



2022 ASAP FOIA/PRIVACY ACT TRAINING WORKSHOP

September 7-9, 2022

InterContinental Kansas City at the Plaza – Kansas City, Missouri

(Instructors may appear in their individual capacities, and instructor assignments may be revised to accommodate additional instructors)

Tuesday, September 6 – Ballroom Prefunction Area

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

Wednesday, September 7

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

8:00-8:10 am Welcoming Remarks, Announcements, and Introductions – Salon 1AB
– Ryan Mulvey, ASAP President

8:10-9:00 am Session 1.01 - Plenary Session – Salon 1AB
The Role of the Office of Government Information Services
Director Alina Semo will outline the role of OGIS, its ombudsman function and how its services and resources can benefit you and your customers.

9:00-9:05 am Stretch Break

9:05-10:00 am Session 1.02 - Plenary Session – Salon 1AB
FOIA Advisory Committee Update – OGIS Director Alina Semo
The National Archives and Records Administration established the Federal Freedom of Information Act (FOIA) Advisory Committee in 2014 to foster dialog between the Administration and the requester community, solicit public comments, and develop consensus recommendations for improving FOIA administration and proactive disclosures. OGIS serves as chair of the committee. OGIS Director Alina Semo will highlight the recommendations put forth by the committee, closing out the 2020-2022 term.

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

10:15-11:30 am BREAK OUT SESSIONS (Choose One)

Session 1.03 – Salon 1AB

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.

-Karen Finnegan Meyers, Koniag Government Services

-Ginger Quintero-McCall, Demand Progress

Session 1.04 – Salon 2

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

This session provides practical explanations as to 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 provides you with comprehensive knowledge and implementation know-how for the two key Privacy Act requirements.

-Kellie Robinson, Dept. of State

11:30-11:45 am Stretch Break - Foyer - Visit with ASAP Sponsors!

11:45-1:00 pm BREAK OUT SESSIONS (Choose One)

**Session 1.05 – Salon 1AB
FOIA Exemptions Overview**

This session will provide an overview of the FOIA's nine exemptions and the basic elements of each exemption.

*-Karen Finnegan Meyers, Koniag Government Services
-Kellie Robinson, Dept. of State*

**Session 1.06 – Salon 2
Privacy Act Overview**

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

-Ramona Branch Oliver, Dept. of State

1:00-2:00 pm Lunch –Salon 3 - Enjoy Lunch with Colleagues and Visit with Sponsors!

2:00-3:15 pm BREAK OUT SESSIONS (Choose One)

**Session 1.07 – Salon 1AB
Exemption 7 (A), (B), (D), (E), and (F)**

Exemption 7 is FOIA's law enforcement tool dealing with records or information compiled for law enforcement purposes – literally a matter of life or death in some cases. Instructors will delve into the "how-to" of processing for these exemptions.

*-Ramona Branch Oliver, Dept. of Labor
-Ginger Quintero-McCall, Demand Progress*

**Session 1.08 – Salon 2
Privacy Act: Individual Right to Access**

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.

*-Mike Sarich, Veterans Health Administration
-Stacy Ekis, Veterans Health Administration*

3:30-3:45 pm Refreshment Break - Visit with ASAP Sponsors!

**3:45-5:00 pm Session 1.09 – Plenary Session – Salon 1AB
The Elements of a Successful Search**

Searches are critically important and a determining factor in retrieving responsive records. Using certain keywords and phrasing can actually reduce your workload and help avoid litigation. Learn what to avoid and what works best, including requester input.

*-Karen Finnegan Meyers, Koniag Government Services
-Ryan Mulvey, Americans for Prosperity Foundation*

5:00 pm Program Recesses

Thursday, September 8

7:30-7:55 am Morning Coffee – Ballroom Prefunction Area - Visit with Sponsors!

7:55-8:00 am Announcements – ASAP President Ryan Mulvey

**8:00-9:00 am Session 2.01 – Plenary Session – Salon 1AB
The Requesters**

A panel of requesters share their perspectives, motivations and stories on how FOIA makes a positive difference and offer tips for successful requests followed by audience questions.

*-Ginger Quintero-McCall, Demand Progress (Moderator)
-Ryan Mulvey, Americans for Prosperity Foundation
-Gunita Singh, Reporters Committee for Freedom of the Press
-Dennis Ellsworth, Missouri Sunshine Coalition*

9:00-9:05 am Stretch Break

9:05 – 10:15 am BREAK OUT SESSIONS (Choose One)

Session 2.02 – Salon 1AB

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.

-Karen Finnegan Meyers, Koniag Government Services

-Gunita Singh, Reporters Committee for Freedom of the Press

Session 2.03 - Salon 2

Exemption 1: Defense, Foreign Relations & Classified Information

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, Dept. of State

10:15-10:30 am Coffee Break - Foyer - Visit with ASAP Sponsors!

10:30-11:45 am BREAK OUT SESSIONS (Choose One)

Session 2.04 – Salon 1AB

Exemption 4: Post Argus

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, and what this means with the 2019 SCOTUS ruling. This session also will focus on Submitter Notice and processing contracts.

-Kellie Robinson, Dept. of State

-Ginger Quintero-McCall, Demand Progress

Session 2.05 – Salon 2

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.

-Ramona Branch Oliver, Dept. of Labor

11:45-12:45 pm Group Lunch – Salon 3 - Enjoy Lunch with Colleagues and Visit with Sponsors!

12:45-2:00 pm BREAK OUT SESSIONS (Choose One)

Session 2.06 - Salon 1AB

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.

-Ginger Quintero-McCall, Demand Progress

-Karen Finnegan Meyers, Koniag Government Services

Session 2.07 – Salon 2

Records Management Overview

This session will provide a broad overview of records management and what you should 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 Branch Oliver, Dept. of Labor

2:00-2:15 pm Refreshment Break - Foyer - Visit with ASAP Sponsors!

2:15-3:30 pm Session 2.08– Plenary Session – Salon 1AB

Appeals, Litigation and Working with Your General Counsel

Learn what's involved in 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.

-Ryan Mulvey, Americans for Prosperity Foundation

-Gunita Singh, Reporters Committee for Freedom of the Press

-Ginger Quintero-McCall, Demand Progress

-Karen Finnegan Meyers, Koniag Government Services

3:30-3:45 pm Stretch Break

3:45-5:00 pm Session 2.09 – Plenary Session – Salon 1AB

Interface: Privacy & FOIA

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

-Karen Finnegan Meyers, Koniag Government Services

-Ramona Branch Oliver, Department of Labor

5:00 pm Daily Evaluations and Program Recesses

Friday, September 9

7:30-7:55 am Morning Coffee – Ballroom Prefunction Area - Visit with Sponsors!

7:55-8:00 am Announcements and Closing Remarks – Salon 1AB - Ryan Mulvey, ASAP President

**8:00-9:15 am Session 3.01 Plenary Session – Salon 1AB
FOIA Updates from the Courts**

This session will provide an “up to the minute” review of recent rulings in FOIA cases. Cases will be correlated to the specific FOIA requirement and review the decisions with tips on their impact for FOIA processing.

-Ryan Mulvey, Americans for Prosperity Foundation

9:15-9:20 Stretch Break

9:20-10:30 am BREAK OUT SESSIONS (Choose One)

**Session 3.02 – Salon 1AB
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, Dept. of State

**Session 3.03 - Salon 2
Privacy Scenarios**

Put your privacy knowledge to use in this interactive session where instructors walk you through various scenarios and help you determine what the correct course of action should be.

-Michael Sarich, Dept. of Veterans Affairs

-Ramona Branch Oliver, Dept. of Labor

10:30-10:45 am Refreshment Break - Foyer - Visit with ASAP Sponsors! – LAST CHANCE

10:45-12:00 pm BREAK OUT SESSIONS (Continued)

**Session 3.02 - Salon 1AB
FOIA Exemptions Redaction Workshop Continues**

**Session 3.03 - Salon 2
Privacy Scenarios Continues**

12:00 pm Program Ends, Certificates of Attendance are Available

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