

# 2012 ASAP FOIA/PRIVACY ACT TRAINING WORKSHOP

September 5-7, 2012

Sofitel Chicago Water Tower - Chicago, Illinois

(revised August 25, 2012)

**NEW FEATURE! A table of experts will be available throughout the Workshop  
for one-on-one questions and answers for the registrants**

## Tuesday, September 4 – Grand Ballroom Foyer

6:30 pm – 8:30 pm Registration – Avoid the morning rush: check-in with ASAP registrars and pick up your meeting materials

## Wednesday, September 5 - Grand Ballroom

7:15-8:00 am Registration & Morning Coffee

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

- Anne Weismann, Citizens for Responsibility and Ethics in Washington

10:00-10:15 am Coffee Break - Foyer

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.

- Will Kammer, Department of Defense

- Joel D. Miller, Federal Bureau of Investigation

11:45-1:00 pm Lunch –Enjoy Lunch with Colleagues – Grand Ballroom Foyer

1:00-2:30 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.

- Charlene Thomas, Department of State

- Ramona Oliver, Office of the Solicitor, Department of Labor

2:30 – 2:45 pm Break – Foyer

2:45:4:00 pm **Session 1.4 Fees, Fee Waivers 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.

- Will Kammer, Department of Defense

- Fred Sadler, Food and Drug Administration, Department of Health and Human Services

4:00 pm Daily Evaluations and Program Recesses

## **Thursday, September 6 – Grand Ballroom**

**7:15-7:55 am Morning Coffee – Foyer**

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

**8:00-9:30 am Session 2.1 **NEW INFORMATION!** What's New in Case Law and Other Developments**

Learn more about recent developments in FOIA and Privacy case law and policies

- *Dick Huff, Consultant*

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

**9:30-9:45 am Coffee Break– Foyer**

**9:45-11:00 am Session 2.2 Records Management Overview**

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*

**11:00-11:15 am Stretch Break – Foyer (NOTE - Hotel staff will pull air wall to divide the meeting room into two sections: the Paris Room (with the windows) and the Chicago Room.**

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

**Session 2.3 Exemption 5: Privileged Information - Chicago 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.

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

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

**OR**

**Session 2.4 FOIA – The Personal Privacy Exemptions: 6 & 7(C) – Paris 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.

- *Dick Huff, Consultant*

**12:30-1:15 pm Group Lunch – Foyer - Enjoy Lunch with Colleagues**

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

**Session 2.5 Privacy Act: Processing and Conditions of Disclosure – Paris Room**

Now that you have a request, what can you release? This session will help you understand systems of records notice and exemption rules; and the 12 reasons a record may be released without an individual's authorization.

- *Dick Huff, Consultant*

**OR**

**Session 2.6 Exemption 5: Privileged Information – Chicago 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.

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

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

**2:30-2:45 pm Break – Foyer**

(Day Two Continues)

## **Thursday, September 6 (Continued)**

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

**Session 2.7    FOIA – Defense, Foreign Relations & Classified Information: Exemption 1 – Chicago 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*

**OR**

**Session 2.8    NEW!! Breaches and Remediation – Paris Room**

OMB Memo (M) 07-16, Safeguarding Against and Responding to the Breach of Personally Identifiable Information (PII) established core policy definitions and privacy incident reporting requirements for federal agencies. Learn how to identify incidents, initiate appropriate response efforts, and implement corrective actions, when there has been a breach and privacy data have been lost or otherwise made public.

- *Charlene Thomas, Department of State*

- *Ramona Oliver, Office of the Solicitor, Department of Labor*

**4:00-4:15 pm    Stretch Break**

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

**Session 2.9    Exemption 4: A Very Comprehensive Look – Paris 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, Department of Health and Human Services*

**OR**

**Session 2.10    Exemption 2 – Chicago Room**

In 2011, the US Supreme Court ruled that agencies could not use "High 2" to protect sensitive information. What are the alternatives for agencies that have relied on High 2?

- *Dick Huff, Consultant*

**5:30 pm    Daily Evaluations and Program Recesses**

## **Friday, September 7 – Grand Ballroom**

**7:15 – 7:55 am Morning Coffee – Foyer**

**7:55 – 8:00 am Announcements – Joel D. Miller, ASAP Vice President**

**8:00 – 9:15 am Session 3.1 Systems of Records Notices (SORNs)**

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.

- *Ramona Oliver, Office of the Solicitor, Department of Labor*

**9:15-9:30 am Coffee Break - Foyer**

**9:30 – 10:45 am Session 3.2 Interface: FOIA & Privacy Act**

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

-*Dick Huff, Consultant*

**10:45-11:00 am Stretch Break**

**11:00-12:15 pm Session 3.3 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*

- *Fred Sadler, Food & Drug Administration*

**12:15-12:30 pm Session 3.4 Questions & Answers, Closing Remarks – Joel D. Miller, ASAP Vice President**

– Your last chance to get the answers to your burning questions!

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

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