



American Society of Access Professionals, Inc.



Photo credit: Shutterstock

15th Annual National Training Conference
July 19-21, 2022
Renaissance Capital View Hotel - Arlington, Virginia
OVERVIEW FOR CORE SESSIONS

SPECIAL NOTE: The Planning Committee is developing the program. There are certain “core” sessions that are included in the training program each year. The descriptions for those core sessions are below. There will be additional sessions added. Programming is subject to change. The complete program will be posted on the website as soon as it is available.

FOIA Procedural Overview

This is the perfect starting point for newcomers and those seeking to refresh their grasp of the Act’s requirements. Included is discussion of the key procedural elements of the statute, including those required under the FOIA Improvement Act of 2016, and a summary of its exemptions. This session ensures that you have a basic working knowledge of the FOIA and will provide a strong foundation for growth.

FOIA: The Nine Exemptions Overview

This session discusses in general the nine exemptions, their applications, and sets the stage for additional deep-dive sessions on individual exemptions.

The Privacy Act of 1974 Overview

The Privacy 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.

What’s New in Case Law?

Learn more about recent developments in FOIA and Privacy case law and how it could affect your policies.

Fee Categories and Other Administrative Matters

Fee categories confuse even the most seasoned FOIA requesters and processors. Learn the criteria for determining fee categories, i.e., where do bloggers fit, and factors in deciding fee waiver requests. Also learn administrative tips on how to keep the process moving and what to do as you wait for other agencies to respond.

Privacy Act: Processing and Conditions of Disclosure

Now that you have a request, what can you release? This session will help you understand systems of records notice and exemption rules; and the 12 reasons a record may be released without an individual’s authorization.

Records Management

Exactly, 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. This session also delves into the Managing Government Records Directive, Presidential memorandum and Capstone.

Exemptions 2 and 3

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.

Exemptions 7(A), (B), (D), (E), (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.

FOIA and the Privacy Act Interface

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.

Exemption 5: Privileged Information

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.

Business Information: Exemption 4

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.

Privacy and the FOIA: Exemptions 6 and 7(C)

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.

Defense, Foreign Relations & Classified Information: Exemption 1

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.

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 be a session for “non-specific” so that all can attend a session.

Disclaimers & Copyright

- 1) 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.
- 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) ASAP and any/or its suppliers shall be held harmless and will not be held liable for any consequential or incidental damages to any user hardware or other software resulting from the installation and/or use of the program CD, should there be one.
- 5) ASAP does not endorse any products or services.