



## 5th ANNUAL ASAP NATIONAL TRAINING CONFERENCE

March 20-23, 2012

NEW ORLEANS, LOUISIANA – HILTON NEW ORLEANS RIVERSIDE HOTEL

(Rev. 030712)

Meeting Rooms subject to change

### TUESDAY, MARCH 20, 2012

6:30 -9:30 pm Program Registration – Check in and pick up your program materials. – 1<sup>st</sup> Floor Conference Center Registration Area

### WEDNESDAY, MARCH 21, 2012

7:30–8:15 am Program Registration and Morning Refreshments – Visit with the ASAP Sponsors – Chemin Royale Foyer

8:15-8:30 am Welcoming Remarks – Anne Weismann, ASAP President – Grand Ballroom A/B

8:30–9:30 am **Session 1.01 (Plenary) NEW! A Presidential Memorandum on Managing Government Records – Grand Ballroom A/B**  
President Obama's November 28, 2011 Memorandum on Managing Government Records "begins an executive branch wide effort to reform records management policies and practices." The memorandum acknowledges that "[d]ecades of technological advances have transformed agency operations, creating challenges and opportunities for agency records management." In this session, NARA's Director of Litigation will discuss what the Memorandum sets out to do, and what the planned timetable is for further action during the coming months. Also to be discussed: hot topic issues at the nexus of e-recordkeeping and access to government information, including with respect to e-mail, social media, and information stored in "the cloud."  
– Jason R. Baron, National Archives and Records Administration

9:30-9:45 am Stretch Break

9:45-11:00 am **CONCURRENT SESSIONS – CHOOSE ONE**

**Session 1.02 FOIA Overview: The Statute and Basic FOIA Procedures – Salon A**  
Do you know FOIA's procedural and legal requirements? This session is perfect for FOIA newcomers and those seeking an updated refresher course. It includes a detailed discussion of the statute, and its procedural requirements.  
- Carmen Mallon, Office of Information Policy, Department of Justice  
- Fred Sadler, Food & Drug Administration

**Session 1.03 Writing and Using Privacy Act Statements – Salon B**  
You've just learned of a collection of personally identifiable information that doesn't contain a Privacy Act Statement (PAS). Do you know when a PAS is required and how to write one if you need to? Building on the information on SORNs provided in Privacy Act Overview, in this session you'll learn how to use a System of Records Notice to write a strong PAS along with other useful tips for writing effective PASs.  
- Cindy Allard, Department of Defense  
- Ramona Oliver, Department Of Labor

**Session 1.04 Defense, Foreign Relations & Classified Information: Exemption 1 – Grand Ballroom A**  
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  
- Brent Evitt, Defense Intelligence Agency

**Session 1.05 NEW INFORMATION! Recent Decisions – Grand Ballroom B**  
How have the courts ruled in recent Privacy and FOIA cases? Listen to a review of the most recent important cases and learn what the impact is for you as a practitioner.  
- Dick Huff, Consultant

11:00-11:15 am Coffee Break - Foyer – Visit with the ASAP Sponsors – See Demos!

**11:15-12:30 pm CONCURRENT SESSIONS - CHOOSE ONE**

**Session 1.06 FOIA Overview: The Nine Exemptions – Grand Ballroom A**

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.

- *Will Kammer, Department of Defense*
- *Joel D. Miller, Federal Bureau of Investigation*

**Session 1.07 Setting Up an Effective Privacy Program – Grand Ballroom B**

What does it take to run an effective privacy program? Come and hear from experts who have built privacy programs from scratch. You will learn about the legal requirements and operational structures that need to be in place to ensure that your program is effective.

- *Cindy Allard, Department of Defense*
- *Charlene Wright-Thomas, Department of State*
- *Jonathan Cantor, Department of Commerce*

**Session 1.08 NEW! FOIA vs. Mandatory Declassification Review – Salon B**

Hear the experts discuss the differences between how agencies conduct a declassification review in the context of a FOIA request and pursuant to a request for mandatory declassification review (MDR). You will learn about the procedural details associated with both processes, the advantages of one process versus the other as well as the limitations and appeal rights.

- *Brent Evitt, Defense Intelligence Agency*
- *John Powers, Information Security Oversight Office, National Archives and Records Administration*

**Session 1.09 Introduction to FOIA Litigation – Salon A**

What happens when a requester sues the government in connection with a FOIA request? This session will cover the basics of a FOIA lawsuit: the procedural and legal requirements for filing a complaint in Federal District Court and what happens inside an agency after a requester initiates litigation.

- *Caroline Smith, Office of Information Policy, Department of Justice*
- *Anne Weismann, Citizens for Responsibility and Ethics in Washington*
- *Joel D. Miller, Federal Bureau of Investigation*

**12:30-1:45 pm Group Lunch-Grand Ballroom C/D and Time to Visit with ASAP Sponsors – See Demos!**

**1:45-3:00 pm CONCURRENT SESSIONS - CHOOSE ONE**

**Session 1.10 The Privacy Act of 1974: An Overview- Grand Ballroom A**

A great basic or refresher course featuring the scope of the Act; policy objectives; its impact on how we conduct business; systems of records notices; exemptions; and administrative considerations.

- *Ramona Oliver, Department of Labor*

**Session 1.11 Exemption 2 and The United States Supreme Court – Salon A**

Naval Magazine Indian Island is an ordnance storage depot located on Port Townsend Bay in Washington State. Glen Scott Milner, a life-long resident of the Puget Sound region has researched and written about explosive hazards related to Navy activities in Puget Sound for over 20 years. And so the stage was set for the classic showdown of the public's right to know versus the government's need to protect sensitive information. This showdown went all the way to the United States Supreme Court and the decision came down on the very first day of our 2011 NTC. What are the implications of this decision? How have agencies responded to the new landscape? What are the alternatives for agencies that previously relied on High 2 to protect sensitive information?

- *Dick Huff, Consultant*
- *Caroline Smith, Office of Information Policy, Department of Justice*

**Session 1.12 NEW! Ask the NARA Experts – Salon B**

This informal session is the perfect opportunity to talk one-on-one with legal and policy experts at NARA.

- *Jason R. Baron*
- *Arian Ravanbakhsh*
- *David Mengel*

**Session 1.13 FISMA and IT Security – Grand Ballroom B**

With increasing dependency on information systems and advances in cloud computing, the smart grid and mobile computing, maintaining the confidentiality and integrity of PII is a growing challenge. Learn about the Federal Information Security Management Act/National Institute of Standards and Technology guidance; gain insight on technologies and governance that you should know and use to protect your sensitive information.

- *Jonathan Cantor, Department of Commerce*
- *Michael Reheuser, Defense Privacy and Civil Liberties Office*
- *Gery Huelseman, Department of the Air Force*

3:00-3:15 pm Coffee Break - Foyer – Visit with the ASAP Sponsors

3:15-4:45 pm **CONCURRENT SESSIONS – CHOOSE ONE**

**Session 1.14 FOIA and the Privacy Act Interface – Grand Ballroom A**

This session will explore the complex relationship between the Privacy Act and the Freedom of Information Act: when to apply the statutes, where they dovetail, and where they diverge. Includes a discussion of the issues affected by both Acts.

- *Dick Huff, Consultant*

**Session 1.15 New Information! FOIA: Exemption (b) (7) Records Compiled for Law Enforcement Purposes – Salon A**

This session delves into the different subparts of exemption (b)(7), the law enforcement exemption. In light of the *Milner* decision, this exemption may play a much larger role in protecting sensitive information, so boning up is recommended!

- *Joel D. Miller, Federal Bureau of Investigation*

- *Karen Finnegan, Office of Government Information Services, National Archives and Records Administration*

**Session 1.16 Privacy Act Exceptions: Conditions of Disclosure – Grand Ballroom B**

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, Department of Labor*

- *Cindy Allard, Department of Defense*

**Session 1.17 Exemption 5: Internal & Deliberative Information – Salon B**

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

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

- *Brent Evitt, Defense Intelligence Agency*

4:45 pm **Complete and Return Daily Program Evaluation Form**

**THURSDAY, MARCH 22, 2012**

7:30 - 8:15 am Morning Refreshments - Chemin Royale Foyer – Visit with the ASAP Sponsors

8:15-8:30 am Announcements & Remarks – Anne Weismann, ASAP President – Grand Ballroom A/B

**8:30-9:45 am Session 2.01 (PLENARY) NEW INFORMATION – Technology Update & Hot Topics - Grand Ballroom A/B**

There is a whole new world out there and many new tools. Federal agencies are being pushed to explore making better use of technology. Learn about what's been happening on the technology front. You will hear about FOIA.GOV, Inteldocs, the FOIA portal that is being developed in a collaborative effort by multiple agencies, OIP's Information Technology Working Group and the interagency FOIA IT Working Group. A lot is happening behind the scenes and you need to know what's available and how it can benefit both agencies and requesters.

- *Gery Huelseman, Department of the Air Force*

- *Carmen Mallon, Office of Information Policy, Department of Justice*

- *Lovisa Williams, Department of State*

- *Tim Crawford, Environmental Protection Agency*

**9:50-10:45 am Session 2.02 (PLENARY) Requesters' Panel - Grand Ballroom A/B**

Many, many requesters have established good working relationships with agency personnel. In this spirit of cooperation, excellent information is released and important stories become available to the public. Requesters will share their experiences.

- *Moderator Scott Hodes, Scott A. Hodes, Attorney-at-Law*

- *Jennifer LaFleur, ProPublica.org*

- *Lee Zurik, WVUE-TV (Fox 8)*

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

**11:00-12:00 pm Session 2.03 (PLENARY) **NEW INFORMATION!** National Declassification Center and EO 13526 One Year Later - Grand Ballroom A/B**

With the establishment of the National Declassification Center under EO 13526, the National Archives has been forced to explore new ways to meet declassification and FOIA goals. David Mengel, Deputy Director of the NDC, will discuss the challenges and changes the NDC is facing with classified FOIAs, and the automatic declassification of paper, special media and electronic records.

- *David Mengel, National Archives and Records Administration*

**12:00-1:15 pm Lunch – **ON YOUR OWN** – Take a few minutes to visit with ASAP Sponsors!**

**1:15-2:30 pm CONCURRENT SESSIONS – CHOOSE ONE**

**Session 2.04 **NEW!** The Team Approach to Processing Database Requests Grand Ballroom A**

Some agencies are reporting an uptick in requests for databases. Requesters are not really interested in the personally identifiable information, but more so in the raw data, or the code and the supporting user manuals. For an agency, these types of requests can be overwhelming. In this session you will hear the perspectives of a FOIA professional and a requester with regard to database requests. The discussion will also include Best Practices for processing database requests.

- *Kirsten Mitchell, Office of Government Information Services, National Archives and Records Administration*

- *Jennifer LaFleur, ProPublica.org*

- *To Be Confirmed*

**Session 2.05 Writing PIAs and SORNs – Salon A**

You've been given the task to develop a new PIA or SORN. What should be considered in the development of these documents and which offices should be consulted and when? This session is geared for those individuals responsible for writing or developing all or part of a Privacy Impact Assessment (PIA) or System of Records Notice (SORN).

- *Cindy Allard, Dept. of Defense*

- *Fred Sadler, Food and Drug Administration*

**Session 2.06 Privacy and the FOIA: Exemptions 6 and 7(C) – Salon B**

This session offers an examination of the protections provided by FOIA Exemptions 6 and 7(C) for personal information in general 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.

- *Brent Evitt, Defense Intelligence Agency*

- *Scott Hodes, Scott A. Hodes, Attorney-at-Law*

**Session 2.07 **NEW!** Records Management and FOIA (Basic Level) – Grand Ballroom B**

This session will cover what FOIA professionals need to know about records management. You will learn why good records management practices are essential to an effective FOIA program.

- *Will Kammer, Dept. of Defense*

- *Ramona Oliver, Dept. of Labor*

**2:30-2:45 pm Coffee Break - Foyer – Visit with the ASAP Sponsors**

**2:45-4:00 pm CONCURRENT SESSIONS (CHOOSE ONE)**

**Session 2.08 Exemption 4 - Salon A**

In this session you will examine agency considerations and obligations in handling data submitted by businesses and government contractors. Come and learn how to recognize a trade secret and confidential, commercial information. This session will also focus on Submitter Notice under E.O. 12600 and processing contracts.

- *Fred Sadler, Food and Drug Administration*

**Session 2.09 You've Been Sued! Now What? (Advanced Level) Salon B**

This workshop style session provides hands-on, practical application of best practices for responding to a FOIA lawsuit. The experts will guide you through writing declarations, *Vaughn* indexes and more.

- *Caroline Smith, Office of Information Policy, Department of Justice*

- *Joel D. Miller, Federal Bureau of Investigation*

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

**Session 2.10 PII and Breach Notification – Grand Ballroom A**

This interactive session will discuss safeguards to prevent or minimize how and when PII elements can be lost, the cost and impact to individuals when a breach occurs, the breach notification requirements, and other ways agencies can address privacy breaches.

- *Jonathan Cantor, Department of Commerce*

- *Charlene Wright-Thomas, Department of State*

- *Michael Reheuser, Defense Privacy and Civil Liberties Office*

**Session 2.11 **NEW! Records Management 101: Getting In the Weeds of Records Management-**** This session will provide a broad overview of records management. 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? Everyone has a stake in records management. Learn the answers to these questions and more!

- *Arian Ravanbakhsh, National Archives and Records Administration*

**4:00-5:00 pm CONCURRENT SESSIONS: SPECIALIZED TRAINING (CHOOSE ONE)** These sessions are designed for a specific agency focus. Also included is a general (non-specific) session that will be geared to audience questions and needs.

**Session 2.12 Department of Defense –Grand Ballroom B – Presenter/Instructor: Mike Reheuser and Will Kammer**

**Session 2.13 Department of the Interior – Grand Ballroom A**

**Session 2.14 NASA – Salon A - Presenter/Instructor: Miriam Brown-Lam**

**Session 2.15 Non-Specific – Salon B - All are welcome to attend this session - Presenter/Instructor: Carmen Mallon**

**Session 2.16 Department of Energy – CANCELLED Please attend Session 2.15**

**Session 2.17 Department of Health & Human Services – Salon C-18 – Presenter/Instructor: Fred Sadler**

**Session 2.18 Department of Veterans Affairs - Salon C-16– Presenter/Instructor: Tim Graham**

**Session 2.19 **NEW!** Department of Agriculture – Salon C-15 – Presenter/Instructor Marge Gallegos**

**5:00 pm Complete and Return Daily Program Evaluation Form**

## FRIDAY, MARCH 23, 2012

7:30 - 8:15 am **Continental Breakfast – Chemin Royale Foyer – Visit with the ASAP Sponsors**

8:15-8:30 am **Announcements & Remarks – Anne Weismann, ASAP President – Grand Ballroom A/B**

8:30-9:30 am **Session 3.01 (Plenary) **NEW! Effective Communication with Requesters - Grand Ballroom A/B****

It should come as no surprise to learn that FOIA professionals are really in the customer service business. Good communication skills = good customer service = a successful FOIA program. This session will cover best practices in communicating with requesters and some tips for how to have that difficult conversation with a requester or an agency official.

- *Scott Hodes, Scott A. Hodes, Attorney-at-Law*
- *Timothy Graham, Department of Veterans Affairs*
- *Karen Finnegan, Office of Government Information Services, National Archives and Records Administration*

9:35-10:30 am **Session 3.02 (Plenary) **NEW INFO! International Privacy Grand Ballroom A/B****

Privacy issues have global implications and U.S. policy is becoming much more affected and intertwined with the European countries and others. The impact on you and your operations is much more than you realize.

- *Laurence Kearley, formerly Office of the Information Commissioner, Canada*
- *Charlene Wright-Thomas, Department of State*
- *Lovisa Williams, Department of State*

10:30-10:45 am **Coffee Break - Foyer – Visit with the ASAP Sponsors**

10:45 -12:00 pm **CONCURRENT SESSIONS (Choose One)**

**Session 3.03 Exemption 4 – Salon B**

– In this session you will examine agency considerations and obligations in handling data submitted by businesses and government contractors. Come and learn how to recognize a trade secret and confidential, commercial information. This session will also focus on Submitter Notice under E.O. 12600 and processing contracts.

- *Fred Sadler, Food and Drug Administration*

**Session 3.04 Fees & Fee Waivers - Grand Ballroom B**

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. Included are the new restrictions placed on assessing fees under the Open Government Act.

- *Caroline Smith, Office of Information Policy, Department of Justice*
- *Scott Hodes, Scott A. Hodes, Attorney-at-Law*

**Session 3.05 **NEW! The Plain Writing Act and FOIA – Grand Ballroom B****

It's the law! President Obama signed the Plain Writing Act of 2010 on October 13, 2010. The law requires that federal agencies use "clear Government communication that the public can understand and use." But this is not new. In 1998, President Clinton issued an executive memo requiring agencies to write in plain language, and in 2004, an interagency task force called for federal websites to be written in plain language. In workshop fashion, this session will compare and contrast examples of actual letters to show how to employ plain writing techniques to communicate more effectively with the public.

- *Kirsten Mitchell, Office of Government Information Services, National Archives and Records Administration*
- *Karen Finnegan, Office of Government Information Services, National Archives and Records Administration*

**Session 3.06 OPM Government-Wide System of Records Notices (SORNs) – Salon A**

OPM issued government-wide SORNs that cover a wide-range of records that every Federal agency maintains. Come and learn the specifics of these SORNs so that you can rest assured that your agency's systems of records are properly covered and to avoid duplicating efforts in getting your Privacy Act systems of records in order.

- *Dick Huff, Consultant*
- *Michael Reheuser, Defense Privacy and Civil Liberties Office*

12:00 – 1:15 pm **Group Lunch – Grand Ballroom C/D - Visit with the ASAP Sponsors – See Demos!**



**1:15 – 2:30 pm CONCURRENT SESSIONS (CHOOSE ONE)**

**Session 3.07 Redaction Workshop – Grand Ballroom B – (This is a special session that continues in the 2:45 pm time frame.)**  
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.  
- Fred Sadler, Food and Drug Administration  
- Will Kammer, Department of Defense

**Session 3.08 NEW! Privacy Requirements for Information Systems: A Case Study – Grand Ballroom A (This is a special session that continues in the 2:45 pm time frame.)**  
Your organization is planning to create an information system that collects personally identifiable information. What are the privacy policy implications? How do you assess the impact on privacy? Does the Privacy Act apply? What about security controls? What controls are in place to address and mitigate information breaches? This innovative two-part interactive session will help you to navigate federal privacy requirements related to the creation of new information systems from start to finish to include social media, security controls, and a host of other considerations.  
- Charlene Wright-Thomas, Department of State  
- Lovisa Williams, Department of State  
- Jonathan Cantor, Department of Commerce

**Session 3.09 Managing Social Media Records – Salon A**  
Recently, NARA issued Bulletins to agencies on the Records Management Implications of Cloud Computing and another on Managing Records in Web 2.0/Social Media platforms. During this presentation, these two Bulletins will be described and discussed together as they both work to inform agencies about the records management implications of these modern technologies that are being explored to meet the objectives of Open Government.  
- Arian Ravanbakhsh, National Archives and Records Administration

**Session 3.10 Mandatory Declassification Review – Salon B**  
This session focuses on understanding the standards as well as prohibitions and limitations that agencies must take into account when classifying information as well as the requester’s appeal rights.  
- John Powers, Information Security Oversight Office, National Archives and Records Administration  
- Bill Carpenter Information Security Oversight Office, National Archives and Records Administration

**2:30-2:45 pm Coffee Break - Foyer**

**2:45-4:00 pm CONCURRENT SESSIONS (CHOOSE ONE)**

**Session 3.07 Redaction Workshop – Grand Ballroom B – CONTINUED FROM 1:15 PM TIME BLOCK**

**Session 3.08 Privacy Requirements: A Case Study - Grand Ballroom A - CONTINUED FROM 1:15 PM TIME BLOCK**

**Session 3.11 Exemption 5: Internal & Deliberative Information - Salon A**  
This session will discuss the elements and privileges incorporated in Exemption 5, to include the threshold requirements, the elements of the deliberative process, the attorney-client, and the attorney work product privileges.  
- Brent Evitt, Defense Intelligence Agency  
- Joel D. Miller, Federal Bureau of Investigation

**Session 3.12 Privacy and the FOIA: Exemptions 6 and 7(C) – Salon B**  
This session offers an examination of the protections provided by FOIA Exemptions 6 and 7(C) for personal information in general 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.  
- Caroline Smith, Office of Information Policy, Department of Justice  
- Karen Finnegan, office of Government Information Services, National Archives and Records Administration

**4:15-4:45 pm Session 3.13 Questions & Answers – Grand Ballroom B - This is your last chance to get that burning question answered.**

**4:45 pm Program Ends - Complete Evaluations/Return Name Badge Holders/ Certificates of Attendance Distributed**

**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.