



## 2018 ASAP FOIA/PRIVACY ACT TRAINING WORKSHOP

### September 5-7, 2018 - Sofitel Chicago Water Tower - Chicago, Illinois

ICRM Certification Maintenance Credit – Pending; Illinois MCLE – Pending; ASAP is on the IAPP List of Preferred Providers  
**SPECIAL FEATURE!** A table of experts will be available throughout the Workshop for one-on-one questions and answers for the registrants.

#### **Tuesday, September 4 – Ballroom Foyer**

**7:30 pm–9:00 pm** Registration – Avoid the morning rush: check-in with ASAP registrars and pick up your meeting materials

#### **Wednesday, September 5 – Grand Ballroom** (*Instructors appear in their individual capacities*)

**7:30-8:00 am** Registration & Morning Coffee – Visit with the ASAP Sponsors!

**8:00-8:15 am** Welcoming Remarks & Announcements – Kellie Robinson, Chair Workshop Planning Committee

**8:15-9:45 am** Session 1.1 Freedom of Information Act Procedural Overview

This session is 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 statutory amendments.

- Scott Hodes, Scott A. Hodes, Attorney at Law  
- Bill Holzerland, US Government

**9:45-10:00 am** Coffee Break - Foyer - Visit with ASAP Sponsors!

**10:00-11:30 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.

- Kellie Robinson, Department of State  
- Scott Hodes, Scott A. Hodes, Attorney at Law

**11:30-12:30 pm** Lunch –Enjoy Lunch with Colleagues and Visit with Sponsors!

**12:30-1:45 pm** Session 1.3 Privacy Act Overview

This session will review the basic concepts of the Act, administrative considerations, and responsibilities under the Privacy Act.

- Cindy Allard, Department of Defense  
- Tim Graham, Department of Veterans Affairs

**1:45-2:00 pm** Stretch Break - Foyer - Visit with ASAP Sponsors!

**2:00-3:00 pm** Session 1.4 Privacy Act: Processing and Conditions of Disclosure

Now that you have a request, what can you release? This session will help you understand the twelve exceptions to the presumption of no disclosure without consent.

- Cindy Allard, Department of Defense  
- Bill Holzerland, US Government

**3:00-3:15 pm** Refreshment Break - Visit with ASAP Sponsors!

**3:15-4:30 pm** Session 1.5 Fee Categories 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.

- Kellie Robinson, Department of State  
- Tim Graham, Department of Veterans Affairs

**4:30 pm** Daily Evaluations and Program Recesses

## **Thursday, September 6** *(Instructors appear in their individual capacities)*

**7:30-7:55 am Morning Coffee – Foyer - Visit with Sponsors!**

**7:55-8:00 am Announcements in Respective Meeting Rooms**

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

### **Session 2.1 –Grand Ballroom**

#### **Exemption 5: Privileged Information**

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

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

- *Bill Holzerland, US Government*

### **Session 2.2 –Cannes Room**

#### **Systems of Records Notices (SORNs) and Privacy Impact Assessments (PIAs)**

Now that you have a broad overview of the Privacy Act, it's time to delve into the two key elements of the Act. This session provides practical explanations how a SORN is constructed, how it should be read and interpreted, and how all of the pieces fit together. It also delves into what is a PIA and how it fits into the government's responsibilities and activities. How exactly does it complement a SORN? What does a PIA deliver that a SORN fails to capture? This session is sure to provide you comprehensive knowledge and implementation know-how for the two key Privacy Act requirements.

- *Tim Graham, Department of Veterans Affairs*

- *Cindy Allard, Department of Defense*

**9:15-9:30 am Coffee Break - Foyer - Visit with ASAP Sponsors!**

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

### **Session 2.3 –Grand Ballroom**

#### **FOIA – The Personal Privacy Exemptions: 6 & 7 (C)**

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.

- *Kellie Robinson, Department of State*

- *Jaret Fishman, Housing and Urban Dev.*

### **Session 2.4 –Cannes Room**

#### **Breaches and Remediation**

OMB Memo M-17-12, Preparing for and Responding to a Breach of Personally Identifiable Information establishes policy for Federal agencies to prepare for and respond to a PII breach. Assessing and mitigating the risk of harm and guidance on how to provide notification and services to affected individuals will be discussed.

- *Tim Graham, Department of Veterans Affairs*

**10:45-11:00 am Stretch Break - Foyer - Visit with ASAP Sponsors!**

**11:00-12:15 pm BREAK OUT SESSIONS (Choose One)**

### **Session 2.5 –Cannes Room**

#### **FOIA – Defense, Foreign Relations & Classified Information: Exemption 1**

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, including the interplay of FOIA's emphasis on disclosure with protecting classified national security information.

- *Kellie Robinson, Department of State*

### **Session 2.6 –Grand Ballroom**

#### **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!

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

- *Jaret Fishman, Housing and Urban Development*

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

**1:30-2:45 pm BREAK OUT SESSIONS (Choose One)**

**Session 2.7 –Grand Ballroom**

**Exemption 4: A Very Comprehensive Look**

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.

- Bill Holzerland, US Government

**Session 2.8 –Cannes Room**

**PRIVACY – Where the Rubber Hits the Road**

This session explains how you can help your privacy program work including considerations in balancing competing needs, dealing with scarce resources, and educating others about the importance of Privacy.

- Cindy Allard, Department of Defense

**2:45-3:00 pm Refreshment Break - Foyer - Visit with ASAP Sponsors!**

**3:00-4:30 pm Session 2.9 –Grand Ballroom**

**Interface: Privacy & FOIA**

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

- Cindy Allard, Department of Defense

- Bill Holzerland, US Government

**4:30 pm Daily Evaluations and Program Recesses**

**Friday, September 7 – Grand Ballroom** (Instructors appear in their individual capacities)

**7:30-7:55 am Morning Coffee – Foyer - Visit with Sponsors!**

**7:55-8:00 am Announcements – Kellie Robinson, Chair, Workshop Planning Committee**

**8:00-8:45 am Session 3.1 Appeals, Litigation and Working with Your General Counsel**

Preparing for an administrative appeal and things to keep in mind when the request becomes the subject of litigation and working with your agency General Counsel in these matters.

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

- Bill Holzerland, US Government

**8:45-11:30 am Session 3.2 FOIA Exemptions Redaction Workshop**

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.

- Kellie Robinson, Department of State

- Tim Graham, Department of Veterans Affairs

- Cindy Allard, Department of Defense

**9:45-10:00 am Coffee Break - Foyer - Visit with ASAP Sponsors! – LAST CHANCE**

**10:00-11:30 am Session 3.2 FOIA Exemptions Redaction Workshop - CONTINUED**

**11:30 am Closing Remarks - Daily Evaluations, Program Ends, Certificates of Attendance are Available**

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