



# FOIA-PRIVACY ACT TRAINING WORKSHOP – WEST

(Includes Records Management and Updated Content based on New 2016 Law)

May 11-12, 2017 - Magnolia Hotel – Denver, Colorado

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ICRM – Program Qualifies for 11.50 ICRM credits

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**SPECIAL FEATURE! A table of experts will be available throughout the Workshop for one-on-one questions and answers with the registrants**

## Wednesday, May 10 - Library

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

## Thursday, May 11 – Larimer Champa Meeting Room

7:15-8:00 am Registration & Morning Coffee – Visit with the ASAP Sponsors!

8:00-8:15 am Welcoming Remarks & Announcements – Scott Hodes

8:15-9:30 am **Session 1.1 Freedom of Information Act Procedural Overview**

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 recent statutory amendments.

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

- Brent Evitt, Defense Intelligence Agency

9:30-9:45 am Coffee Break - Foyer - Visit with ASAP Sponsors!

9:45-11:00 am **Session 1.2 FOIA Exemptions Overview**

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

- Fred Sadler, Consultant (Ret., FDA)

- Brent Evitt, Defense Intelligence Agency

11:00-11:15 am Stretch Break

11:15-12:30 pm **Session 1.3 Privacy Act Overview**

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

- Michael Reheuser, Department of the Army

- Ramona Oliver, Department of Labor

12:30-1:45 pm Lunch –Enjoy Lunch with Colleagues and Visit with Sponsors! – Lounge Area

1:45-3:00 pm **Session 1.4 Fees, Fee Waivers 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.

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

- Fred Sadler, Consultant (Ret., FDA)

3:00-3:15 pm Coffee Break - Foyer - Visit with ASAP Sponsors!

3:15-4:30 pm **Session 1.5 Interface: FOIA & Privacy Act**

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

- Ramona Oliver, Department of Labor

- Michael Reheuser, Department of the Army

4:30 pm Daily Evaluations and Program Recesses

## **Friday, May 12**

**7:15-7:55 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**

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

This session will discuss the elements and privileges incorporated in Exemption 5, to include the Ex. 5 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*

- *Michael Reheuser, Department of the Army*

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

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

### **Session 2.3**

#### **FOIA – Defense, Foreign Relations and 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. Speakers will also discuss the interplay of FOIA's emphasis on disclosure with protecting classified national security information.

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

- *Brent Evitt, Defense Intelligence Agency*

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

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

### **Session 2.5**

#### **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.

- *Brent Evitt, Defense Intelligence Agency*

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

### **Session 2.2**

#### **Systems of Records Notices (SORNs)**

Now that you have a broad overview of the Privacy Act, it's time to delve into the how's and why's of a SORN. This session provides a practical explanation and exercise of how a System of Records Notice (OPM/GOV'T-1) is constructed, how to read and interpret it, and how all of the pieces must fit together.

- *Fred Sadler, Consultant (Ret., FDA)*

### **Session 2.4**

#### **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.

- *Michael Reheuser, Department of the Army*

### **Session 2.6**

#### **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!

- *Ramona Oliver, Department of Labor*

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

**Session 2.7**

**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.

- Fred Sadler, Consultant (Ret., FDA)
- Scott Hodes, Scott A. Hodes, Attorney at Law

**Session 2.8**

**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 Oliver, Department of Labor

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

**3:00-4:30 pm BREAK OUT SESSIONS (Choose One)**

**Session 2.9**

**FOIA Exemption Redaction Workshop**

This interactive session will provide you with hands-on practice in applying the FOIA exemptions to different types of documents.

- Fred Sadler, Consultant (Ret., FDA)
- Brent Evitt, Defense Intelligence Agency
- Michael Reheuser, Department of the Army

**Session 2.10**

**NEW! Session 3.1 Appeals, Litigation and Working with Your General Counsel**

This session will help you prepare for an administrative appeal by laying out things to keep in mind when the request becomes the subject of litigation. It will also provide tips for working with your agency General Counsel in these matters.

- Scott Hodes, Scott A. Hodes, Attorney at Law
- Ramona Oliver, Department of Labor

**4:30 pm Daily Evaluations, Program Ends, Certificates of Attendance are Available**

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