

2011 ASAP FOIA/PRIVACY ACT TRAINING WORKSHOP
September 19-21, 2011
Sofitel Chicago Water Tower - Chicago, Illinois

Sunday, September 18, 2011 – Grand Ballroom Foyer

8:00-9:30 pm Registration – Avoid the morning rush: check-in with ASAP registrars and pick up your meeting materials

Monday, September 19, 2011 – Grand Ballroom

7:15-8:00 am Registration & Morning Coffee – Visit with the ASAP Sponsors!

8:00-8:15 am Welcoming Remarks & Announcements – Anne Weismann, ASAP President

8:15-10:00 am Session 1.1 Freedom of Information Procedural Overview

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 recent statutory amendments. There is a new focus on FOIA from the highest levels in our government with President Obama issuing a memorandum on FOIA on his first full day as president and Attorney General Eric Holder also issuing a memorandum on March 19, 2009. Learn what the significance of these memoranda has on your daily operations.

- Fred Sadler, Food and Drug Administration, Department of Health and Human Services
- Anne Weismann, Citizens for Responsibility and Ethics in Washington

10:00-10:15 am Coffee Break - Foyer - Visit with ASAP Sponsors!

10:15-11:45 am Session 1.2 FOIA Exemptions Overview

This session will provide an overview of the FOIA's nine exemptions, which is intended to provide you with the basic elements of each exemption.

- Joel D. Miller, Federal Bureau of Investigation, Department of Justice
- Will Kammer, Department of Defense
- Scott Hodes, Scott A. Hodes, Attorney at Law

11:45-12:45 pm Lunch –Enjoy Lunch with Colleagues and Visit with Sponsors! – Grand Ballroom Foyer

12:45-2:15 pm Session 1.3 Privacy Act Overview

This session will review the basic concepts of the Act, administrative considerations and responsibilities under the Act. There is talk of legislative action regarding the Privacy Act, so this session will briefly address the possible changes.

- Cindy Allard, Department of Defense
- Ramona Oliver, Office of the Solicitor, Department of Labor

2:15-2:30 pm Break – Visit with Sponsors!

2:30-3:45 pm Session 1.4 Interface: FOIA & Privacy Act

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

-Dick Huff, Consultant

3:45-4:15 pm Session 1.5 Questions and Answers on Today's Sessions

- All Available Faculty

4:15 pm Daily Evaluations and Program Recesses

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Tuesday, September 20, 2011

7:15-7:55 am Morning Coffee – Visit with Sponsors!

7:55-8:00 am Announcements – Anne Weismann, ASAP President

8:00-9:30 am Session 2.1 What’s New in Case Law and Other Developments – Grand Ballroom
Learn more about recent developments in FOIA and Privacy case law and policies
- *Dick Huff, Consultant*
- *Scott Hodes, Scott A. Hodes, Attorney at Law*

9:30-9:45 am Coffee Break– Foyer - Visit with Sponsors! Grand Ballroom Foyer

9:45-11:00 am Session 2.2 Records Management Overview – Grand Ballroom
This session will provide a broad overview of records management: what you need to 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, Office of the Solicitor, Department of Labor*
- *Karen Finnegan, Office of Government Information Services, National Archives and Records Administration*

11:00-11:15 am Stretch Break – Foyer - Visit with Sponsors! Grand Ballroom Foyer

11:15-12:30 pm Session 2.3 Fees, Fee Waivers and Other Administrative Matters – Grand Ballroom
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.
- *Will Kammer, Department of Defense*
- *Steve McConnell, Department of the Navy*

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

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

Session 2.4 Privacy Act: Processing and Conditions of Disclosure -TBD Room
Now that you have a request, what can you release? This session will help you understand the rulemaking contained in the PA; systems of records notice and exemption rules; and the 12 reasons a record may be released without an individual’s authorization.
- *Cindy Allard, Department of Defense and Ramona Oliver, Office of the Solicitor, Department of Labor*

Session 2.5 FOIA – Defense, Foreign Relations & Classified Information: Exemption 1 – TBD Room
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. Speakers will also discuss the interplay of FOIA’s emphasis on disclosure with protecting classified national security information.
- *Will Kammer, Department of Defense and Joel D. Miller, Federal Bureau of Investigation*

2:30-2:45 pm Break – Foyer - Visit with Sponsors!

2:45-4:00 pm BREAK OUT SESSIONS (Choose One)

Session 2.6 Exemption 5: Privileged Information – TBD Room
This session will discuss the elements and privileges incorporated in Exemption 5, including threshold requirements, and the elements of the deliberative process, the attorney-client, and the attorney work product privileges.
- *Karen Finnegan, Office of Government Information Services, NARA and Anne Weismann, CREW*

Session 2.7 NEW INFORMATION! Exemptions 2 and 7 – TBD Room
The Supreme Court’s ruling in the “Milner” case changes how agencies will need to protect sensitive information and may bring Exemption 7 more into play.
- *Caroline Smith, Office of Information Policy and Joel D. Miller, Federal Bureau of Investigation*

4:00-4:15 pm Stretch Break

(Day Two Continues)

4:15--5:30 pm BREAK OUT SESSIONS (Choose One)

Session 2.8 Exemption 4: A Very Comprehensive Look - TBD Room

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 processing contracts.

- Fred Sadler, Food & Drug Administration and Scott Hodes, Scott A. Hodes, Attorney At law

Session 2.9 FOIA – The Personal Privacy Exemptions: 6 & 7(C) – TBD Room

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.

- Caroline Smith, Office of Information Policy and Karen Finnegan, Office of Government Information Services

5:30 pm Daily Evaluations and Program Recesses

Wednesday, September 21, 2011

7:15 – 7:55 am Morning Coffee – Visit with Sponsors!

7:55 – 8:00 am Announcements – Anne Weismann, ASAP President

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

Session 3.1 Exemption 4: A Very Comprehensive Look - TBD Room

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 processing contracts.

- Fred Sadler, Food & Drug Administration and Scott Hodes, Scott A. Hodes, Attorney At Law

Session 3.2 **NEW! Systems of Records Notices (SORNs) - TBD Room**

Now that you have a broad overview of the Privacy Act, it's time to delve into the how's and why's of a SORN. This session provides a practical explanation and exercise of how a System of Records Notice (OPM/GOV'T-1) is constructed, how to read and interpret it, and how all of the pieces must fit together.

- Cindy Allard, Department of Defense and Ramona Oliver, Office of the Solicitor, Department of Labor

9:15-9:30 am Coffee Break – Last Opportunity to Visit with the Sponsors

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

Session 3.3 Exemption 5: Privileged Information – TBD Room

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

- Joel D. Miller, Federal Bureau of Investigation and Scott Hodes, Scott A. Hodes, Attorney At Law

Session 3.4 FOIA – The Personal Privacy Exemptions: 6 & 7(C) – TBD Room

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.

- Caroline Smith, Office of Information Policy and Steve McConnell, Department of the Navy

10:45-11:00 am Stretch Break

11:00-12:15 pm Session 3.5 FOIA Exemption Workshop– This session will provide you with hands-on practice in applying the FOIA exemptions to different types of documents.

-Will Kammer, Department of Defense and Fred Sadler, Food & Drug Administration

12:15-12:30 pm Session 3.6 Questions &Answers – Your last chance to get the answers to your burning questions!

12:30 pm Daily Evaluations, Program Ends, Certificates of Attendance are Available