



**3rd ANNUAL ASAP NATIONAL TRAINING PROGRAM
 FEBRUARY 7-10, 2010
 NEW ORLEANS, LOUISIANA – NEW ORLEANS HILTON RIVERSIDE
 (Revised 1/21/10)**

SUNDAY, FEBRUARY 7, 2010

2:00 -5:00 pm Program Registration – Check in and pick up your program materials. – ASAP Registration Desk

MONDAY, FEBRUARY 8, 2010

7:15–8:15 am Program Registration and Continental Breakfast Foyer – Visit with the ASAP Sponsors

8:15-8:30 am Welcoming Remarks – ASAP President

8:30–9:00 am Session # 1 (Plenary) **NEW! – The Office of Government Information Services – Meet the Director, Miriam Nisbet**
 The Open Government Act of 2007 amended the FOIA (5 U.S.C. 552) to create an Office of Government Information Services (OGIS) within the National Archives and Records Administration (NARA). After a broad-ranging and rigorous search, Miriam Nisbet was appointed Director of the OGIS. The OGIS opened in early September, with its main office at NARA in College Park, Maryland. The OGIS will review policies and procedures of administrative agencies under FOIA, review agency compliance with FOIA, and recommend policy changes to the Congress and the President to improve the administration of FOIA. OGIS will also provide services to mediate disputes between FOIA requesters and Federal agencies. Director Nisbet will lay out the mission of the OGIS and how she envisions “making FOIA work better for all involved in the process.”

9:00-10:30 am CONCURRENT SESSIONS (Choose One)

Session # 2
FOIA Overview: The Statute and Basic FOIA Procedures –
 On December 31, 2007 the president signed into law the “Openness Promotes Effectiveness in our National Government Act of 2007,” or more commonly referred to as the “OPEN Government Act of 2007.” No changes to the Act’s nine exemptions were made. However, the amendments address procedural issues impacting FOIA administration. This session is perfect for FOIA newcomers and those seeking an updated refresher course. It includes a detailed discussion of the statute, its procedural requirements and the new requirements based on the recent legislation.

*Carmen Mallon, Justice, OIP
 GayLa Sessoms, Retired*

Session # 3
NEW! Executive Order 13526 Classified National Security Information– On December 29, 2009, President Obama signed the new Executive Order on Classified National Security Information. What’s new and different in the E. O., what are the implementation plans, and who has the authority?

Jay Bosanko, ISOO

Session # 4
NEW! Web 2.0 – The New Frontier - Web 2.0 supports many applications, such as wikis, social networking, and blogs. These can be great collaboration and communications tools. But what about the privacy, records and IT security issues? Hear what tools are in use and the associated policies.

*Jonathan Cantor, SSA
 Charlene Thomas, State*

Session # 5
NEW INFORMATION! Recent Decisions - How have the courts ruled in recent Privacy and FOIA cases? Listen to Dick Huff review the cases and learn what the impact is for you as a practitioner.

Dick Huff, Consultant

10:30-10:45 am Coffee Break - Foyer – Visit with the ASAP Sponsors

Monday, February 8, 2010 Continued

10:45-12:15 pm CONCURRENT SESSIONS (Choose One)

Session # 6

FOIA Overview: The Nine Exemptions – The FOIA is a disclosure statute, but provides for the withholding of information in nine different circumstances. This session examines each of these nine exemptions in an overview fashion.

*Will Kammer, Defense
Karen Finnegan, NARA, OGIS*

Session # 7

NEW! FISMA and Privacy Reporting Requirements - This session will address the Federal Information Security Management Act requirement to include privacy-related information in agency annual FISMA reports. Learn about the types of information that should be included in your report.

Sam Jenkins, Defense

Session # 8

New! National Declassification Center - In November 2008, President-Elect Obama stated that he “will institute a National Declassification Center (NDC) to make declassification secure, but routine, efficient and cost-effective.” NARA has taken the lead in establishing an NDC that will meet the President’s criteria while ensuring that all sensitive materials remain protected. What is NARA’s progress on the NDC and how will it affect your operations?

David Mengel, NARA

Session # 9

NEW! Enterprise Referral Process (ERP): Tools and Techniques that you Should Know About - Using the web, ERP allows you to transfer documents to other agencies, make comments, keep track of who got what when, and sets access levels for different security clearances. The ERP can be implemented in your federal organization at little or no cost.

Gery Huelseman, Air Force

12:15-1:30 pm Group Lunch – and Time to Visit with ASAP Sponsors – See Demos!

1:30-3:00 pm CONCURRENT SESSIONS (Choose One)

Session # 10

The Privacy Act of 1974: An Overview – A great basic or refresher course 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, NARA
Cindy Allard, Defense*

Session # 11

Exemption 2 (High) and The Law Enforcement Tools of the FOIA: Exemptions 7(A), (B), (D), (E) & (F) – Come and learn how the versatile Ex. 2 overlaps with other exemptions and how the “circumvention” argument can be used to protect Homeland Security-related and IT-related information. This session will also show you how to use those special exemptions that apply exclusively to law enforcement records and the protection of informants, investigative techniques and persons who, if identified, could be harmed.

*Caroline Smith, Justice, OIP
Joel D. Miller, FBI*

Session # 12

Exemption 5: Internal & Deliberative 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.

Karen Finnegan, NARA, OGIS

Session #13

Privacy Act Foundations: PIA's & SORNS - Hand in Glove 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? This session will also cover 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 these two key privacy tools.

*Fred Sadler, FDA
Charlene Thomas, State*

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

Monday, February 8, 2010 Continued

3:15-4:45 pm CONCURRENT SESSIONS (Choose One)

Session # 14

Privacy Act Exceptions: Disclosure Without Consent – Subsection (b) is discussed in depth, focusing on when an agency can disclose records from a Privacy Act system of records without the prior written consent of the individual to whom the record pertains. All 12 exceptions will be covered.

*Dick Huff, Consultant
Cindy Allard, Defense*

Session # 15

NEW! 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.

*GayLa Sessoms, Retired
Marc Van Nuys, Army*

Session # 16

NEW! FTC Regulations & Consumer Privacy - (Protections and Incident Reporting) - This session is still in development.

Kellie Cosgrove-Riley, FTC

Session # 17

NEW! Customer Service Centers: The Doorway to Effective FOIA Administration- This session will address the best practices in operating your Customer Service Center, which is even more important in light of the OPEN Government Act of 2007.

*Steve McConnell, NASA
Jenny Small, Judicial Watch
Corinna Zarek, NARA, OGIS*

4:45 pm Complete and Return Daily Program Evaluation Form

7:30 – 9:00 pm ASAP Volley Ball Game – Hotel Fitness Center

TUESDAY, FEBRUARY 9, 2010

6:00 am Enjoy a Healthy Start with a Fun Run

7:15 - 8:15 am Continental Breakfast - Foyer – Visit with the ASAP Sponsors

8:15-8:30 am Announcements & Remarks –ASAP President

8:30-10:00 am Session #18 (PLENARY) **NEW!** - Chief FOIA Officer Reports and Other Hot Topics from the Director of the Office of Information Policy, Melanie Ann Pustay

The Attorney General stressed in his FOIA Guidelines that "[i]mproving FOIA performance requires the active participation of agency Chief FOIA Officers." He directed Chief FOIA Officers to review all aspects of their agencies' administration of the FOIA and to report to the Department of Justice each year on the steps taken to improve transparency. The Attorney General informed agencies that the Office of Information Policy (OIP) would provide guidance to agencies on the content of these Chief FOIA Officer Reports. On September 30, 2009, OIP issued those guidelines. Melanie Ann Pustay, the Director of the Office of Information Policy will discuss the requirements for these new Chief FOIA Officer Reports which will be prepared for the first time this year and are due March 15th. The Reports will build on information contained in agency Annual FOIA Reports and will address a range of issues, including agency efforts to improve timeliness in responding to requests, steps taken to utilize technology, and examples of proactive disclosures.

10:00-10:15 am Coffee Break - Foyer – Visit with the ASAP Sponsors

Tuesday, February 9, 2010 Continued

10:15-11:30 am CONCURRENT SESSIONS (Choose One)

Session # 19

FOIA and the Privacy Act Interface - The complex relationship between the Privacy and the Freedom of Information Acts: when to apply the statutes, where they dovetail, and where they diverge. Includes a discussion of the issues affected by both Acts.

Ramona Oliver, NARA

Session # 20

Litigants' Cases - Effective this year under the newest FOIA legislation is a specific loosening up of attorneys fees for FOIA requesters who substantially prevail in a lawsuit -- whether or not a case ever reaches the court. A sure prediction is that more lawsuits are on the horizon. Likely litigants from outside the government will discuss why they sued, what the courts ruled and what impact their lawsuits may have had on federal agencies.

Anne Weismann, CREW
Rebecca Daugherty, Journalist
Tegan Millspaw, Judicial Watch

Session # 21

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.”

Caroline Smith, Justice, OIP
Joel D. Miller, FBI

Session # 22

Defense, Foreign Relations & Classified Information: Exemption 1 – Everything you ever wanted to know about handling FOIA requests for documents containing national security information and the application of Ex. 1. Speakers will discuss the interplay of FOIA’s emphasis on disclosure. Automatic declassification issues will also be discussed.

Will Kammer, Defense
Jay Bosanko, ISOO

11:30-12:45 pm Group Lunch – and Time to Visit with ASAP Sponsors – See Demos!

12:45-2:00 pm

Session # 23 (PLENARY) – **NEW!** OGIS and OIP – Oh Wow!

In amending the FOIA through passage of the OPEN Government Act of 2007, Congress added a number of provisions to the FOIA designed to improve how the FOIA operates. The new Office of Government Information Services was created within NARA. All agencies are now required to designate a Chief FOIA Officer who reports to the Attorney General on the agency's implementation of the FOIA. FOIA Public Liaisons must be designated by the Chief FOIA Officer. Those Liaisons have a key role in working with requesters. The Directors of OGIS and OIP will outline the roles and responsibilities of each of their Offices and describe how they are working together to improve the FOIA process.

- Director Melanie Pustay, Office of Information and Policy
- Director Miriam Nisbet, Office of Government Information Services

2:00-2:15 pm Coffee Break - Foyer – Visit with the ASAP Sponsors

2:15-3:30 pm

CONCURRENT SESSIONS (Choose One)

Session # 24

NEW! Affirmative Disclosures and Postings: We're not in Kansas Anymore!- The FOIA requires that all federal agencies affirmatively and continuously disclose records proactively. President Obama and Attorney General Holder placed this requirement in the direct spotlight in their respective issuances on the FOIA. This session will discuss how proactive disclosures are an efficient means to make records publicly available and reduce the number of FOIA requests.

Carmen Mallon, Justice, OIP
Sergio Poggione, CAPA
Corinna Zarek, NARA, OGIS

Session # 25

NEW! Privacy & IT Security – This session is still in development.

Sam Jenkins, Defense

Session # 26

Exemption 5: Internal & Deliberative Information – Discussion of the elements and privileges incorporated in Exemption 5, to include the threshold requirements of Ex. 5, and the elements of the deliberative process, attorney-client, and attorney work product privileges.

Karen Finnegan, NARA, OGIS
Joel D. Miller, FBI

Session # 27

Administrative Procedural Guidance – Where do I start when I receive a FOIA or Privacy Act request? How do I conduct a search? What are the best administrative practices related to processing requests? When should I contact the requester? And what about assessing fees? This session will address all of these issues and more!

Steve McConnell, NASA
GayLa Sessoms, Retired

Tuesday, February 9, 2010 Continued

3:30-5:00 pm CONCURRENT SESSIONS: SPECIALIZED TRAINING (Choose One) These sessions are designed for a specific agency focus. Also included is a general (non-specific) session which will be geared to audience questions and needs.

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| Session # 28 Dept. of Defense <i>Will Kammer</i> <i>Sam Jenkins</i> Special Air Force Session 5:00-7:00 pm | Session # 29 Dept. of Interior <i>Alex Mallus</i> Session goes until 6:00 pm | Session # 30 NASA <i>Steve McConnell</i> <i>Dick Huff</i> | Session # 31 Non-Specific <i>Melanie Pustay</i> <i>Carmen Mallon</i> <i>Caroline Smith</i> | Session # 32 Indian Health Service <i>Bill Tibbitts</i> <i>Janet Ingersoll</i> <i>Pat Gowan</i> | Session # 33 Energy <i>Chris Morris</i> |
|--|---|---|--|---|---|

5:00 pm Complete and Return Daily Program Evaluation Form

WEDNESDAY, FEBRUARY 10, 2010

6:00 am Enjoy a Healthy Start with a Fun Run

7:15-8:15 am Continental Breakfast - Foyer – Visit with the ASAP Sponsors

8:15-8:30 am Announcements & Remarks –ASAP President

8:30-9:45 am Session # 34 (Plenary) Users Panel – It is well known that most FOIA offices are understaffed and have little or no resources. Yet, many FOIA officers have improved their own agency processes based upon suggestions from the requestors. Come and listen to the insights of requestors who have used information released under FOIA for important and productive purposes.
- *Rebecca Daugherty, Journalist*
- *Mark Schleifstein, THE TIMES-PICAYUNE*
- *Tegan Millspaw, Judicial Watch*

9:45-10:00 am Coffee Break – Foyer – Visit with the ASAP Sponsors

10:00 -11:30 am CONCURRENT SESSIONS (Choose One) Morning announcements will be made in each breakout session.

Session # 35
NEW! Global Privacy - Today's technology allows information to be shared without boundaries or borders. What are the expectations of our international stakeholders? This discussion will serve as a primer of international privacy issues that may affect your agency.

Jonathan Cantor, SSA
Charlene Thomas, State
Sergio Poggione, CAPA

Session # 36
Business Information:
Exemption 4 - The agency considerations and obligations in handling data submitted by business and government contractors will be examined. Learn how to recognize trade secrets and confidential, commercial information. This session also will focus on Submitter Notice requirements under E.O. 12,600.

Fred Sadler, FDA

Session # 37
Basic Litigation – Sooner or later everyone in the FOIA arena has some involvement in a FOIA lawsuit. This session will discuss what happens after a FOIA lawsuit is filed, and how you should properly prepare for this eventuality. This session is a great introduction to the FOIA litigation process.

Dick Huff, Consultant
Anne Weismann, CREW

Session # 38 (REVISED SESSION!!! - A New Mindset for Working with Requesters - There are real benefits to reaching out to the requester to discuss issues presented by the request. Think about it! What if reaching out to the requester as soon as the request is received will cut the processing time in half? What if reaching will reduce the number of letters and calls to your agency? This session will provide you with strategies for working successfully with the requester community. Come and learn about your options to develop a win-win strategy.

Rebecca Daugherty, Journalist
GayLa Sessoms, Retired

11:30-12:45 pm Group Lunch – Visit with the ASAP Sponsors

Wednesday, February 10, 2010 Continued

12:45 – 2:15 pm CONCURRENT SESSIONS (Choose One)

Session # 39

NEW! Career Day: FOIA as a Profession – Agency employees and requesters have made successful careers in the FOIA world--rarely has it ever been by design. FOIA experts will share how they made successful careers and give you the latest on the ASAP-OPM collaborative efforts to establish a FOIA career series.

*Carmen Mallon, Justice, OIP
Rebecca Daugherty, Journalist*

Session # 40

Fees & Fee Waivers - Fee issues are always a difficult part of the FOIA officer's life. This session will help you understand the FOIA fee structure including such difficult issues as requester fee categories, who should pay fees and under what circumstances, the basis for granting fee waivers, and reductions in fees. Included are the new restrictions placed on assessing fees under the Open Government Act.

*Fred Sadler, FDA
Anne Weismann, CREW*

Session # 41

NEW! Contractors – What They Can Do For You and How to Manage the Process - Many agencies are using contractors in the FOIA and Privacy processing arenas. With many practitioners retiring and coming back as a contractor, this process can be successful – if managed properly.

*Will Kammer, Defense
Charlene Thomas, State*

Session # 42

NEW! The New Duties of the FOIA Public Liaisons – In addition to general responsibilities, FOIA Public Liaisons have statutory duties as well. OIP Director Melanie Pustay and OGIS Director Miriam Nisbet will lay out all of the Liaison's responsibilities and discuss requester community concerns. This session will benefit FOIA Liaisons, as well as agency personnel and requesters who need to know what to expect from the Liaisons.

*Melanie Pustay, Justice, OIP
Miriam Nisbet, NARA, OGIS*

2:15-2:30 pm Coffee Break - Foyer

2:30-4:00 pm Session # 43 (PLENARY) – NEW! E-Record Keeping: Basic Principles for Managing Records

All Federal agencies are required by law to have a records management program. The explosion of technology has complicated this requirement by introducing a wide range of records in electronic formats that need to be managed as well. This session will introduce the basic concepts of records management and describe the characteristics of a successful program. There will be time at the end of the talk to answer any questions you may have about records management and NARA.
- *Arian Ravanbakhsh, NARA, Office of Modern Records Programs*

4:00-4:30 pm Session # 44 Questions & Answers – - This is your last chance to get that burning question answered.
- All available faculty

4:30 pm Program Ends - Complete Evaluations/Return Name Badge Holders/ Certificates of Attendance Distributed

Disclaimer: 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.