

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



**Privacy Impact Assessment  
for the  
Patent Search System – Primary Search  
and Retrieval (PSS-PS) System**

Reviewed by: Henry J. Holcombe, Bureau Chief Privacy Officer

- ☒ Concurrence of Senior Agency Official for Privacy/DOC Chief Privacy Officer  
☐ Non-concurrence of Senior Agency Official for Privacy/DOC Chief Privacy Officer

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2/2/2022

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Signature of Senior Agency Official for Privacy/DOC Chief Privacy Officer

Date

## U.S. Department of Commerce Privacy Impact Assessment USPTO Patent Search System – Primary Search & Retrieval (PSS-PS)

**Unique Project Identifier: PTOP-008-00**

### **Introduction: System Description**

*Provide a brief description of the information system.*

PSS-PS (Primary Search and Retrieval), is a Major system, which supports the Patent Cost Center. It is considered a mission critical “system.” It consists of Search and Retrieval automation tools that provide a comprehensive prior art search capability and the retrieval of patent and related information, which comprise text and images of United States (US), European Patent Office (EPO) and Japan Patent Office (JPO patents), US pre-grant publications, Derwent data and IBM Technical Disclosure Bulletins. The following applications are being used by public without any access authentication: Application Full Text (AppFT), Patent Full Text on the Web (PATFT), Application Images on the Web (AIW), Patent Images on the Web (PIW). The rest of the applications for PSS-PS are accessed by those who can authenticate to the USPTO network.

Address the following elements:

***(a) Whether it is a general support system, major application, or other type of system***

PSS-PS is a major application.

***(b) System location***

600 Dulany Street, Alexandria, VA 22314

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

PSS-PS interconnects with the following systems:

**Enterprise Windows Services (EWS):** The EWS is an infrastructure information system, and provides a hosting platform for major applications that support various USPTO missions.

**Enterprise UNIX Service (EUS):** The EUS System consists of assorted UNIX operating system variants (OS), each of which is comprised of many utilities, along with the master control program, the kernel.

**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 United States Patent and Trademark Office (USPTO IT) applications.

**Patent Capture and Application Processing System – Initial Processing (PCAPS-IP):** The PCAPS-IP is an Application information system, and provides support to the USPTO for the purposes of capturing patent applications and related metadata in electronic form; processing applications electronically; reporting patent application processing and prosecution status; and retrieving and displaying the patent applications. PCAPS-IP is comprised of multiple Automated Information Systems (components) that perform specific functions, including submissions, categorization, metadata capture, and patent examiner assignment of patent applications.

**Patent Capture and Application Processing System – Examination Support (PCAPS-ES):** The PCAPS-ES is an information system composed of 20 Components: Electronic Business Center Imaging System, Electronic Desktop Application Navigator, File Inspection Utility, Image File Wrapper, Office Action Correspondence System, Patent Resource Management System, PAIR User Resource Manager, Patent Application Location Monitoring – Examination and Post-Examination, Patent Application Location Monitoring-Services Gateway, Patent Application Location Monitoring – File Ordering System, Patent Application Location Monitoring- Infrastructure, Patent Application Information Retrieval-Private, Patent Enterprise Access Integration Public Patent Application Information Retrieval-Public, Trilateral Document Access, Patent File Wrapper, Quality Review System, Supplemental Complex Repository for Examiners, Technology Assessment and Forecast, Patents Telework Enterprise System, & Integrated Quality System.

**Enterprise Desktop Platform (EDP):** The EDP is an infrastructure information system that provides a standard enterprise-wide environment that manages desktops and laptops running on the Windows operating system (OS), providing the United States Government Configuration Baseline (USGCB) compliant workstations.

**Service Oriented Infrastructure (SOI):** The SOI provides a feature-rich and stable platform upon which USPTO applications can be deployed.

**Enterprise Software System (ESS):** Provides Enterprise Directory Services, Role-Based Access Control System, Email as a Service, PTO Exchange Services, Symantec Endpoint Protection, Enterprise SharePoint Services, etc.

**Security and Compliance Services (SCS):** Provides Security Incident and Event Management, Enterprise Forensic, Enterprise Management System, Security and Defense, Enterprise Scanner, Enterprise Cybersecurity Monitoring Operations, Performance Monitoring Tools, Dynamic Operational Support Plan, & Situational Awareness and Incident Response.

**Database Services (DBS):** The DBS is an infrastructure information system, and provides a Database Infrastructure to support mission of USPTO database needs.

**Trilateral Network (TRINET):** TRINET is an Infrastructure information system, and provides secure network connectivity for electronic exchange and dissemination of sensitive patent data between authenticated endpoints at the Trilateral Offices and TRINET members. The Trilateral Offices consist of the United States Patent and Trademark Office (USPTO), the European Patent Office (EPO), and the Japanese Patent Office (JPO). The TRINET members consist of the World Intellectual Property Office (WIPO), the Canadian Intellectual Property Office (CIPO), the Korean Intellectual Property Office (KIPO), the State Intellectual Property Office of the People's Republic of China (SIPO) and the Intellectual Property Office of Australia (IPAU).

**Patent End to End (PE2E):** Patents End-to-End (PE2E) is a Master system portfolio consisting of next generation Patents Automated Information Systems (AIS). The goal of PE2E is to make the interaction of USPTO's users as simple and efficient as possible in order to accomplish user goals. PE2E will be a single web-based examination tool providing users with a unified and robust set of tools. PE2E will overhaul the current patents examination baseline through the development of a new system that replaces the existing tools used in the examination process.

**Data Storage Management System (DSMS):** DSMS is an infrastructure system that provides archival and storage capabilities securely to the USPTO. The information system is considered an essential component of USPTO's Business Continuity and Disaster Recovery program. DSMS consists of the following subsystems: Boyers Data Capture System, Enterprise Tape Backup System, and Storage Infrastructure System.

***(d) The way the system operates to achieve the purpose(s) identified in Section 4***

PSS-PS supports legal determinations of prior art for patent applications, including text and image searches of repositories of US application and grant publications, Foreign application and grant publications, various concordances, and non-patent literature. It represents the databases that contain the images and text data for US Patent Grants, Published applications, and unpublished applications. This area includes the examiner interfaces that provide the search capability through East and West.

The PSS-PS master system has multiple AIS's with search and retrieval automation tools that supports the USPTO Patent examiners legal determination of prior art of patent applications.

The AIS's are:

**Application Image Retrieval System (AIRS):** The purpose of AIRS is to provide patent application images and metadata to the following subsystems: Examiners Automated Search

Tool (EAST), Hypertext Transfer Protocol Print Service (HPS), Order entry Management System (OEMS) and the Web Examiner's Search Tool (WEST).

**Application Images on the Web (AIW):** AIW is an internet application that runs outside the USPTO firewall and provides an access point for public users to retrieve domestic patent application images. The purpose of AIW is to provide images and metadata to the Application Full-Text (AppFT) subsystem.

**The Patent Image Retrieval System (PIRS):** The purpose of PIRS is to provide Patent images and metadata to the following subsystems: EST, HPS, OEMS, and WEST.

**Patent Images on the Web (PIW):** PIW is an internet application that runs outside the USPTO firewall and provides an access point for public users to retrieve domestic Patent images. The purpose of PIW is to provide images and metadata to the Patents Full-Text (PatFT) subsystem.

**Web-based Examiner's Search Tool (WEST):** WEST is a Web browser-based client interface, which utilizes HTTP as a front end to the Bibliographic Retrieval System (BRS) database system. It operates over the USPTO Transmission Control Protocol/Internet Protocol (TCP/IP) Intranet (PTONet). This intranet tool also supports text search capabilities and retrieval functions of abstracts, images, and full-text patent documents from other domestic, international, and commercial databases.

**PubWEST:** PubWEST is the publicly-accessible version of WEST. PubWEST, similarly to WEST, provides search access to most USPTO patent text searchable databases.

**Enterprise Text Search 1(ETS1):** The ETS1 system is a continuation of the BRS Middle-tier Phase 1 and BRS Middle-tier Phase 2 systems. ETS1 is a multi-tiered application that improves the scalability and the performance of the BRS search system while using fewer system resources.

**Examiners Automated Search Tool (EAST):** A single user interface that can be used to search for prior art of any type, this application integrates with other activities performed by patent examiners to reduce the time required to examine applications. EAST provides full text and abstract text data search and retrieval of domestic and international, commercial and government databases using the BRS search engine.

**Public Examiners Automated Search Tool (PubEAST):** This application is the publicly-available version of EAST. It provides search request capability for most USPTO patent text searchable databases to public users. It has full text search capabilities from the following databases: USPAT, USOCR, EPO, and JPO text/image databases.

**Patent Linguistic Utility Search (PLUS):** PLUS uses the BRS query by example technology to compare keywords in a patent application to keywords in published patent applications and granted patents. Search results include matching patent and/or patent application numbers, and classification and sub-classification for patents matched, along with relevance ranking for the match.

**European Patent Office Query System (EPOQUE):** EPOQUE connects to the Trilateral Secure Virtual Private Network (TSVPN), part of the USPTO Trilateral Network (TriNet), to access and allow queries from US Patent Examiners and other users to the European Patent Office (EPO) at The Hague, Netherlands.

**HTTP Print Service (HPS):** HPS allows USPTO internal users and users in the public search rooms to print patent/publication application images to designated Windows-based group printers.

**Applications Full-Text (AppFT):** A standalone internet application that runs outside of the USPTO firewall and provides general public access to Pre-Grant, published patent applications. It connects to the PGPub/CSS application and AIW for images.

**Patent Full Text on the Web (PATFT):** A stand-alone internet application, which allows the general public to search and retrieve granted US patents. It runs outside the USPTO firewall with a copy of the USPTO BRS database that is provided to USPTO examiners.

**Classification Data System (CDS):** CDS is a collection of applications and processes which support the capture and maintenance of patent and PGPub classification data of US documents as well as the maintenance of the USPC. CDS also supports the maintenance of the US-to-IPC Concordance and Limited Family data and is the data source of several classification publications.

**Computer Search Systems (CSS):** CSS is a set of databases, conversion and load software, data administration tools, and procedures to maintain and keep available a number of internal, external, government, and commercial databases for text search and retrieval via other USPTO applications.

***(e) How information in the system is retrieved by the user***

Information in the system is retrieved through internet access via a web interface and a registered account.

***(f) How information is transmitted to and from the system***

Information is transmitted to and from PSS-PS via a Hypertext Transfer Protocol Secure (HTTPS) connection to the internet. For the internal USPTO network information is transmitted via an HTTPS connection through additional servers and a firewall to PTONet.

***(g) Any information sharing***

The PSS-PS does not conduct any information sharing.

***(h) The specific programmatic authorities (statutes or Executive Orders) for collecting, maintaining, using, and disseminating the information***

- 35 U.S.C. 115
- 35 U.S.C. 2
- 5 U.S.C. 301
- E Government Act, 2002

***(i) The Federal Information Processing Standards (FIPS) 199 security impact category for the system***

Moderate

**Section 1: Status of the Information System**

1.1 Indicate whether the information system is a new or existing system.

☐ This is a new information system.

☒ This is an existing information system with changes that create new privacy risks. *(Check all that apply.)*

<b>Changes That Create New Privacy Risks (CTCNPR)</b>					
a. Conversions	<input type="checkbox"/>	d. Significant Merging	<input checked="" 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.

☐ This is an existing information system in which changes do not create new privacy risks, and there is a SAOP approved Privacy Impact Assessment.



**Section 2: Information in the System**

2.1 Indicate what personally identifiable information (PII)/business identifiable information (BII) is collected, maintained, or disseminated. *(Check all that apply.)*

<b>Identifying Numbers (IN)</b>					
a. Social Security*	<input type="checkbox"/>	f. Driver's License	<input type="checkbox"/>	j. Financial Account	<input type="checkbox"/>
b. Taxpayer ID	<input type="checkbox"/>	g. Passport	<input type="checkbox"/>	k. Financial Transaction	<input type="checkbox"/>
c. Employer ID	<input type="checkbox"/>	h. Alien Registration	<input type="checkbox"/>	l. Vehicle Identifier	<input type="checkbox"/>
d. Employee ID	<input type="checkbox"/>	i. Credit Card	<input type="checkbox"/>	m. Medical Record	<input type="checkbox"/>
e. File/Case ID	<input type="checkbox"/>				
n. Other identifying numbers (specify):					
*Explanation for the business need to collect, maintain, or disseminate the Social Security number, including truncated form:					

<b>General Personal Data (GPD)</b>					
a. Name	<input checked="" type="checkbox"/>	h. Date of Birth	<input type="checkbox"/>	o. Financial Information	<input type="checkbox"/>
b. Maiden Name	<input type="checkbox"/>	i. Place of Birth	<input type="checkbox"/>	p. Medical Information	<input type="checkbox"/>
c. Alias	<input type="checkbox"/>	j. Home Address	<input checked="" type="checkbox"/>	q. Military Service	<input type="checkbox"/>
d. Gender	<input type="checkbox"/>	k. Telephone Number	<input checked="" type="checkbox"/>	r. Criminal Record	<input type="checkbox"/>
e. Age	<input type="checkbox"/>	l. Email Address	<input type="checkbox"/>	s. Marital Status	<input type="checkbox"/>
f. Race/Ethnicity	<input type="checkbox"/>	m. Education	<input type="checkbox"/>	t. Mother's Maiden Name	<input type="checkbox"/>
g. Citizenship	<input type="checkbox"/>	n. Religion	<input type="checkbox"/>		
u. Other general personal data (specify):					

<b>Work-Related Data (WRD)</b>					
a. Occupation	<input type="checkbox"/>	e. Work Email Address	<input checked="" type="checkbox"/>	i. Business Associates	<input checked="" type="checkbox"/>
b. Job Title	<input type="checkbox"/>	f. Salary	<input type="checkbox"/>	j. Proprietary or Business Information	<input checked="" type="checkbox"/>
c. Work Address	<input checked="" type="checkbox"/>	g. Work History	<input type="checkbox"/>	k. Procurement/contracting records	<input type="checkbox"/>
d. Work Telephone Number	<input checked="" type="checkbox"/>	h. Employment Performance Ratings or other Performance Information	<input type="checkbox"/>		
l. Other work-related data (specify):					

<b>Distinguishing Features/Biometrics (DFB)</b>					
a. Fingerprints	<input type="checkbox"/>	f. Scars, Marks, Tattoos	<input type="checkbox"/>	k. Signatures	<input type="checkbox"/>
b. Palm Prints	<input type="checkbox"/>	g. Hair Color	<input type="checkbox"/>	l. Vascular Scans	<input type="checkbox"/>



c. Voice/Audio Recording	<input type="checkbox"/>	h. Eye Color	<input type="checkbox"/>	m. DNA Sample or Profile	<input type="checkbox"/>
d. Video Recording	<input type="checkbox"/>	i. Height	<input type="checkbox"/>	n. Retina/Iris Scans	<input type="checkbox"/>
e. Photographs	<input type="checkbox"/>	j. Weight	<input type="checkbox"/>	o. Dental Profile	<input type="checkbox"/>
p. Other distinguishing features/biometrics (specify):					

<b>System Administration/Audit Data (SAAD)</b>					
a. UserID	<input checked="" type="checkbox"/>	c. Date/Time of Access	<input checked="" type="checkbox"/>	e. ID Files Accessed	<input checked="" type="checkbox"/>
b. IP Address	<input checked="" type="checkbox"/>	f. Queries Run	<input checked="" type="checkbox"/>	f. Contents of Files	<input checked="" type="checkbox"/>
g. Other system administration/audit data (specify):					

<b>Other Information (specify)</b>

2.2 Indicate sources of the PII/BII in the system. *(Check all that apply.)*

<b>Directly from Individual about Whom the Information Pertains</b>					
In Person	<input type="checkbox"/>	Hard Copy: Mail/Fax	<input type="checkbox"/>	Online	<input type="checkbox"/>
Telephone	<input type="checkbox"/>	Email	<input type="checkbox"/>		
Other (specify):					

<b>Government Sources</b>					
Within the Bureau	<input checked="" type="checkbox"/>	Other DOC Bureaus	<input type="checkbox"/>	Other Federal Agencies	<input type="checkbox"/>
State, Local, Tribal	<input type="checkbox"/>	Foreign	<input type="checkbox"/>		
Other (specify):					

<b>Non-government Sources</b>					
Public Organizations	<input type="checkbox"/>	Private Sector	<input type="checkbox"/>	Commercial Data Brokers	<input type="checkbox"/>
Third Party Website or Application			<input type="checkbox"/>		
Other (specify):					

2.3 Describe how the accuracy of the information in the system is ensured.

USPTO implements security and management controls to prevent the inappropriate disclosure of sensitive information. Security controls are employed to ensure information is resistant to tampering, remains confidential as necessary, and is available as intended by the agency and as expected by authorized users. Management controls are utilized to prevent the inappropriate disclosure of sensitive information. USPTO requires annual security role-based training and annual mandatory security awareness procedure training for all employees. In addition, the Perimeter Network NSI and SCS provide additional automated transmission and monitoring mechanisms to ensure that PII/BII information is protected and not breached by external entities.

## 2.4 Is the information covered by the Paperwork Reduction Act?

<input checked="" type="checkbox"/>	Yes, the information is covered by the Paperwork Reduction Act. Provide the OMB control number and the agency number for the collection. 0651-0031 Patent Processing 0651-0032 Initial Patent Application 0651-0020 Patent Term Extension 0651-0021 Patent Cooperation Treaty 0651-0024 Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures 0651-0073 Patent Law Treaty 0651-0075 International Design Applications (Hague Agreements) 0651-0079 International Work Sharing Program 0651-0027 Recording Assignments
<input type="checkbox"/>	No, the information is not covered by the Paperwork Reduction Act.

## 2.5 Indicate the technologies used that contain PII/BII in ways that have not been previously deployed. (Check all that apply.)

Technologies Used Containing PII/BII Not Previously Deployed (TUCPBNPD)			
Smart Cards	<input type="checkbox"/>	Biometrics	<input type="checkbox"/>
Caller-ID	<input type="checkbox"/>	Personal Identity Verification (PIV) Cards	<input type="checkbox"/>
Other (specify):			

<input checked="" type="checkbox"/>	There are not any technologies used that contain PII/BII in ways that have not been previously deployed.
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## Section 3: System Supported Activities

### 3.1 Indicate IT system supported activities which raise privacy risks/concerns. (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):			

<input checked="" type="checkbox"/>	There are not any IT systems supported activities which raise privacy risks/concerns.
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#### **Section 4: Purpose of the System**

- 4.1 Indicate why the PII/BII in the IT system is being collected, maintained, or disseminated.  
(Check all that apply.)

<b>Purpose</b>			
For a Computer Matching Program	<input type="checkbox"/>	For administering human resources programs	<input type="checkbox"/>
For administrative matters	<input checked="" type="checkbox"/>	To promote information sharing initiatives	<input type="checkbox"/>
For litigation	<input type="checkbox"/>	For criminal law enforcement activities	<input type="checkbox"/>
For civil enforcement activities	<input type="checkbox"/>	For intelligence activities	<input type="checkbox"/>
To improve Federal services online	<input type="checkbox"/>	For employee or customer satisfaction	<input checked="" type="checkbox"/>
For web measurement and customization technologies (single-session)	<input type="checkbox"/>	For web measurement and customization technologies (multi-session)	<input type="checkbox"/>
Other (specify): To provide a comprehensive prior art search capability and the retrieval of patent and related information for dissemination to the public based on requirements stated in USC statutory code 35 U.S.C Section 122.			

#### **Section 5: Use of the Information**

- 5.1 In the context of functional areas (business processes, missions, operations, etc.) supported by the IT system, describe how the PII/BII that is collected, maintained, or disseminated will be used. Indicate if the PII/BII identified in Section 2.1 of this document is in reference to a federal employee/contractor, member of the public, foreign national, visitor or other (specify).

<p>The data collected facilitates access for members of the public to search the USPTO Patent data repositories, which allows:</p> <ul style="list-style-type: none"> <li>• The general public to search and retrieve domestic application images</li> <li>• Patent examiners and applicants to identify individuals and organizations with Intellectual property, pre-grant, and published applications.</li> </ul>
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- 5.2 Describe any potential threats to privacy, such as insider threat, as a result of the bureau's/operating unit's use of the information, and controls that the bureau/operating unit has put into place to ensure that the information is handled, retained, and disposed appropriately. (For example: mandatory training for system users regarding appropriate

handling of information, automatic purging of information in accordance with the retention schedule, etc.)

Inadvertent PII/BII exposure and the inadvertent dissemination of PII/BII during the patent recall process is a risk and USPTO has policies, procedures, and training to ensure that employees are aware of their responsibility of protecting sensitive information and the negative impact to the agency if there is a loss, misuse, or unauthorized access to or modification of sensitive private information.

USPTO requires annual security role-based training and annual mandatory security awareness procedure training for all employees. The following are USPTO's current policies: Information Security Foreign Travel Policy (OCIO-POL-6), IT Privacy Policy (OCIO-POL-18), IT Security Education Awareness Training Policy (OCIO-POL-19), Personally Identifiable Data Removal Policy (OCIO-POL-23), and USPTO Rules of the Road (OCIO-POL36). The combination of USPTO trainings and policies will help USPTO employees to recognize insider threats. All offices of USPTO adhere to USPTO Records Management Office's Comprehensive Records Schedule that describes the types of USPTO records and their corresponding disposition authority or citation.

## **Section 6: Information Sharing and Access**

- 6.1 Indicate with whom the bureau intends to share the PII/BII in the IT system and how the PII/BII will be shared. *(Check all that apply.)*

Recipient	How Information will be Shared		
	Case-by-Case	Bulk Transfer	Direct Access
Within the bureau	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
DOC bureaus	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Federal agencies	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
State, local, tribal gov't agencies	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Private sector	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Foreign governments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Foreign entities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ The PII/BII in the system will not be shared.

- 6.2 Does the DOC bureau/operating unit place a limitation on re-dissemination of PII/BII shared with external agencies/entities?

<input type="checkbox"/>	Yes, the external agency/entity is required to verify with the DOC bureau/operating unit before re-dissemination of PII/BII.
<input checked="" type="checkbox"/>	No, the external agency/entity is not required to verify with the DOC bureau/operating unit before re-dissemination of PII/BII.
<input type="checkbox"/>	No, the bureau/operating unit does not share PII/BII with external agencies/entities.

- 6.3 Indicate whether the IT system connects with or receives information from any other IT systems authorized to process PII and/or BII.

<input checked="" type="checkbox"/>	<p>Yes, this IT system connects with or receives information from another IT system(s) authorized to process PII and/or BII.</p> <p>Provide the name of the IT system and describe the technical controls which prevent PII/BII leakage:</p> <p>PCAPS-ES PCAPS-IP PE2E TRINET ESS SCS DSMS</p> <p>By restricting access to the system via Activity Directory, PSS-PS, PCAPS-ES, PCAPS-IP, TRINET, ESS, SCS, DSMS and PE2E's protection of PII data is performed by the implemented AD automated system. Automatic quality control for data checks exists. VPN is used for developer access. There is a network connection to the internet via the Network Perimeter for PSS-PS and PSS-SS users. PSS-PS, PSS-SS, PCAPS-ES, PCAPS-IP, TRINET, ESS, SCS, and DSMS services are logically partitioned via a DMZ and an internal USPTO firewall is used as the boundary protection device that secures the communication between internet users and the PSS-PS, PSS-SS, PCAPS-ES, PCAPS-IP, TRINET, ESS, SCS and DSMS. This connection is protected and controlled by the USPTO infrastructure.</p>
<input type="checkbox"/>	No, this IT system does not connect with or receive information from another IT system(s) authorized to process PII and/or BII.

- 6.4 Identify the class of users who will have access to the IT system and the PII/BII. (Check all that apply.)

Class of Users			
General Public	<input checked="" type="checkbox"/>	Government Employees	<input checked="" type="checkbox"/>
Contractors	<input checked="" type="checkbox"/>		
Other (specify):			

## **Section 7: Notice and Consent**

- 7.1 Indicate whether individuals will be notified if their PII/BII is collected, maintained, or disseminated by the system. (Check all that apply.)

<input checked="" type="checkbox"/>	Yes, notice is provided pursuant to a system of records notice published in the Federal Register and discussed in Section 9.	
<input checked="" type="checkbox"/>	Yes, notice is provided by a Privacy Act statement and/or privacy policy. The Privacy Act statement and/or privacy policy can be found at: <a href="http://www.uspto.gov/privacy-policy">http://www.uspto.gov/privacy-policy</a> .	
<input checked="" type="checkbox"/>	Yes, notice is provided by other means.	Specify how: PSS-PS online applications (i.e. PatFT, AppFT, AIW, and PIW) facilitates public online searches of granted patents. These public tools do not require users to provide any PII/BII. The non-sensitive PII (patent owner name,

		correspondence address, etc.) that returns during granted patent searches are available for public record and patent owner(s) consent were previously obtained during initial patent filing via the front end system.
<input type="checkbox"/>	No, notice is not provided.	Specify why not:

7.2 Indicate whether and how individuals have an opportunity to decline to provide PII/BII.

<input checked="" type="checkbox"/>	Yes, individuals have an opportunity to decline to provide PII/BII.	Specify how: They have the opportunity to decline during account creation. PSS-PS online applications (i.e. PatFT, AppFT, AIW, and PIW) facilitates public online searches of granted patents. These public tools do not require users to provide any PII/BII. The non-sensitive PII (patent owner name, correspondence address, etc.) that returns during granted patent searches are available for public record and patent owner(s) consent were previously obtained during initial patent filing via the front end system.
<input type="checkbox"/>	No, individuals do not have an opportunity to decline to provide PII/BII.	Specify why not:

7.3 Indicate whether and how individuals have an opportunity to consent to particular uses of their PII/BII.

<input type="checkbox"/>	Yes, individuals have an opportunity to consent to particular uses of their PII/BII.	Specify how:
<input checked="" type="checkbox"/>	No, individuals do not have an opportunity to consent to particular uses of their PII/BII.	Specify why not: PSS-PS online applications (i.e. PatFT, AppFT, AIW, and PIW) facilitates public online searches of granted patents. These public tools do not require users to provide any PII/BII. The non-sensitive PII (patent owner name, correspondence address, etc.) that returns during granted patent searches are available for public record and patent owner(s) consent were previously obtained during initial patent filing.

7.4 Indicate whether and how individuals have an opportunity to review/update PII/BII pertaining to them.

<input checked="" type="checkbox"/>	Yes, individuals have an opportunity to review/update PII/BII pertaining to them.	Specify how: USPTO employees can update their information via OHR while the patent submitter information can be updated via other front-end systems.
<input type="checkbox"/>	No, individuals do not have an opportunity to review/update PII/BII pertaining to them.	Specify why not:

**Section 8: Administrative and Technological Controls**

8.1 Indicate the administrative and technological controls for the system. *(Check all that apply.)*

<input type="checkbox"/>	All users signed a confidentiality agreement or non-disclosure agreement.
<input type="checkbox"/>	All users are subject to a Code of Conduct that includes the requirement for confidentiality.
<input checked="" type="checkbox"/>	Staff(employees and contractors) received training on privacy and confidentiality policies and practices.
<input checked="" type="checkbox"/>	Access to the PII/BII is restricted to authorized personnel only.
<input checked="" type="checkbox"/>	Access to the PII/BII is being monitored, tracked, or recorded. Explanation: In addition to security and management controls to prevent the inappropriate disclosure of sensitive information. USPTO implements the Perimeter Network NSI and SCS to provide automated transmission and monitoring mechanisms to ensure that PII/BII information is protected and not breached by external entities.
<input checked="" type="checkbox"/>	The information is secured in accordance with the Federal Information Security Modernization Act (FISMA) requirements. Provide date of most recent Assessment and Authorization (A&A): <u>9/16/22</u> <input type="checkbox"/> This is a new system. The A&A date will be provided when the A&A package is approved.
<input checked="" type="checkbox"/>	The Federal Information Processing Standard (FIPS) 199 security impact category for this system is a moderate or higher.
<input checked="" type="checkbox"/>	NIST Special Publication (SP) 800-122 and NIST SP 800-53 Revision 4 Appendix J recommended security controls for protecting PII/BII are in place and functioning as intended; or have an approved Plan of Action and Milestones (POA&M).
<input checked="" type="checkbox"/>	A security assessment report has been reviewed for the information system and it has been determined that there are no additional privacy risks.
<input checked="" type="checkbox"/>	Contractors that have access to the system are subject to information security provisions in their contracts required by DOC policy.
<input type="checkbox"/>	Contracts with customers establish DOC ownership rights over data including PII/BII.
<input type="checkbox"/>	Acceptance of liability for exposure of PII/BII is clearly defined in agreements with customers.
<input type="checkbox"/>	Other (specify):

8.2 Provide a general description of the technologies used to protect PII/BII on the IT system. *(Include data encryption in transit and/or at rest, if applicable).*

<p>Information in USPTO information systems is protected with operational and technical controls that are documented in the PSS-PS System Security Plan. A Security Categorization compliant with the FIPS 199 and NIST SP 800-60 requirements was conducted for PSS-PS. The overall FIPS 199 security impact level for PSS-PS was determined to be Moderate. This categorization influences the level of effort needed to protect the information managed and transmitted by the system.</p> <p>A. Operational controls include securing all hardware associated with the PSS-PS in the USPTO Data Center. The Data Center is controlled by access card entry and is manned by a uniformed guard service to restrict access to the servers, their operating systems, and databases.</p> <p>B. Backups are managed by the Enterprise Tape Backup System (ETBS) and are secured off-site by First Federal.</p> <p>Windows and Linux servers within PSS-PS are regularly updated with the latest security patches by the Windows and Unix System Support Groups.</p>
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## **Section 9: Privacy Act**



9.1 Is the PII/BII searchable by a personal identifier (e.g, name or Social Security number)?

☒ Yes, the PII/BII is searchable by a personal identifier.

☐ No, the PII/BII is not searchable by a personal identifier.

9.2 Indicate whether a system of records is being created under the Privacy Act, 5 U.S.C. § 552a. *(A new system of records notice (SORN) is required if the system is not covered by an existing SORN).*

As per the Privacy Act of 1974, “the term ‘system of records’ means a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.”

<input checked="" type="checkbox"/>	<p>Yes, this system is covered by an existing system of records notice (SORN). Provide the SORN name, number, and link. <i>(list all that apply):</i></p> <p>USPTO PKI Registration and Maintenance System—<a href="#">Commerce/PAT-TM-16</a></p> <p>USPTO Patent Assignment Records—<a href="#">Commerce/PAT-TM-9</a></p> <p>USPTO Patent Subscription Service System—<a href="#">Commerce/PAT-TM-12</a></p> <p>USPTO Patent Application Files—<a href="#">Commerce/PAT-TM-7</a></p>
<input type="checkbox"/>	Yes, a SORN has been submitted to the Department for approval on <u>(date)</u> .
<input type="checkbox"/>	No, this system is not a system of records and a SORN is not applicable.

## **Section 10: Retention of Information**

10.1 Indicate whether these records are covered by an approved records control schedule and monitored for compliance. *(Check all that apply.)*

<input checked="" type="checkbox"/>	<p>There is an approved record controls schedule. Provide the name of the record controls schedule:</p> <p>N1-241-10-1:2, Patent Case Files Granted GRS 5.1:020, Non-recordkeeping Copies of Electronic Records N1-241-05-2:5, Information Dissemination Product Reference</p>
<input type="checkbox"/>	<p>No, there is not an approved record controls schedule. Provide the stage in which the project is in developing and submitting a records control schedule:</p>
<input checked="" type="checkbox"/>	Yes, retention is monitored for compliance to the schedule.
<input type="checkbox"/>	No, retention is not monitored for compliance to the schedule. Provide explanation:

10.2 Indicate the disposal method of the PII/BII. *(Check all that apply.)*

<b>Disposal</b>			
Shredding	<input type="checkbox"/>	Overwriting	<input type="checkbox"/>
Degaussing	<input type="checkbox"/>	Deleting	<input checked="" type="checkbox"/>
Other (specify):			

### **Section 11: NIST Special Publication 800-122 PII Confidentiality Impact Level**

11.1 Indicate the potential impact that could result to the subject individuals and/or the organization if PII were inappropriately accessed, used, or disclosed. *(The PII Confidentiality Impact Level is not the same, and does not have to be the same, as the Federal Information Processing Standards (FIPS) 199 security impact category.)*

<input type="checkbox"/>	Low – the loss of confidentiality, integrity, or availability could be expected to have a limited adverse effect on organizational operations, organizational assets, or individuals.
<input checked="" type="checkbox"/>	Moderate – the loss of confidentiality, integrity, or availability could be expected to have a serious adverse effect on organizational operations, organizational assets, or individuals.
<input type="checkbox"/>	High – the loss of confidentiality, integrity, or availability could be expected to have a severe or catastrophic adverse effect on organizational operations, organizational assets, or individuals.

11.2 Indicate which factors were used to determine the above PII confidentiality impact level. *(Check all that apply.)*

<input checked="" type="checkbox"/>	Identifiability	Provide explanation: Name, home address, work address, work email, work phone number, telephone number, business associates, and proprietary or business information can be used to identify an individual.
<input checked="" type="checkbox"/>	Quantity of PII	Provide explanation: This system contains tens of millions of published patent data.
<input checked="" type="checkbox"/>	Data Field Sensitivity	Provide explanation: The combination of Name, home address, work address, work email, work phone number, telephone number, business associates, and proprietary or business information and tens of millions of published patent data can make the data fields more sensitive.
<input checked="" type="checkbox"/>	Context of Use	Provide explanation: The data collected facilitates access for public users to search the USPTO Patent data repositories, which allows: <ul style="list-style-type: none"> <li>• The general public to search and retrieve domestic application images</li> <li>• Patent examiners and applicants to identify individuals and organizations with Intellectual property, pre-grant, and published applications.</li> </ul>

<input checked="" type="checkbox"/>	Obligation to Protect Confidentiality	Provide explanation: USPTO must protect the PII of each individual in accordance to the Privacy Act of 1974 and USPTO Privacy Policy requires the PII information collected within the system to be protected in accordance with NIST SP 800-122, Guide to Protecting the Confidentiality of Personally Identifiable Information
<input checked="" type="checkbox"/>	Access to and Location of PII	Provide explanation: By restricting access to the system via Activity Directory, PSS-PS's protection of PII data is performed by the implemented AD automated system. Automatic quality control for data checks exists. There is a network connection to the internet via the Network Perimeter for PSS-PS. PSS-PS services are logically partitioned via a DMZ and an internal USPTO firewall. This is used as the boundary protection device that secures the communication between internet users and the PSS-PS. This connection is protected and controlled by the USPTO infrastructure.
<input type="checkbox"/>	Other:	Provide explanation:

## **Section 12: Analysis**

- 12.1 Identify and evaluate any potential threats to privacy that exist in light of the information collected or the sources from which the information is collected. Also, describe the choices that the bureau/operating unit made with regard to the type or quantity of information collected and the sources providing the information in order to prevent or mitigate threats to privacy. (For example: If a decision was made to collect less data, include a discussion of this decision; if it is necessary to obtain information from sources other than the individual, explain why.)

Inadvertent dissemination of PII/BII during the patent recall process is a risk and USPTO implemented a baseline of security controls to mitigate the risk. USPTO has identified and evaluated potential threats to PII such as loss of confidentiality and integrity of information. Based upon USPTO's threat assessment policies, procedures, and training has been implemented to ensure that employees are aware of their responsibility to protect PII and to be aware of insider threats. Our employees are aware of the negative impact to the agency if there is a loss, misuse, or unauthorized access to or modification of PII.

- 12.2 Indicate whether the conduct of this PIA results in any required business process changes.

<input type="checkbox"/>	Yes, the conduct of this PIA results in required business process changes. Explanation:
<input checked="" type="checkbox"/>	No, the conduct of this PIA does not result in any required business process changes.

- 12.3 Indicate whether the conduct of this PIA results in any required technology changes.

<input type="checkbox"/>	Yes, the conduct of this PIA results in required technology changes. Explanation:
<input checked="" type="checkbox"/>	No, the conduct of this PIA does not result in any required technology changes.