



American Society of Access Professionals, Inc.

10th Annual National Training Conference
July 24-26, 2017
Renaissance Capital View Hotel - Arlington, Virginia
(Revised 07/19/2017)

Three day training qualifies for IAPP credit for IAPP certification holders, 18.5 CMP for Institute of Certified Records Managers and may be submitted to your State(s) Bar for CLE, retroactively.

Room assignments are subject to change

Sunday, July 23

7:00 pm-9:00 pm ASAP Program Registration/Help Desk – 2nd Floor, Salon Ballroom Area
- An opportunity for our hotel guests to avoid the morning rush.

Monday, July 24

7:30 am-4:30 pm ASAP Program Registration/Help Desk – 2nd Floor, Salon Ballroom Area
- Check in with ASAP Registrars (Only check in one time for all days in attendance)

7:30 am-9:15 am Morning Coffee – Salon Foyer – Visit with Sponsors

7:55 am-8:00 am **Welcome and Introductions for Bonus Class – Amy Bennett, ASAP President – Salon 4**

8:00 am-9:00am **BONUS CLASS - Session 1.01 – Salon 4**
FOIA in Transition

For federal employees, presidential transitions mean more changes than whose photo hangs in the lobby. Learn about how a FOIA professional can successfully navigate all of the changes created by a presidential transition from current and former officials who have had influential roles during handovers of power. Bring your questions about how and what a change in Administration means for your work.

-Moderator Tom Susman, Governmental Affairs Office, American Bar Association

-Joseph Plick, Department of Labor

-Vince Micone, Department of Homeland Security

-Dick Huff, Consultant

8:45 am–9:30 am Morning Refreshments – Salon Foyer – Visit with Sponsors

9:15 am-9:30 am **2017 NTC Kick-Off - Welcome and Announcements – Amy Bennett, ASAP President**
- Salon 4

(Monday, July 24, 2017 Continued)

9:30 am-10:45 am **CONCURRENT SESSIONS – PLEASE CHOOSE ONE**

**Session 1.02 –
Basic/Refresher Track - FOIA
FOIA Processing: Key Procedural
Elements**

We've been refining the FOIA process for over 50 years, and just when we thought we had it figured out, the FOIA Improvement Act of 2016 mandates some new procedures. Instructors will discuss the key procedural elements of the statute including those under the new law. This session will provide a strong foundation for growth and is perfect for newcomers, those seeking a refresher, and those needing an overview of the changes provided in the FOIA Improvement Act of 2016.

*-Jim Hogan, Dept. of Defense
-Bill Holzerland, FEMA*

**Session 1.03 –
Basic/Refresher Track – Privacy
The Privacy Act of 1974: Scope,
Disclosure and Requirements**

Allegations of governmental abuse led Congress to pass the Privacy Act in 1974 (remember Watergate?). The Act's purpose is to balance the Government's need to maintain information about individuals with protecting the rights of those individuals from unwarranted invasion of privacy. This session will cover the basic policy objectives of the Act and compliance; an overview of disclosure of records with and without consent; and agency requirements including civil remedies and criminal penalties. This session is a great basic foundation course and can also be used as the perfect refresher.

-Alex Wood, Dept. of Homeland Security

**Session 1.04 –
Intermediate/Advanced Track –
Call the Lawyers: “Yikes, We’re being
Sued!”**

What happens once a FOIA lawsuit is filed? How do you even learn that your agency has been sued and what your duties and obligations are? The instructors will detail what needs to be done, how to do it and when to do it. You will come away with an understanding of administrative remedies, discovery, Vaughn indices, declarations, duty to segregate, waiver of exemptions in litigation, attorney fees, and much, much more.

*-Dick Huff, Consultant
-Anne Weismann, CREW*

10:45 am-11:00 am Refreshment/Stretch Break – Salon Foyer – Visit with Sponsors

11:00 am-12:15 pm **CONCURRENT SESSIONS – PLEASE CHOOSE ONE**

**Session 1.05 –
Basic/Refresher Track - FOIA
FOIA Exemptions: One to Nine**

Classified information. Business or proprietary information. Attorney-Client privilege. Attorney work product. . Investigatory records. Pre-decisional information. Agency regulations and procedures. Discretionary exemptions. What do the FOIA's nine exemptions cover and how are they applied? This session provides an overview understanding of each exemption and whether you can use discretion in its application. It is a perfect foundation course that is complemented by other sessions that delve into the specific exemptions.

*-Candace Boston, Food and Drug
Administration
-Scott A. Hodes, Attorney at Law*

**Session 1.06 –
Basic/Refresher Track – Privacy
Privacy Roots: SORNs and PIAs**

This session will provide an understanding of where privacy is rooted by describing the fundamentals of the Privacy Act and E-Government compliance through SORNs (Systems of Records Notices) and PIAs (Privacy Impact Assessments). The instructor will detail what a SORN is and how to merge or rescind SORNs. PIA requirements as defined in the E-Government Act of 2002 will be discussed as well as the PIA process, legal and policy distinctions, and SORNs v. PIAs.

*-Timothy Graham, Dept. of Veterans Affairs
-Khaliyah Barnes, Dept. of Justice*

**Session 1.07
Intermediate/Advanced Track –
FOIA/PRIVACY
The Courts Have Spoken: Find Out
What They Said**

This session will provide an “up to the minute” review of recent rulings in FOIA and Privacy Act cases. Dick Huff will cite the cases, correlate them to the specific FOIA or Privacy Act requirement, and review the decisions with tips on their impact for FOIA or Privacy Act processing.

-Dick Huff, Consultant

12:15 pm-1:45 pm Lunch – On Your Own (Have extra time? – Visit with Sponsors)

(Monday, July 24, 2017 Continued)

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

Session 1.08

Basic/Refresher Track – FOIA

Exemption 1: Protecting National Security Information

Protecting classified national security information has been a newsmaker in recent months. Public interest continues to increase, and that translates into complex FOIA requests. In this session you will gain an understanding of how a disclosure statute—FOIA—also protects classified national security information. An overview of the Mandatory Declassification Review process, which differs from the FOIA de-class process, also will be covered.

-John Hackett, *Leidos*

-Nate Jones, *National Security Archive*

Session 1.09

Basic/Refresher Track – Privacy

Privacy Act Conditions of Disclosure

Now that you have a Privacy Act request, what can you release? This session will help you understand Systems of Records Notice and exemption rules as well as the 12 reasons a record may be released without an individual’s authorization.

-Ramona Oliver, *Dept. of Labor*

-Michael Reheuser, *Dept. of the Army*

Session 1.10

Other/Specialty/Niche Track-FOIA

The Alpha and Omega of a Record

What is a federal record and what is “records management?” Explore the life cycle of a record and gain an understanding of how to treat drafts, emails, and other matters including disposition schedules and understanding the definition of a record in the Federal Records Act versus the FOIA.

-Hannah Bergman, *National Archives and Records Administration*

3:00 pm-3:15 pm Refreshment/Stretch Break – Salon Foyer – Visit with Sponsors

3:15 pm-4:30 pm **CONCURRENT SESSIONS – PLEASE CHOOSE ONE**

Session 1.11 –

Basic/Refresher Track – FOIA

Decoding FOIA Exemptions 2, 3 & 7(A),(B),(D),(E),(F)

Some agencies still struggle with exempting information pertaining to internal personnel rules and practices since the Supreme Court threw out “high” 2. Use of Exemption 3 allows certain nondisclosure provisions that are contained in other federal statutes, but only if certain specific qualifications are met. 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.

-Shari Suzuki, *Customs and Border Protection*

-Alina Semo, *Office of Government Information Services*

Session 1.12 –

Basic/Refresher Track – FOIA/Privacy Sister Statutes: FOIA and the Privacy Act

While there are many similarities between the two Acts, the differences are distinct. This session compares the two Acts including processing time limits, appeal rights, fees, exemptions, litigation and more. Instructors will also present various scenarios that will help you think through the processing of each Act.

-Ramona Oliver, *Dept. of Labor*

-Karen F. Meyers, *Dept. of Defense*

Session 1.13 –

Intermediate/Advanced Track

Records Management – Complex Issues

The rapid acquisition and implementation of office related technology may make it difficult for agencies to maintain “adequate and proper” documentation of their organizations’ activities. This session will examine current policies and technologies that challenge our basic recordkeeping understandings. A few recommended solutions to battle the future’s “information gap” will also be offered.

-John Hackett, *Leidos*

4:30 pm Daily Program Ends - Return daily evaluations, Certificates issued for July 24 only attendees

Tuesday, July 25

7:30 am-4:30 pm ASAP Program Registration/Help Desk – 2nd Floor, Salon Ballroom Area
- Check in with ASAP Registrars (Only check in one time for all days in attendance)

7:30 am-9:15 am Morning Coffee – Salon Foyer – Visit with Sponsors

7:55 am-8:00 am **Welcome and Introductions for Bonus Class – Amy Bennett, ASAP President**

8:00 am-8:45 am **BONUS CLASS – Session 2.01 – Salon 4**

The FOIA Improvement Act of 2016

It's been a year since the FOIA Improvement Act of 2016 was enacted. Agency representatives will discuss in detail the new requirements for agency response letters, notices extending FOIA's time limits due to unusual circumstances, and prohibitions on assessing fees.

-Jim Hogan, Department of Defense

-Ginger McCall, Department of Labor

8:30 am -9:15 am Morning Refreshments – Salon Foyer– Visit with Sponsors

8:55 am-9:00 am **Welcome, Announcements and Introductions – Amy Bennett, ASAP President**

9:00 am-9:30 am **Session 2.02 – Salon 4 –KEYNOTE ADDRESS**

– The Honorable Beryl A. Howell

Chief Judge for the U.S. District Court for the District of Columbia

9:35 am – 9:55 am **Special Presentation**

10:00 am-11:00 am **Session 2.03 – Salon 4**

Engagement in the FOIA Process – It's Everyone's Responsibility

Collaborative engagement of all stakeholders drives a successful and results-oriented FOIA program. Requester engagement can help narrow the scope of requests and refine records searches, making your FOIA process more efficient and eliminating barriers to processing requests in a timely manner. Effective communication is critical in avoiding disputes with requesters. In this session, you will hear from an outstanding multi-disciplinary panel of FOIA requesters who will share some of their most rewarding experiences in working with FOIA offices and offer suggestions for how agency FOIA programs can work more collaboratively to effectively administer FOIA.

-Moderator Amy Bennett, Office of Government Information Services

-Adam Marshall, Reporters Committee for Freedom of the Press

-Michael Morisy, MuckRock

-Steven Aftergood, Federation of American Scientists

11:00 am-11:15 am Refreshment/Stretch Break – Salon Foyer – Visit with Sponsors

(Tuesday, July 25, 2017 Continued)

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

Session 2.04 –

Intermediate/Advanced Track – FOIA Exemption 5: It’s a Privilege . . . and Discretionary

New requirements in the FOIA Improvement Act of 2016 directly affect Exemption 5. In addition to the new requirement, instructors will help you understand the Exemption’s complexities, particularly when you need to articulate the potential harm of release. They also 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.

-Ginger McCall, Dept. of Labor

-Anne Weismann, CREW

Session 2.05 –

Intermediate/Advanced Track– Privacy Keeping an Eye on Your Privacy Program: Privacy Compliance and Monitoring

You have built a privacy program, but how confident are you that all of your agency employees are complying with privacy requirements? In order to ensure that your program is as effective as possible, you must have a robust compliance monitoring program. In this session, you will learn more about the importance of a strong and effective oversight program as a component of a top tier privacy program, and see how much more there is to privacy than just PIAs, SORNs, and breach remediation.

-Joo Chung, Dept. of Defense

-Michael Capparra, Dept. of Homeland Security

Session 2.06 –

Other/Specialty/Niche Track FOIA Backlogs – Why Won’t They Go Away?

The word alone makes both agencies and requesters cringe. The harsh reality is that a majority of federal agencies struggle with FOIA backlogs, often leading to adverse consequences. In this session, you will learn tested and proven tips to successfully reduce your FOIA backlog. The session will explore how you can take these tips and implement them at your agency successfully.

-Michael Marquis, Dept. of Health & Human Services

-Jim Hogan, Dept. of the Defense

12:30 pm-1:45 pm **Lunch – On Your Own and Opportunity to Visit with Sponsors**

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

Session 2.07 –

Intermediate/Advanced Track – FOIA Exemption 4: It’s Proprietary

Exemption 4 is one of the most burdensome and complicated of all of the FOIA Exemptions. There are many moving parts to processing these requests with a lot at stake for the businesses involved. Agency considerations and obligations in handling data submitted by business and government contractors will be covered in great detail. Learn how to recognize trade secret and confidential, commercial information. This session will also focus on submitter notice under Executive Order 12600 and contracts.

-Sarah Kotler, Food and Drug Administration

-April Christensen, Dept. of the Navy

Session 2.08 –

Intermediate/Advanced Track– Privacy Batten Down the Hatches . . . We have a Breach!

Unfortunately, it is all too common to hear about another massive breach suffered at a major retailer, health care organization or government agency. Clearly, major security threats and vulnerabilities abound. Are your agency systems, programs, policies AND personnel capable of protecting PII? In this session, you will learn strategies for effectively responding to breaches as well as how to effectively mitigate risks associated with large data breaches.

-Michael Reheuser, Dept. of the Army

-Timothy Graham, Dept. of Veterans Affairs

Session 2.09 –

Other/Specialty/Niche Track Great Customer Service: Finding Ways to Deliver

A respectful relationship and courteous interactions between processor and requester go a very long way toward fulfillment of a request, veteran processors and requesters will attest. (You don’t have to become BFFs.) Listen to how a frequent requester and veteran processor have developed their relationship over the years to include trust and candor, and the positive impact that has had on request timing, scope, and acceptance of the search and available information.

-Brent Evitt, Defense Intelligence Agency

-Mark Zaid, The Law Office of Mark S. Zaid, P.C.

3:00 pm-3:15 pm **Refreshment Break – Salon Foyer – Visit with Sponsors**

(Tuesday, July 25, 2017 Continued)

3:15 pm-4:30 pm **CONCURRENT SESSIONS – PLEASE CHOOSE ONE**

Session 2.10 -

Intermediate/Advanced Track – FOIA Exemptions 6 and 7(C): The Privacy Interest

Exemptions 6 and 7(C) are the FOIA's key privacy exemptions, and the most used exemptions government-wide. In this session, you will learn about the protections provided for personal information in general government and investigative files. It will help you understand what is considered private information in your agency's records, and the factors for balancing it with the public interest. You will also learn about categorical withholding and segregation.

-Ginger McCall, Dept. of Labor

-Khaliyah Barnes, Dept. of Justice

Session 2.11 –

Intermediate/Advanced Track– Privacy Privacy Scenarios: Real-Life Situations – You make the Call

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. This session was so popular last year that we thought an encore was in order.

-Claire Barrett, Dept. of Transportation

-Ramona Oliver, Dept. of Labor

Session 2.12 -

Other/Specialty/Niche Track PORTALS

What is the architecture behind a portal, and what resources and collaborative efforts are needed from agencies? What kind of impact is there on centralized versus decentralized agencies? Panelists who are in the driver seats will discuss these items, other pros and cons and the impact for the requester community.

-Michael Morisy, MuckRock

-Leah Bannon, 18F

-Tim Crawford, Environmental Protection Agency

-Matt Gardner, Office of Information Policy, Dept. of Justice

4:30 pm Daily Program Ends - Return daily evaluations, Certificates issued for July 24-25 only attendees

4:30-5:30 pm Networking Reception – Studio B (Redeem ticket received at registration)

Wednesday, July 26

7:30 am-4:30 pm ASAP Program Registration/Help Desk – 2nd Floor, Salon Ballroom Area
- Check in with ASAP Registrars (Only check in one time for all days in attendance)

7:30 am-9:15 am Morning Coffee – Salon Foyer

7:55 am-8:00 am **Welcome and Introductions for Bonus Class - Amy Bennett, ASAP President – Salon 4**

8:00 am-9:00 am **BONUS CLASS - Session 3.01 – Salon 4**

FOIA Liaisons as Dispute Resolvers: Who You Gonna Call?

A year after the FOIA Improvement Act of 2016 went into effect, there is still a lot of confusion regarding the Office of Government Information Services (OGIS) and FOIA Public Liaison roles in the process. FOIA Public Liaisons and OGIS discuss how to help requesters without complicating the FOIA process.

-Carrie McGuire, Mediation Team Lead, OGIS

-Timothy Graham, Department of Veterans Affairs

-Kellie Robinson, Department of State

8:45 am-9:15 am Morning Refreshments Available – Salon Ballroom Foyer – Visit with Sponsors

9:10 am – 9:15 am **Welcome and Announcements – Amy Bennett, ASAP President**

(Wednesday, July 26, 2017 Continued)

9:15 am-10:30 am **Plenary Session 3.02 – Salon 4**
How Capstone Changes Everything: New Developments in Federal Recordkeeping Policies That Will Affect FOIA Access Forever

NARA's Capstone policy for email archiving has been adopted by a large number of federal agencies since it went into effect on December 31, 2016. The policy for electronically managing email in the Archivist of the United States' Managing Government Records Directive of 2012, requires designated senior officials to preserve their emails on a permanent basis. In this session we will explore the long-term implications of Capstone's implementation across the federal government in terms of providing greater FOIA access to electronic records, as well as other recent NARA policy initiatives with an impact on agency FOIA processes.

-Jason R. Baron, Drinker Biddle LLP (and former Director of Litigation, NARA)

10:30 am-10:45 am Refreshment Break – Salon Foyer -Visit our Sponsors!

10:45 am-12:00 pm **CONCURRENT SESSIONS – PLEASE CHOOSE ONE**

Session 3.03 – Intermediate/Advanced Track – FOIA Redaction Workshop – Part I

This session is the culmination of the previous sessions on how exemptions are used during FOIA processing. Instructors will review the necessary knowledge, skills, abilities, best practices, and applicable statutes to applying redaction. Then they will launch into various scenarios requiring audience participation to determine the correct redactions and exemption cites.

-Fred Sadler, Consultant
-Michael Reheuser, Dept. of Defense
-Joel D. Miller, Ret., FBI

Session 3.04 – Intermediate/Advanced Track– Privacy Federal Privacy – Year in Review

The President, the Office of Management and Budget (OMB), and the newly created Federal Privacy Council have re-invented the way that the federal Government approaches privacy. From the President signing Executive Order 13719 creating the Federal Privacy Council, to the landmark publication of OMB Circulars A-130 and A-108 updating nearly 20 year-old OMB direction, the policy and regulatory framework that dictates how the Government protects personal information has been completely overhauled. Come hear what else is underway, and what else to expect in the future.

-Shannon Dahn, Federal Deposit Insurance Corporation

Session 3.05 – Other/Specialty/Niche Track Voluminous or Complex Requests

Over time both agencies and requesters have become more knowledgeable and sophisticated. New legislation, developing technologies and promotion of best practices have all contributed to more efficient processing. With hopes being that this would help reduce processing time and backlogs, in many cases quite the opposite is true. As more information is posted online including raw data, requesters are using the information to seek more information and file subsequent and multi-faceted requests. So what does an agency do when it knows that release of information is going to generate these large requests requiring coordination among its component offices as well as other agencies?

-Kellie Robinson, Dept. of State
-Kathy Ray, Dept. of Transportation
-Cindy Cafaro, Dept. of the Interior

12:00 pm-1:30 pm Lunch – On Your Own – Visit with Sponsors

(Wednesday, July 26, 2017 Continued)

1:30pm-2:45 pm

CONCURRENT SESSIONS – PLEASE CHOOSE ONE

**Session 3.03 _ Part II
Intermediate/Advanced
Track – FOIA
Redaction Workshop
– Part II**

Continuation of session from
10:45 am

*-Fred Sadler, Consultant
-Michael Reheuser, Dept. of
Defense
-Joel D. Miller, Ret., FBI*

**Session 3.06 –
Intermediate/Advanced
Track - FOIA
Everything You Ever
Wanted to Know About
FOIA Fees**

Fee categories and fee waivers confuse even the most seasoned FOIA requesters and processors. Learn the criteria for determining fee categories, i.e., where do bloggers fit in, and factors in deciding fee waiver requests. A recent court case may even change the way agencies consider one type of requester. You will also learn administrative tips on how to keep the process moving and what to do as you wait for other agencies' offices to respond.

*-Ginger McCall, Dept. of Labor
-Sean Moulton, POGO*

**Session 3.07 –
Intermediate/Advanced
Track– Privacy
Privacy in an Agile
Environment**

Increasingly, the privacy frameworks about which we have been learning will be challenged not by a new “threat” to privacy but by new approaches to how technology and software are designed and built. Agile development approaches software development in an adaptive environment, permitting phased or evolutionary development, early delivery, and allowing for continuous improvement. Agile techniques rely on close-knit teams. Privacy officials typically rely on a framework of laws, regulations, and OMB Guidance on privacy impact assessments, systems of records notices, and other privacy reviews designed around a more traditional software development lifecycle. Privacy officers typically work with development teams, but often are not part of them. These typically allow time for deliberation, drafting, coordination, while remaining independent. This sessions is designed to help introduce agile development to privacy officials, and to introduce methodologies for how to approach privacy in an agile environment.

*-Shannon Dahn, Federal Deposit
Insurance Corporation*

**Department of
Homeland Security
Agency Breakout**

This session is an expanded breakout session for US Department of Homeland Security employees. It will continue after the 2:45 – 3:00 p.m. break until 4:30 p.m.

*-Catrina Pavlik-Keenan
-Bill Holzerland
-Jill Eggleston
-Larry Castelli*

2:45 pm-3:00 pm

Refreshment Break – Salon Foyer – Visit with Sponsors

(Wednesday, July 26, 2017 Continued)

3:00 pm-4:30 pm

Session 3.08 Agency Breakouts

Perhaps the most popular feature of the NTC, breakout sessions by agency will be organized based on the program attendance. All attendees are expected to attend their specific agency session. There will also be a session for “non-specific” so that all can attend a session.

- *Non-specific Agency – Ginger McCall, Marianne Manheim*
- *Bureau of Reclamation (All Dept. of the Interior are welcome) – Debbie Suehr*
- *Department of Defense – Cindy Allard, Jim Hogan*
- *Department of Energy – Alexander “Chris” Morris*
- *Department of Homeland Security (Continues from 1:30 pm Time Frame)*
- *Department of State – Kellie Robinson*
- *Department of Transportation – Kathy Ray*
- *Department of Veterans Affairs – Tim Graham, Barbara Swailes*

4:30 pm

Daily Program Ends - Return Daily Evaluations, Certificates of Completion Issued

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