



ASAP Annual Symposium and Training Conference - December 4-5, 2012
William McGowan Theatre, National Archives and Records Administration - Washington, D.C.
ASAP Thanks Host Sponsor National Archives and Records Administration
(Revised 11/28/12)

NOTE: ASAP is on the IAPP Approved Privacy Education Providers and Activities List. You may also submit this program to your state bar for CLE credits.

DECEMBER 4, 2012 – TUESDAY

- 7:45-8:15 am Morning Refreshments and Registration - Theater Lobby-Visit with ASAP Sponsors!**
- 8:15-8:20 am Opening Remarks, and Announcements – Anne Weismann, ASAP President**
- 8:20-8:30 am Presentation of ASAP Directors’ Award and Appreciation Certificates – Anne Weismann, ASAP President**
- 8:30-8:35 am Welcome and Introductions – Miriam Nisbet, Director, Office of Government Information Services, NARA**
- 8:35-9:00 am Keynote Address – Paul M. Wester, Chief Records Officer, National Archives and Records Administration**
Mr. Wester will address the Presidential Memorandum on Managing Government Records, the Managing Government Records Directive and the steps necessary by all stakeholders to make the initiative come to fruition and to meet established deadlines.
- 9:00-10:45 am Tough Conversations –** The toughest part of the FOIA process is often having conversations with people who aren’t going to be happy with what is said. This panel will discuss how to have the tough conversation with requesters, other agency employees and non-FOIA supervisors. Topics will include discussions with requesters about narrowing the scope of requests, fee issues and talks with agency people about the responsibilities of the FOIA Office and why they need responsive documents/cooperation with program offices.
Moderator: Nate Jones, National Security Archive
- Corinna Zarek, Office of Government Information Services, NARA
- Dave Bahr, Esq. Bahr Law Offices and FOIAdvocates.com
- Kathy Ray, Department of Transportation
- 10:45-11:00 am Coffee Break - Theater Lobby - Visit with ASAP Sponsors!**
- 11:00-12:30 pm Applying the Foreseeable Harm Standard –** Just because a document is may be withheld pursuant to an Exemption, the AG’s Memo on the FOIA states that documents should be reviewed for a discretionary release if there is no foreseeable harm in disclosure. This panel will discuss how to really make discretionary disclosures and why they are important.
- **Moderator:** Carmen Mallon, Office of Information Policy, Justice
- Anne Weismann, Citizens for Responsibility and Ethics in Washington
- James Holzer, Department of Homeland Security
- 12:30-1:30 pm Lunch – Adams/Washington/Madison Rooms - Visit with ASAP Sponsors!**
- 1:30-3:00 pm FOIA Career Update –** OPM has created a job series for disclosure professionals. Learn about it and what options agencies have with this new position.
- **Moderator/Panelist:** Will Kammer, Department of Defense
- Amy Bennett, OpenTheGovernment.org
- April Davis, Office of Personnel Management
- Delores Barber, Department of Homeland Security
- 3:00-3:15 pm Coffee Break - Theater Lobby - Visit with ASAP Sponsors!**
- 3:15-4:15 pm Privacy Act – Infliction of Harm that will Trigger Damages -** The Supreme Court recently decided the standard of harm necessary for damages under the Privacy Act. This panel will discuss that opinion and will also discuss other hot PA topics, including whether any legislative amendments might be in the future for this act.
- **Moderator:** Richard Huff, Consultant
- Kirsten Moncada, Social Security Administration
- Jonathan Cantor, Department of Homeland Security
- 4:15 pm Daily Program Ends – Please Return Evaluations**

DECEMBER 5, 2012 – WEDNESDAY

- 7:30-8:25 am Morning Refreshments and Registration- Theater Lobby - Visit with ASAP Sponsors!**
- 8:25-8:30 am Announcements and Presentation of ASAP President's Award – Anne Weismann, ASAP President**
- 8:30-9:00 am Keynote Address: Charlene Wright Thomas – Reflections of a Career in Disclosure**
- 9:00 –10:15 am Growing Backlogs, Shrinking Budgets: New Ideas about FOIA Backlogs --** With unlimited budgets, FOIA backlogs would be a distant memory. Unfortunately, we all face a growing number of FOIA requests in a constricting budget environment. How can we do more with less? Hear from agency representatives who have successfully reduced their backlogs without additional resources, and requesters who have been a partner in this effort. Participants will walk away with best practices for backlog reduction and ideas for implementing them.
- Moderator: Carrie McGuire, Office of Government Information Services, NARA
- Don McIlwain, National Declassification Center, NARA
- William H. Holzerland, Food and Drug Administration, HHS
- Scott Hodes, Scott A. Hodes, Attorney At Law
- 10:15-10:30 am Coffee Break - Theater Lobby -Visit with ASAP Sponsors!**
- 10:30-11:45 am Government Contractors and FOIA –** Like it or not, the use of government contractors by agencies to assist in the processing of requests has become a way of life. This panel will discuss the strengths and weaknesses of contracting out the process.
- Moderator: Patrice McDermott, OpentheGovernment.org
- James Hogan, Department of Defense
- Charlene Wright Thomas, Department of State
- Harry Hammitt, Contractor
- 11:45-1:15 pm Lunch – Adams/Washington/Madison Rooms - Visit with ASAP Sponsors!**
- 12:30 pm ASAP General Membership Meeting – McGowan Theatre**
- 1:15-2:15 pm FOIA Regulations –** Many agencies haven't updated their regulations for years even though the FOIA has been amended a number of times. This panel will discuss best practices for FOIA regulations, including how to incorporate the Plain Writing Act in regulations.
Moderator: Amy Bennett, Openthegovernment.org
- Amy Bunk, Office of the Federal Register, NARA
- Kirsten Mitchell, Office of Government Information Services, NARA
- Lauren Harper, National Security Archive
- 2:15-3:15 pm Using Technology Effectively -** Technology is where much of the action in FOIA is today. This panel will discuss the latest technology in the FOIA world such as the FOIA portal, creating documents that are easily sent through email and much more.
- Moderator/Panelist: Tim Crawford, Environmental Protection Agency
- Joey Hutcherson, Commerce Department
- Gery Huelseman, Department of the Air Force
- 3:15 –3:30 pm Coffee Break – Theater Lobby -Visit with ASAP Sponsors**
- 3:30-4:30 pm Effective Referrals and Referral Agreements -** Other agency documents often ends up slowing up the processing of FOIA requests. There are ways to effectively work through these issues by planning on how they will be processed before they even get to the FOIA desk. This panel will discuss these options.
Moderator: Brent Evitt, Defense Intelligence Agency
- Carmen Mallon, Office of Information Policy, Justice
- Denny Argall, Federal Bureau of Investigation, Justice
- Mark Zaid, Law Office of Mark S. Zaid, P.C.
- 4:30 – 5:00 pm Wrap Up: Free Form Q&A – Don't leave with unanswered questions!**
- 5:00 pm Closing Remarks, Evaluations and Certificates of Attendance – Anne Weismann**

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.