



American Society of Access Professionals, Inc.

6th Annual National Training Conference

May 12-15, 2013

Renaissance Capital View Hotel - Arlington, Virginia

(revised 050513)

Sunday, May 12

6:30pm – 9:30pm Program Registration – check in and pick up your program materials – Salon Ballroom Registration Area

Monday, May 13

7:30am-5:00pm Program Registration - check in and pick up your program materials – Salon Ballroom Registration Area

8:00am-9:00am Session 1.01 Bonus Class – The Plain Writing Act and FOIA

It’s the law! The Plain Writing Act of 2010 requires that federal agencies use "clear Government communication that the public can understand and use." This follows the 1998 executive memo issued by President Clinton requiring agencies to write in plain language, and in 2004, an interagency task force called for federal websites to be written in plain language. In workshop fashion, this session will compare and contrast examples of actual letters to show how to employ plain writing techniques to communicate more effectively with the public.

- Karen Finnegan, Department of State

- Carrie McGuire, Office of Government Information Services, NARA

8:30am-9:00am Morning Refreshments Available – Salon Ballroom Foyer

9:00am-9:45am Keynote Address – The Honorable Royce C. Lamberth

9:45am-10:00am Awards Presentation

Directors’ Award – Public Interest Declassification Board

President’s Award – Miriam Nisbet

10:00 am - 10:15am Stretch Break

10:15am-11:30am CONCURRENT SESSIONS – PLEASE CHOOSE ONE

**Session 1.02
Basic/Refresher Track - FOIA**

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 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.

- Carmen Mallon, Dept. of Justice, OIP

- Dione Stearns, Federal Trade Commission

**Session 1.03
Basic/Refresher Track – Privacy**

The Privacy Act of 1974 Overview

A great basic or refresher overview featuring the scope of the Act; policy objectives; what has changed since its inception; its impact on how we conduct business; systems of records notices; exemptions and administrative considerations.

- Ramona Oliver, Dept. of Labor

**Session 1.04
Intermediate/Advanced Track - FOIA**

Litigation: Procedures and Requirements

This session will cover the procedural and legal requirements for filing a complaint in Federal District Court and what happens inside an agency after a requester initiates litigation.

- Anne Weismann, CREW

- Joel D. Miller, Federal Bureau of Investigation

11:30am-11:45am Stretch/Refreshment Break

11:45am-1:00pm **CONCURRENT SESSIONS – PLEASE CHOOSE ONE**

Session 1.05
Basic/Refresher Track - FOIA

FOIA: The Nine Exemptions Overview

This session is in lecture style format and discusses in general the nine exemptions, their applications, and sets the stage for additional sessions on individual exemptions. This session ensures that you have a basic working knowledge of the FOIA and will provide a strong foundation for growth.

- Will Kammer, Dept. of Defense
- Joel D. Miller, FBI

Session 1.06
Basic/Refresher Track – Privacy

Writing and Using Privacy Act Statements

You've just learned of a collection of personally identifiable information that doesn't contain a Privacy Act Statement (PAS). Do you know when a PAS is required and how to write one if you need to? Building on the information on SORNs provided in Privacy Act Overview, in this session you'll learn how to use a System of Records Notice to write a strong PAS along with other useful tips for writing effective PASs.

- Cindy Allard, Dept. of Defense
- Debra Danisek, Dept. of Homeland Security

Session 1.07
Intermediate/Advanced Track – FOIA/PRIVACY

What's New in Case Law? (NEW INFORMATION)

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

- Dick Huff, Consultant

1:00pm-2:15pm Lunch – On Your Own

2:15pm-3:30pm **CONCURRENT SESSIONS – PLEASE CHOOSE ONE**

Session 1.08
Basic/Refresher Track – FOIA

Fees, Fee Waivers and Other Administrative Matters (BACK BY POPULAR DEMAND)

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, Attorney-at-Law
- Doug Hibbard, OIP, Justice

Session 1.09
Basic/Refresher Track - Privacy

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.

- Cindy Allard, Dept. of Defense

Session 1.10
Intermediate/Advanced Track – FOIA

The Office of Information Policy Update: Hot Topics (NEW INFORMATION)

The latest news and any updated information and/or guidance.

- Melanie Pustay, Dept. of Justice, OIP

3:30pm-3:45pm Stretch/Refreshment Break

3:45pm-5:00pm

CONCURRENT SESSIONS – PLEASE CHOOSE ONE

**Session 1.11
Basic/Refresher Track - FOIA**

FOIA and the Privacy Act Interface

This session explores the complex relationship between the Privacy and the Freedom of Information Acts: when to apply the statutes, where they dovetail, and where they diverge. This also includes a discussion of the issues affected by both Acts.

- *Ramona Oliver, Dept. of Labor*

**Session 1.12
Basic/Refresher Track - Privacy**

Breaches and Remediation (NEW!)

OMB Memo (M) 07-16, Safeguarding Against and Responding to the Breach of Personally Identifiable Information (PII) established core policy definitions and privacy incident reporting requirements for federal agencies. Learn how to identify incidents, initiate appropriate response efforts, and implement corrective actions, when there has been a breach and privacy data have been lost or otherwise made public.

- *Tim Graham, Dept. of Veterans Affairs*
- *Kate Claffie, Dept. of Homeland Security*

**Session 1.13
Intermediate/Advanced Track – FOIA**

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

This session will explore these exemptions in-depth.

- *Karen Finnegan, Dept. of State*
- *Shari Suzuki, CBP, Dept. of Homeland Security*

5:00pm

Daily Program Ends - Return daily evaluations, Certificates issued for May 13 only attendees

Tuesday, May 14

7:30am-5:00pm

Program Registration - check in and pick up your program materials – Salon Ballroom Registration Area

8:00am-9:00am

Session 2.01 Bonus Class – Historical, Precedent Setting Litigation (Landmark Decisions)

There are more than 4500 court decisions on issues concerning agency FOIA implementation, but only a few have truly defined how we administer the statute. This session looks at some of those critical decisions, and provides another foundation for truly understanding the FOIA.

- *Miriam Nisbet, Office of Government Information Services, NARA*
- *Anne Weismann, Citizens for Responsibility and Ethics in Washington*

8:30am-9:00am

Morning Refreshments Available – Salon Ballroom Foyer

9:00am-10:15am

CONCURRENT SESSIONS – PLEASE CHOOSE ONE

**Session 2.02
Intermediate/Advanced Track – FOIA**

Exemption 5: Privileged Information

This session 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.

- *Anne Weismann, CREW*
- *Brentin Evitt, Defense Intelligence Agency*

**Session 2.03
Intermediate/Advanced Track– Privacy**

Writing PIA's & SORNS

The E-Gov Act has made Privacy Impact Assessments a part of everyone's life. Just what is a PIA and how does it fit into the government's responsibilities and activities? Systems of Records Notices - What's involved in writing a SORN, when should you prepare a SORN, how should SORNS be updated, and how can Program Managers help in drafting a SORN? This session is sure to provide you comprehensive knowledge and implementation know-how for the two key privacy law requirements.

- *Cindy Allard, Dept. of Defense*
- *Fred Sadler, Food & Drug Administration*

**Session 2.04
Other/Specialty/Niche Track**

Records Management Overview (Basic/Refresher)

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, Dept. of Labor*
- *Jay Olin, NARA*

10:15am-10:30am Stretch/Refreshment Break

10:30am-11:45am **CONCURRENT SESSIONS – PLEASE CHOOSE ONE**

Session 2.05
Intermediate/Advanced Track – FOIA

Business Information: Exemption 4

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 focuses on Submitter Notice under E.O. 12,600 and contracts.

- Fred Sadler, Food & Drug Administration
- David Schuman, NASA

Session 2.06
Intermediate/Advanced Track– Privacy

Setting Up an Effective Privacy Program

What does it take to run an effective privacy program? Come and hear from experts who have built privacy programs from scratch. You will learn about the legal requirements and operational structures that need to be in place to ensure that your program is effective.

- Mike Reheuser, Dept. of Defense
- Charlene Thomas Ret., Dept. of State
- Larry Kearley, Barrister and Solicitor

Session 2.07
Other/Specialty/Niche Track

Records Management – (Advanced)

Records Management is an area vital to documenting history and facilitating accountability throughout the government. Emerging technology and inheriting issues from others often create a source of frustration but provides an opportunity for improvement and efficiency too. Hear from the newest federal agency that found itself in the unique position of creating a records management program from the ground up and building a culture focusing on the importance of records. This session will provide you with a roadmap on how to create a records management program that is intimately involved with the Privacy and the Freedom of Information Offices. Key topics will include building a positive agency culture and collaborative environment, utilizing records liaison officers, drafting policies, training, and many other areas centering on an effective program.

- Martin Michalosky, CFPB
- Claire Stapleton, CFPB
- Steven Coney, CFPB

11:45am-1:15pm Lunch – On Your Own

1:15pm-2:30pm **CONCURRENT SESSIONS – PLEASE CHOOSE ONE**

Session 2.08
Intermediate/Advanced Track – FOIA

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

An examination of the protections provided by FOIA Exemptions 6 and 7(C) for personal information in general government and investigative files. This session will help you understand what is considered private information in your records, and how it is balanced against the public interest.

- Karen Finnegan, Dept. of State
- Marianne Manheim, Dept. of State

Session 2.09
Intermediate/Advanced Track– Privacy

OPM Government-Wide System of Records Notices (SORNs)

OPM issued government-wide SORNs that cover a wide-range of records that every Federal agency maintains. Come and learn the specifics of these SORNs so that you can rest assured that your agency's systems of records are properly covered and to avoid duplicating efforts in getting your Privacy Act systems of records in order.

- Dick Huff, Consultant

Session 2.10
Other/Specialty/Niche Track

Technology Update
(NEW INFORMATION!)

Requests are on the rise and budgets are being slashed, can technology really be the solution? This session will focus on innovative ways to employ technology into the FOIA realm. Hear about successfully partnering with others to share technology as well as costs, leveraging the latest eDiscovery tools to conduct thorough records searches, proven steps on implementing an eFOIA application, and sharing FOIA data with internal stakeholders and the public too.

- Martin Michalosky, CFPB
- Vanessa Brinkmann, OIP, Justice
- Joey Hutcherson, Commerce

- 2:30pm-2:45pm Stretch/Refreshment Break
- 2:45pm-4:00pm Plenary Session
Session 2.11 Requesters' Panel
 Many, many requesters have established good working relationships with agency personnel. In this spirit of cooperation, excellent information is released and important stories become available to the public. Requesters will share their experiences.
 Moderator: - Amy Bennett, *Openthegovernment.org*
 Panelists:
 - Jennifer Peebles, *The Washington Examiner*
 - Nate Jones, *National Security Archive*
 - Jason Leopold, *Truthout.org*
 - Michael Smallberg, *POGO*
- 4:00pm Daily Program Ends - Return daily evaluations, Certificates issued for May 13-14 only attendees

Wednesday, May 15

- 7:30am-10:30am Program Registration - check in and pick up your program materials – Salon Ballroom Registration Area
- 8:00am-9:00am **Session 3.01 Bonus Class – Legislation Update**
 Congressional staffers will update you on upcoming or pending legislation
 - Tegan Millspaw, *Research Analyst, house Committee on Oversight and Government Reform*
 - Krista Boyd, *Counsel/Deputy Director of Legislation, House Committee on Oversight and Government Reform*
 - To Be Confirmed
- 8:30am-9:00am Morning Refreshments Available – Salon Ballroom Foyer
- 9:00am-10:15am **CONCURRENT SESSIONS – PLEASE CHOOSE ONE**

Session 3.02 Intermediate/Advanced Track – FOIA

Defense, Foreign Relations & 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.

- Will Kammer, *Department of Defense*
- Brent Evitt, *Defense Intelligence Agency*

Session 3.03 Intermediate/Advanced Track –Privacy

Privacy Act Scenarios

This session is in development.

- Ramona Oliver, *Dept. of Labor*
- William Holzerland, *FDA*

Session 3.04 Other/Specialty/Niche Track

The Mediation Process

FOIA Public Liaisons are charged with the duty to assist in resolving any dispute between a requester and an agency. However, anyone in the FOIA community can assist in resolving disputes. It's always best to find common ground early on and mediation is a well-defined process that brings people together to facilitate communication in order to achieve mutual cooperation and resolve disputes. This session will introduce you to the mediation process.

- Kathy Ray, *Dept. of Transportation*
- Kirsten Mitchell, *OGIS, NARA*

- 10:15am-10:30am Stretch/Refreshment Break

10:30am-11:45am

CONCURRENT SESSIONS – PLEASE CHOOSE ONE

Session 3.05
Intermediate/Advanced Track – FOIA

Redaction Workshop – Part I of II
This is a special session that continues at 1:15 pm.

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.

- Fred Sadler, Food & Drug Administration
- Will Kammer, Department of Defense

Session 3.06
Intermediate/Advanced Track– Privacy

Privacy Issues – Ask The Experts – (NEW!)

This is a session with various assembled privacy and Privacy Act experts. It affords you the perfect opportunity to ask specific questions with agencies’ foremost legal and policy experts. Everyone in the room will have needs concerning privacy so your questions and the answers will benefit all.

- Jonathan Cantor, Dept. of Homeland Security
- Tim Graham, Dept. of Veterans Affairs
- Cindy Allard, Dept. of Defense

Session 3.07
Other/Specialty/Niche Track

Mandatory Declassification Review and FOIA v MDR

This session provides an overview of the standards, prohibitions and limitations that agencies take into account when classifying information. It also delves into how agencies conduct a declassification review in the context of a FOIA request and pursuant to a request for mandatory declassification review (MDR). You will learn about the procedural details associated with both processes, the advantages of one process versus the other as well as the limitations and appeal rights.

- Brent Evitt, Defense Intelligence Agency
- Bill Carpenter, ISOO
- John Powers, ISOO

11:45am-1:15pm

Lunch – On Your Own

1:15pm-2:30pm

CONCURRENT SESSIONS – PLEASE CHOOSE ONE

Session 3.05*
Intermediate/Advanced Track – FOIA

Redaction Workshop – Part II of II
Continued from the 10:30 am time frame.

Session 3.08
Intermediate/Advanced Track– Privacy

Privacy and Civil Liberties

Many Federal agencies and departments have established Privacy and Civil Liberties offices in recent years. You will learn about the connection between privacy and civil liberties and why it is important enough to have an office dedicated to these issues.

- Mike Reheuser, Dept. of Defense
- Ginger McCall, EPIC
- Larry Kearley, Barrister and Solicitor

Session 3.09
Other/Specialty/Niche Track

Succession Planning

Many “career” Government Informational Specialists are retiring or close to retirement. ASAP members are also privy to many of the vacancy announcements and quickly learn that many of the experts have moved from one agency to another. How do you ensure that there is a smooth transition? What can you do to ensure that files and information can be found? How do you follow up with outstanding requests to other agencies?

- Dick Huff, Consultant
- Jonathan Cantor, Dept. of Homeland Security

2:30pm-2:45pm

Stretch/Refreshment Break

2:45pm-4:45pm

Session 3.10 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. As the program draws near, these sessions will be confirmed.

- Dept. of Defense – Will Kammer, et. al
- Dept. of Homeland Security – Jonathan Cantor
- Agency Non-Specific – Carmen Mallon
- NASA – Miriam Brown-Lam
- Dept. of Veterans Affairs – Tim Graham and Jeff Parrillo

4:45pm

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

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.

5) ASAP does not endorse any products or services.