decisions with tips on their impact for FOIA processing. This session includes information on the recent U.S. Supreme Court Ruling on Exemption 4 and pending legislation.

*-Dick Huff, Consultant*

*-Ryan Mulvey, Cause of Action Institute*

**9:05 –10:20 am BREAK OUT SESSIONS (Choose One)**

### **Session 3.02**

#### **FOIA Exemptions Redaction Workshop: Part I**

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.

*-Marianne Manheim, Dept. of Health and Human Services, NIH*

*-Scott Hodes, Dept. of Homeland Security, USCIS*

*-Dick Huff, Consultant*

### **Session 3.03**

#### **Privacy Scenarios**

Put your privacy knowledge to use in this interactive session where instructors walk you through various scenarios and help you determine what the correct course of action should be.

*-Kellie Robinson, Department of State*

*-Cindy Allard, Department of Defense*

*-Ramona Oliver, Department of Labor*

**10:20-10:30 am Coffee Break - Foyer - Visit with ASAP Sponsors! – LAST CHANCE**

**10:30-11:30 am BREAK OUT SESSIONS (Continued)**

### **Session 3.02**

#### **FOIA Exemptions Redaction Workshop Continues**

### **Session 3.03**

#### **Privacy Scenarios - Continue**

**11:30 am Daily Evaluations, Program Ends, Certificates of Attendance are Available**

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