



American Society of Access Professionals, Inc.

11th Annual National Training Conference
July 23-25, 2018
Renaissance Capital View Hotel - Arlington, Virginia
(Revised 7/06/2018)

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

Sessions, Instructors and Room assignments are subject to change

Sunday, July 22

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 23

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**
Legislative Update
Congressional staffers offer unique insights on recent, pending or potential legislation.

9:00 am–9:15 am Morning Refreshments – Salon Foyer – Visit with Sponsors

9:20 am-9:30 am **2018 NTC Welcome & Announcements – Amy Bennett, ASAP President - Salon 4**

9:30 am-10:45 am **Session 1.02 – Salon 4**
Updates on the FOIA Advisory Committee
Over the last two years, FOIA agency professionals and nongovernment representatives on the FOIA Advisory Committee have worked together to identify some of the greatest challenges in the administration of FOIA, and to find common ground on ways to improve the process. On April 17, 2018, the Committee approved its Final Report and Recommendations to the Archivist of the United States, which includes specific actions for the Archivist to take to address FOIA search technology, FOIA and accessibility, and FOIA performance standards and an extensive set of best practices to improve implementation.

Moderator: Alina Semo, Office of Government Information Services, NARA
Panelists: Ginger McCall, Oregon Public Records Advocate
Michael Bell, Department of Health and Human Services
Representative, Department of the Treasury (Pending Approval)

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

11:00 am-12:30 pm **CONCURRENT SESSIONS – PLEASE CHOOSE ONE**

**Session 1.03 –
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
-Amy Bennett, NARA, OGIS*

**Session 1.04 –
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.

-Ramona Oliver, Dept. of Labor

**Session 1.05 –
Other/Specialty/Niche Track
What to Expect in FOIA Litigation**

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.

*-Anne Weismann, CREW
Jeanette Wise, NARA*

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

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

**Session 1.06 –
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.

*-Stephanie Carr, Dept. of Defense
-Representative, CFPB (Pending Approval)*

**Session 1.07 –
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.

*-Cindy Allard, Dept. of Defense
-Ramona Oliver, Dept. of Labor*

**Session 1.08
Other/Specialty/Niche Track-FOIA
Hear Ye: 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.

*-Ginger McCall, Oregon Public Records
Advocate
-Scott Hodes, Scott A Hodes, Attorney-At-Law*

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 1.09

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.

-Brent Evitt, Defense Logistics Agency

Session 1.10

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

Session 1.11

Other/Specialty/Niche Track-FOIA Defining a Federal 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.

4:30 pm

Daily Program Ends - Return daily evaluations, Certificates issued for July 23 only attendees

Tuesday, 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

8:00 am-8:45 am

BONUS CLASS – Session 2.01 – Salon 4
Improving FOIA Responsiveness and Performance to Address Increasing Demand
Sam Kaplan, Chief Privacy Officer/Chief FOIA Officer, Department of Homeland Security

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 Announcements

10:00 am-11:00 am **Session 2.03 – Salon 4**
Why Requesters Sue?
Moderator: Kirsten Mitchell, Office of Government Information Services
Panelists: Katie Townsend, Reporters Committee for Freedom of the Press
Representative, Cause of Action (Invited)
Representative, American Oversight (Invited)

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

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

Session 2.04 – Intermediate/Advanced Track – FOIA Exemption 5: It’s a Privilege

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, Oregon Public Records Advocate
-Anne Weismann, CREW

Session 2.05 – 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.

-Ramona Oliver, Dept. of Labor

Session 2.06 – Other/Specialty/Niche Track -FOIA Strategies for Reducing FOIA Backlogs

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 and Human Services
-Catrina Pavlik-Keenan, Dept. of Homeland Security

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

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.

-Viki Halabuk, Dept. of Defense

Session 2.09 – Other/Specialty/Niche Track

Session in Development

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

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.

-Joel D. Miller, Ret., FBI

-Marianne Manheim, National Institutes of Health

Session 2.11 –

Basic/Intermediate/Refresher Track –

Session in Development

Session 2.12 –

Other/Specialty/Niche 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.

4:30 pm

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

Wednesday, 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

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
Scenarios – Easy Things to Do**

Things do not always go as smoothly as hoped when processing requests, but no one wants unhappy customers. There are some things you can do to resolve disputes and still end up on the side of excellent customer service.

-Michael Bell, Dept. of Health and Human Services

-Kellie Robinson, Dept. of State

-Ray McNerney, Securities and Exchange Commission

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

9:15 am-10:30 am

**Plenary Session 3.02 – Salon 4
Improve FOIA Processes – Technical Solutions to Current FOIA Problems
(Content in Development)**

- *Nick Wittenberg, Environmental Protection Agency*

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.

*-Jim Hogan, Dept. of Defense
-Joel D. Miller, Ret., FBI*

Session 3.04 – Intermediate/Advanced Track–Records Management

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.

Session 3.05 – Other/Specialty/Niche Track Working with Litigious Groups

The FOIA request is complex. Your search yielded no responsive records. You are awaiting on another agency’s response. You are down two staff members. Time is running out. You know what is coming next, but is there anything you can do to help meet the requester’s needs before a lawsuit is filed?

-Alina Semo, OGIS

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

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

*-Jim Hogan, 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, Oregon Public Records Advocate

Session 3.07 – Intermediate/Advanced Track– FOIA Decoding FOIA 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.

-Alina Semo, OGIS

2:45 pm-3:00 pm Refreshment Break – Salon Foyer – Visit with Sponsors

3:00 pm-4:30 pm

Session 3.08 Agency Breakouts (Agencies scheduled are tentative, unless otherwise noted)

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*
- ***NEW!** Exemption 8 – Ray McInerney, Securities and Exchange Commission*
- *Department of Defense – Cindy Allard and Jim Hogan*
- *Department of Energy – Chris Morris*
- *Department of State- Kellie Robinson*
- *Department of Veterans Affairs – Michael Sarich*

4:30 pm

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

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2) Speakers/Instructors appear in their individual capacities.

3) ASAP strongly encourages all federal government speakers who have prepared presentations under the auspices of their respective agencies, to comply with their agency guidelines in terms of making materials publically available. Participants should NOT assume that all of these presentations are available for sharing and posting on agency sites. Some presenters are not federal government employees and may retain rights to their materials. Some presenters who are federal employees may have prepared materials on their own time. All have generously given of their time to bring the best in education. If you are interested in sharing any of the presentations, please contact the ASAP office, and we are happy to work with you.

4) The names of participants registered for ASAP training may be shared among fellow attendees including agency/company affiliation and city/state location (as submitted for registration purposes or pulled from the database). Registrants also may specifically opt-in for email address sharing. By registering for the event, participants agree to be included in the List of Attendees (name, affiliation and city/state) that will be distributed in hard copy. (This is NOT posted on our website.) The List of Attendees is available for event attendees, event sponsors/vendors and ASAP members in order to facilitate networking among parties. Additionally, by registering, participants give permission to use photographs and video which may include them for marketing purposes including social media marketing. Those who do not wish to have their information included on the roster of attendees or appear in any photos should contact us at asap@accesspro.org.

5) ASAP does not endorse any products or services.