

**U.S. Department of Commerce
U.S. Patent and Trademark Office**



**Privacy Threshold Analysis
for the
Cardinal IP (CIP) Patent Cooperation Treaty Search Recordation
System (PCTSRs)**

U.S. Department of Commerce Privacy Threshold Analysis

USPTO Cardinal IP (CIP) Patent Cooperation Treaty Search Recordation System (PCTSRS)

Unique Project Identifier: PTOC-018-00

Introduction: This Privacy Threshold Analysis (PTA) is a questionnaire to assist with determining if a Privacy Impact Assessment (PIA) is necessary for this IT system. This PTA is primarily based from the Office of Management and Budget (OMB) privacy guidance and the Department of Commerce (DOC) IT security/privacy policy. If questions arise or further guidance is needed in order to complete this PTA, please contact your Bureau Chief Privacy Officer (BCPO).

Description of the information system: *Provide a brief description of the information system.*

The E-Government Act of 2002 defines "information system" by reference to the definition section of Title 44 of the United States Code. The following is a summary of the definition: "Information system" means a discrete set of information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of information. See: 44 U.S.C. § 3502(8).

The Cardinal IP (CIP) Patent Cooperation Treaty Search Recordation System (PCTSRS) is a system that performs Patent Cooperation Treaty (PCT) searches and written opinions on behalf of the United States Patent and Trademark Office (USPTO). PCTSRS provides authenticated employees access to Patent Cooperation Treaty (PCT) applications. The purpose of this system is to support the USPTO's international application or PCT application process. The PCT provides a unified procedure for filing patent applications to protect inventions in each of its Contracting States. PCTSRS facilitates PCT searches and enables CIP employees to submit an accompanying written opinion regarding the patentability of the invention in question.

PCTSRS production servers are located at a remote Tier III data center. The PCTSRS system consists of several servers for web, email, database, backup, and directory services, as well as local workstations located at CIP's corporate offices, that store, process, and/or transmit USPTO data in the form of Patent Cooperation Treaty applications. PCT application documents are transferred to CIP directly from USPTO via a secure connection.

PCTSRS is only accessible by authenticated CIP employees from within the CIP network. There is no public access to the PCTSRS system. PCT opinions are submitted from CIP directly to the USPTO via a secure connection. The CIP network is protected by firewalls, anti-virus, and anti-spam systems. The CIP data center facility includes physical security implementations including proximity card access controls, hand-geometry biometric locks, video surveillance, and building security.

Address the following elements:

- a) *Whether it is a general support system, major application, or other type of system*
Patent Cooperation Treaty Search Recordation System (PCTSRS) is a general support system.

- b) *System location*

PCTSRS production servers are located at a remote Tier III data center in Oakbrook, IL.

- c) *Whether it is a standalone system or interconnects with other systems (identifying and describing any other systems to which it interconnects)*

PCTSRS interconnects with:

Network and Security Infrastructure System (NSI): The NSI is an Infrastructure information system, and provides an aggregate of subsystems that facilitates the communications, secure access, protective services, and network infrastructure support for all the USPTO IT applications.

- d) *The purpose that the system is designed to serve*

PCTSRS facilitates PCT searches and written opinions on behalf of the USPTO.

- e) *The way the system operates to achieve the purpose*

The PCTSRS system consists of several servers for web, database, backup, and directory services, as well as local workstations located at CIP's corporate offices in Evanston, IL. PCTSRS facilitates PCT searches and enables CIP employees to submit an accompanying written opinion regarding the patentability of the invention in question. PCT application documents and patentability opinions are transferred between CIP and USPTO via a secure file transfer system hosted and maintained by the USPTO.

- f) *A general description of the type of information collected, maintained, used, or disseminated by the system*

The PII/BII collected consists of PCT patent applicant bibliographic data: Inventor name, Attorney name, Agent name, Company Name, Inventor address, Correspondence address, Citizenship, Telephone number, E-mail address, and application number.

g) *Identify individuals who have access to information on the system*

Privileged Access: System Administrators and Subject Matter Expert Specialists. Non-privileged Access: Patent Researchers.

h) *How information in the system is retrieved by the user*

Users retrieve data from the system via an internal web application (not Internet facing) which is secured by TLS.

i) *How information is transmitted to and from the system*

Data is transmitted between PCTSRs and USPTO uses an end-to-end secure file transfer solution.

Questionnaire:

1. Status of the Information System

1a. What is the status of this information system?

- ☐ This is a new information system. *Continue to answer questions and complete certification.*
- ☐ This is an existing information system with changes that create new privacy risks. *Complete chart below, continue to answer questions, and complete certification.*

Changes That Create New Privacy Risks (CTCNPR)					
a. Conversions	<input type="checkbox"/>	d. Significant Merging	<input type="checkbox"/>	g. New Interagency Uses	<input type="checkbox"/>
b. Anonymous to Non-Anonymous	<input type="checkbox"/>	e. New Public Access	<input type="checkbox"/>	h. Internal Flow or Collection	<input type="checkbox"/>
c. Significant System Management Changes	<input type="checkbox"/>	f. Commercial Sources	<input type="checkbox"/>	i. Alteration in Character of Data	<input type="checkbox"/>
j. Other changes that create new privacy risks (specify):					

- ☐ This is an existing information system in which changes do not create new privacy risks, and there is not a SAOP approved Privacy Impact Assessment. *Continue to answer questions and complete certification.*
- ☒ This is an existing information system in which changes do not create new privacy risks, and there is a SAOP approved Privacy Impact Assessment. *Skip questions and complete certification.*

1b. Has an IT Compliance in Acquisitions Checklist been completed with the appropriate signatures?

- ☐ Yes. This is a new information system.
- ☐ Yes. This is an existing information system for which an amended contract is needed.
- ☐ No. The IT Compliance in Acquisitions Checklist is not required for the acquisition of equipment for specialized Research and Development or scientific purposes that are not a National Security System.
- ☒ No. This is not a new information system.

2. Is the IT system or its information used to support any activity which may raise privacy concerns?

NIST Special Publication 800-53 Revision 4, Appendix J, states "Organizations may also engage in activities that do not involve the collection and use of PII, but may nevertheless raise privacy concerns and associated risk. The privacy controls are equally applicable to those activities and can be used to analyze the privacy risk and mitigate such risk when necessary." Examples include, but are not limited to, audio recordings, video surveillance, building entry readers, and electronic purchase transactions.

- ☐ Yes. *(Check all that apply.)*

Activities			
Audio recordings	<input type="checkbox"/>	Building entry readers	<input type="checkbox"/>
Video surveillance	<input type="checkbox"/>	Electronic purchase transactions	<input type="checkbox"/>
Other (specify):			

- ☒ No.

3. Does the IT system collect, maintain, or disseminate business identifiable information (BII)?

As per DOC Privacy Policy: "For the purpose of this policy, business identifiable information consists of (a) information that is defined in the Freedom of Information Act (FOIA) as "trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential." (5 U.S.C.552(b)(4)). This information is exempt from automatic release under the (b)(4) FOIA exemption. "Commercial" is not confined to records that reveal basic commercial operations" but includes any records [or information] in which the submitter has a commercial interest" and can include information submitted by a nonprofit entity, or (b) commercial or other information that, although it may not be exempt from release under FOIA, is exempt from disclosure by law (e.g., 13 U.S.C.)."

- ☒ Yes, the IT system collects, maintains, or disseminates BII.
- ☐ No, this IT system does not collect any BII.

4. Personally Identifiable Information (PII)

4a. Does the IT system collect, maintain, or disseminate PII?

As per OMB 17-12: "The term PII refers to information that can be used to distinguish or trace an individual's identity either alone or when

combined with other information that is linked or linkable to a specific individual.”

☒ Yes, the IT system collects, maintains, or disseminates PII about: *(Check all that apply.)*

- ☐ DOC employees
- ☐ Contractors working on behalf of DOC
- ☐ Other Federal Government personnel
- ☒ Members of the public

☐ No, this IT system does not collect any PII.

If the answer is “yes” to question 4a, please respond to the following questions.

4b. Does the IT system collect, maintain, or disseminate Social Security numbers (SSNs), including truncated form?

☐ Yes, the IT system collects, maintains, or disseminates SSNs, including truncated form.

Provide an explanation for the business need requiring the collection of SSNs, including truncated form.
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Provide the legal authority which permits the collection of SSNs, including truncated form.

☒ No, the IT system does not collect, maintain, or disseminate SSNs, including truncated form.

4c. Does the IT system collect, maintain, or disseminate PII other than user ID?

☒ Yes, the IT system collects, maintains, or disseminates PII other than user ID.

☐ No, the user ID is the only PII collected, maintained, or disseminated by the IT system.

4d. Will the purpose for which the PII is collected, stored, used, processed, disclosed, or disseminated (context of use) cause the assignment of a higher PII confidentiality impact level?

Examples of context of use include, but are not limited to, law enforcement investigations, administration of benefits, contagious disease treatments, etc.

- ☐ Yes, the context of use will cause the assignment of a higher PII confidentiality impact level.
- ☒ No, the context of use will not cause the assignment of a higher PII confidentiality impact level.

If any of the answers to questions 2, 3, 4b, 4c, and/or 4d are “Yes,” a Privacy Impact Assessment (PIA) must be completed for the IT system. This PTA and the SAOP approved PIA must be a part of the IT system’s Assessment and Authorization Package.

CERTIFICATION

☒ The criteria implied by one or more of the questions above **apply** to the Cardinal IP (CIP) Patent Cooperation Treaty Search Recordation System (PCTSRS) and as a consequence of this applicability, a PIA will be performed and documented for this IT system.

☐ The criteria implied by the questions above **do not apply** to the Cardinal IP (CIP) Patent Cooperation Treaty Search Recordation System (PCTSRS) and as a consequence of this non-applicability, a PIA for this IT system is not necessary.

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Privacy Act Officer Name: Ezequiel Berdichevsky Office: Office of General Law (O/GL) Phone: (571) 270-1557 Email: Ezequiel.Berdichevsky@uspto.gov Signature: _____ Date signed: _____	Bureau Chief Privacy Officer and Co-Authorizing Official Name: Henry J. Holcombe Office: Office of the Chief Information Officer (OCIO) Phone: (571) 272-9400 Email: Jamie.Holcombe@uspto.gov Signature: _____ Date signed: _____
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