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

Privacy Threshold Analysis
for the
Patent Capture and Application Processing System – Initial Processing (PCAPS-IP)

U.S. Department of Commerce Privacy Threshold Analysis

USPTO Patent Capture and Application Processing System – Initial Processing (PCAPS-IP)

Unique Project Identifier: PTOP-006-00

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 and its purpose: *Provide a general description (in a way that a non-technical person can understand) of the information system that addresses the following elements:*

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).

PCAPS-IP is a Major Application Information System, which provides support to the United States Patent and Trademark Office (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 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. PCAPS-IP users include both internal USPTO personnel as well as the public.

The PCAPS- IP has the following AIS's:

Application Routing Tool (ART): Supports an automated system that provides a suggested routing location for new patent applications that have been successfully scanned into the Patent Application Services and Security (PASS) database. The system does not collect, process or transmit sensitive PII.

Checker (Checker): Enables public users to check sequence listings before submission to the USPTO. The Checker system validates patent applications in compliance with 37 Code of Federal Regulations (CFR) 1.821 – 1.825 for both 'old rules' (October 1990) and 'new rules' (July 1998). The system does not collect, process or transmit sensitive PII.

Enterprise Application Integration (EAI) Hub - (EAI Hub): Supports the USPTO's e-Government strategy and provides a framework for various loosely coupled Automated Information Systems (components) to share information and services across their heterogeneous environments with minimal or no changes to the existing applications. The system does not collect, process or transmit sensitive PII.

Electronic Filing System -Web (EFS-Web): Provides a simple, safe, and secure method for e-filers to submit patent application documents as PDF files over the Internet to the USPTO. The system does collect process or transmit sensitive PII.

Patent Application Services and Security (PASS): Provides the capability to use electronic images of patent applications to support USPTO operations. The system does not collect, process or transmit sensitive PII.

PatentIn: Allows patent applicants to generate nucleic and amino acid sequence listings. PatentIn does not connect to USPTO. The PatentIn application runs locally on the user's personal computer. The system does not collect, process or transmit sensitive PII.

Patent Application Location Monitoring Pre Examination (PALM Pre-Exam): Supports the prosecution and related administrative functions of a patent application through its life cycle, and also tracks, monitors, and reports on the prosecution status of patent applications. The system does collect process or transmit sensitive PII.

Patent Application Location Monitoring Patent Cooperation Treaty Operations System (PCT OPS): Supports an automated, workflow-driven, client-server environment that support Patent Cooperation Treaty (PCT) patent application functions. PCT OPS works with an electronic application in an integrated desktop environment. The system does not collect, process or transmit sensitive PII.

Patent Application Location Monitoring - Reporting System (PRS): Produces many productivity and statistical reports that are crucial to the Patents Corps business operation. The PRS processes and delivers reports to Patents Corp, supporting various PALM subsystems and business areas. The system does collect process or transmit sensitive PII.

Infrastructure Code Table – (ICT): The ICT system provides the validation of a given geographic region with a specified country, and provides a list of current countries and geographic regions. ICT provides the standard PTO country codes for patent applications. The system does not collect, process or transmit sensitive PII.

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

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)

PCAPS-IP interconnects with the following systems:

Patent Search System Primary Search (PSS-PS) is a master system that processes, transmits and store data and images to support the data-capture and conversion requirements of the USPTO to support the USPTO patent application process.

Patent Capture and Application Processing System – Examination Support (PCAPS-ES) is a master system that provides 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

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.

Fee Processing Next Generation (FPNG) is a Master system, and is the United States Patent and Trademark Office's (USPTO) "Next Gen" solution for fee processing. FPNG replaced the Revenue Accounting and Management (RAM) system

Reed Technology and Information Services (RTIS) Patent Data Capture (PDCap)/SERCO Patent Processing System (PPS); RTIS is an off-campus contractor system that captures critical fields from applicant's applications so that they are pre-loaded into an index file to reduce examiners and public search times. SERCO PPS is a contractor system that receives information from USPTO so that inventory, identification and classification activities can be performed on patent applications.

World Intellectual Property Organization (WIPO) / Foreign Patent Offices; is a United Nations (U.N.) agency charged with protecting intellectual property (IP) by working with worldwide organizations to establish international classifications.

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

Enterprise UNIX Services (EUS) consists of assorted UNIX operating system variants (OS) each comprised of many utilities along with the master control program, the kernel.

Network and Security Infrastructure System (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.

Enterprise Monitoring and Security Operations (EMSO) 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) is an Infrastructure information system, and provides a Database Infrastructure to support mission of USPTO database needs.

Trilateral Network (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).

d) The purpose that the system is designed to serve

PCAPS-IP supports the prosecution of patent applications.

e) The way the system operates to achieve the purpose

PCAPS-IP has a website Electronic File System-Web (EFS-Web) whereby can applicants can submit applications online. PCAPS-IP has other applications for applicants to use in verifying portions of their patent application before it is officially filed (Checker, PatentIn). Once the application is electronically filed the application is uploaded and then routed through electronic security and formalities review system (PASS). Once the application is perfected an initial classification is automatically determined which is then used to route the application to the proper Technology Center for examination.

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

PCAPS-IP does not capture sensitive-PII. However; the information collected is of the public (U.S. and foreign), Federal employees. Public data is used to file and manage Patent applications. Federal employee data is used internally for Patent examiner work, management of Federal employees, and the management of the IT systems that support the USPTO.

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

Public, Patent examiners, system administrators

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

Registered patent applicants are provisioned unique user accounts to facilitate subsequent secure logins for their application status and update submissions. Patent examiners are granted access only the patent application has been assigned to them.

i) How information is transmitted to and from the system

HTTPS is used for all data transmissions to and from the Internet, USPTO DMZ, and PTOnet. A dedicated socket is used to perform encryption and decryption.
Public users transmit information to and from Public PAIR and Private PAIR via HTTPS.

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	☐	d. Significant Merging	☐	g. New Interagency Uses	☐
b. Anonymous to Non-Anonymous	☐	e. New Public Access	☐	h. Internal Flow or Collection	☐
c. Significant System Management Changes	☐	f. Commercial Sources	☐	i. Alteration in Character of Data	☐
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 (version 01-2015 or 01-2017). *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 (version 01-2019 or later). *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	☐	Building entry readers	☐
Video surveillance	☐	Electronic purchase transactions	☐
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.
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

☒ I certify the criteria implied by one or more of the questions above **apply** to the Patent Capture and Application Processing System – Initial Processing and as a consequence of this applicability, I will perform and document a PIA for this IT system.

☐ I certify the criteria implied by the questions above **do not apply** to the Patent Capture and Application Processing System – Initial Processing and as a consequence of this non-applicability, a PIA for this IT system is not necessary.

System Owner Name: William Stryjewski Office: Office of Patent Information Management Phone: (571) 272-3404 Email: William.Stryjewski@uspto.gov Signature: Users, Stryjewski, William Digitally signed by Users, Stryjewski, William Date: 2020.10.15 13:14:34 -04'00' Date signed: _____	**Chief Information Security Officer** Name: Don Watson Office: Office of the Chief Information Officer (OCIO) Phone: (571) 272-8130 Email: Don.Watson@uspto.gov Signature: DON R Watson Digitally signed by DON R Watson Date: 2020.10.19 10:26:27 -04'00' Date signed: _____
Privacy Act Officer Name: John Heaton Office: Office of General Law (O/GL) Phone: (571) 270-7420 Email: Ricou.Heaton@upsto.gov Signature: Users, Heaton, John (Ricou) Digitally signed by Users, Heaton, John (Ricou) Date: 2020.10.13 18:05:21 -04'00' 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: Users, Holcombe, Henry Digitally signed by Users, Holcombe, Henry Date: 2020.10.19 10:47:29 -04'00' Date signed: _____
Co-Authorizing Official (if applicable) Name: Andrew (Drew) Hirshfeld Office: Commissioner for Patents Phone: 571-272-8800 Email: andrew.hirshfeld@uspto.gov Signature: Users, Hirshfeld, Andrew Digitally signed by Users, Hirshfeld, Andrew Date: 2020.10.22 16:16:32 -04'00' Date signed: _____	