



American Society of Access Professionals
Virtual National Training Conference

July 28-29, 2020

(Program as of July 15, 2020)

Sessions and instructors are subject to change
Some speakers appear in their personal capacities
Program times are listed in Eastern Daylight Time

Tuesday, July 28

- 8:30 am –8:45 am Test your computer settings while enjoying sponsored product and services videos
- 8:45 am-8:55 am **Welcoming Remarks and Housekeeping Tips**
-Kirsten Mitchell, ASAP President
-Amy Bennett, Planning Committee Chair
- 9:00 am-10:00 am **Session 1.01 - FOIA Processing: Key Procedural Elements**
Instructors will discuss the key procedural elements of the statute including those under the FOIA Improvement Act of 2016. This session will provide a strong foundation for growth and is perfect for newcomers, those seeking a refresher, and those needing an overview of the changes provided in the FOIA Improvement Act of 2016.
-Stephanie Carr, Department of Defense
-Michael Bell, Department of Transportation
- 10:10 am-11:10 am **Session 1.02– The Privacy Act of 1974: Scope, Disclosure and Requirements**
Allegations of governmental abuse led Congress to pass the Privacy Act of 1974. Think Watergate. The Act’s purpose is to balance the Government’s need to maintain information about individuals with protecting the rights of those individuals from unwarranted invasion of privacy. This session will cover the basic policy objectives of the Act; compliance; an overview of disclosure of records with and without consent; and agency requirements including civil remedies and criminal penalties. This session is a great basic, foundation course and can also be used as the perfect refresher.
-Ramona Branch Oliver, Department of Labor
- 11:20 am-12:20 pm **Session 1.03 – FOIA Exemptions: One to Nine**
What do the FOIA’s nine exemptions cover and how are they applied? This session provides an overview understanding of each exemption and whether you can use discretion in its application. It is a perfect foundation course that is complemented by other sessions that delve into the specific exemptions.
-Scott Hodes, FOIA and Privacy Expert
-Martha Murphy, National Archives and Records Administration, OGIS
- 12:20 pm-12:50 pm **Lunch and Stretch Break - Sponsor Video Clips**
- 12:50 pm-1:50 pm **Session 1.04 – Privacy Act Conditions of Disclosure**
Now that you have a Privacy Act request, what can you release? This session will help you understand an individual’s authorization.
-Tracy Rogers, Department of Defense
- 2:00 pm-2:30 pm **Session 1.05 -KEYNOTE ADDRESS**
-Bobak Talebian, Department of Justice, Office of Information Policy

2:40 pm-3:40 pm **Session 1.06 – What to Expect in FOIA Litigation**
What happens once a FOIA lawsuit is filed? How do you even learn that your agency has been sued and what your duties and obligations are? The instructors will detail what needs to be done, how to do it and when to do it. You will come away with an understanding of administrative remedies, discovery, Vaughn indices, declarations, duty to segregate, waiver of exemptions in litigation, attorney fees, and more.
-Anne Weismann, *Citizens for Responsibility and Ethics in Washington*
-Bradley White, *Department of Homeland Security*

3:50 pm-4:50 pm **Session 1.07– Exemptions 6 and 7(C): The Privacy Interest**
Exemptions 6 and 7(C) are the FOIA’s key privacy exemptions, and the most used exemptions government-wide. In this session, you will learn about the protections provided for personal information in general government and investigative files. It will help you understand what is considered private information in your agency’s records, and the factors for balancing it with the public interest. You will also learn about categorical withholding and segregation.
-Kellie Robinson, *Department of State*
-Matthew Pollack, *Department of Homeland Security, US Customs and Border Protection*

Wednesday, July 29

8:30 am –8:45 am Test Your Computer Settings while enjoying sponsored product and services videos

8:45 am-8:55 am **Welcome Back! (and Housekeeping Reminders)**
-Kirsten Mitchell, *ASAP President*
-Amy Bennett, *Planning Committee Chair*

9:00 am-10:00 am **Session 2.01 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.
-Dick Huff, *Consultant*
-Ryan Mulvey, *Americans for Prosperity Foundation and Cause for Action Institute*

10:10 am-11:10 am **Session 2.02 – Decoding FOIA Exemption 7 (A), (B), (D), (E), and (F)**
Exemption 7 is a 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 this exemption.
-Alina Semo, *National Archives and Records Administration, OGIS*
-Shari Suzuki, *Department of Homeland Security, US Customs and Border Protection*

11:20am-12:20 pm **Session 2.03 – The Requesters**
Always a popular session, requesters share their stories on how FOIA makes a difference. There’s time for audience questions as well.
-Michael Morisy, *MuckRock*
-Jennifer LaFleur, *Investigative Reporting Workshop*

12:20 pm-12:50 pm **Lunch and Stretch Break - Sponsor Video Clips**

12:50 pm-1:50 pm **Session 2.04– Exemption 4: It’s Proprietary**
Exemption 4 is one of the most burdensome and complicated of all of the FOIA Exemptions. There are many moving parts to processing these requests with a lot at stake for the businesses involved. Agency considerations and obligations in handling data submitted by business and government contractors will be covered in great detail. Learn how to recognize trade secret and confidential, commercial information. This session will also focus on submitter notice under Executive Order 12600 and contracts.
-Ginger McCall, *FOIA Expert*
-Gorka Garcia-Malene, *Department of Health and Human Services, National Institutes of Health*

2:00 pm-3:00 pm **Session 2.05 – Exemption 5: It’s a Privilege**

Instructors will help you understand the Exemption's complexities, particularly the need to articulate the potential harm of release. They also will discuss the elements and privileges incorporated in Exemption 5, including threshold requirements, deliberative process, and the attorney-client and work product privileges.

-Dione Stearns, Federal Trade Commission

-Ryan Mulvey, Americans for Prosperity Foundation and Cause of Action Institute

3:10 pm-4:10 pm

Session 2.06 – Foreseeable Harm and Other Sizzling Hot Topics

Who could foresee this? And what a reasonable search is to you, is impossible for me! These clear as mud issues continue to plague agencies and requesters alike. Where is the common ground? These and the most current issues will be discussed by those who seek that common ground.

-Adam Marshall, Reporters' Committee for Freedom of the Press

-William Holzerland, FOIA and Privacy Expert

4:10 pm-4:15 pm

Closing Remarks – *Kirsten Mitchell, ASAP President*

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