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

**Privacy Threshold Analysis
for the
Trademark Next Generation**

U.S. Department of Commerce Privacy Threshold Analysis

USPTO Trademark Next Generation

Unique Project Identifier: PTOT-004-00

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 of the information system in a way that a non-technical person can understand.*

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).

a) *Whether it is a general support system, major application, or other type of system*
Trademark Next Generation (TMNG) is a major application.

b) *System location*
The components of TMNG are primarily located at 600 Dulany Street, Alexandria, VA 22314, on the 3rd floor, east wing at the Data Center. TMNG resides on the USPTO network (PTOnet).

c) *Whether it is a standalone system or interconnects with other systems (identifying and describing any other systems to which it interconnects)*
TMNG interconnects with Trademark Processing System – Internal Systems (TPS-IS).

d) *The purpose that the system is designed to serve*
TMNG provides support for the automated processing of trademark applications for the USPTO.

e) *The way the system operates to achieve the purpose*
TMNG is comprised of the following seven Automated Information Systems (AIS).

Trademark Status and Document Retrieval (TSDR)
Provides bibliographic data in a standard markup form. It processes the PII data submitted as part of the application process.

Trademark Reporting and Data Mart (TRDM)
Provides business reports and dashboards connecting to respective data sources. It does not process PII data.

Trademark Electronic Official Gazette (TMeOG)
Enables consumers of published data in the official gazette to review information and search for items of interest. It processes the PII data submitted as part of the application process.

Trademark Next Generation Identification Master List System (TMNG-IDM)
Allows authorized users to perform editing functions (create, modify, delete); provides role-based searching across current and archival versions. It does not process PII data.

TMNG Internal
Used by Examining Attorneys during the Examination phase of an application. It processes the PII data submitted as part of the application process.

Trademark Next Generation e-File (eFile)
Will be used by customers to submit/make changes to Trademark Applications. It does not currently process PII data.

Trademark Next Generation Content Management System (TMNG_CMS)
The purpose of TMNG_CMS is to transition to a single modern content repository that will be used by all TMNG internal systems. It processes and stores the PII data submitted as part of the application process.

f) *A general description of the type of information collected, maintained, use, or disseminated by the system*
TMNG processes the following information types: Intellectual Property Protection information, Customer Services information, and Official Information Dissemination information.

g) *Identify individuals who have access to information on the system*
TMNG is accessible in whole or in part by the following: USPTO trademark business users, system administrators, system developers, and the general public.

h) *How information in the system is retrieved by the user*
TMNG uses web-based interfaces to access the information in the system. Some subsystems also provide web APIs to retrieve information in an automated fashion.

i) How information is transmitted to and from the system
TMNG uses HTTPS for transmitting to and from the system over the USPTO internal network, as well as the public internet.

Questionnaire:

1. 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 later). *Skip questions and complete certification.*

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. *Please describe the activities which may raise privacy concerns.*

   ☒   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 about: *(Check all that apply.)*

    ☐   Companies
    ☐   Other business entities

☒ No, this IT system does not collect any BII.

4. Personally Identifiable Information
4a. Does the IT system collect, maintain, or disseminate personally identifiable information (PII)?

As per OMB 07-16, Footnote 1: "The term 'personally identifiable information' refers to information which can be used to distinguish or trace an individual's identity, such as their name, social security number, biometric records, etc... alone, or when combined with other personal or identifying information which is linked or linkable to a specific individual, such as date and place of birth, mother's maiden name, etc..."

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

    ☐   DOC employees
    ☐   Contractors working on behalf of DOC
    ☒   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 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.

4c. 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, and/or 4c are "Yes," a Privacy Impact Assessment (PIA) must be completed for the IT system. This PTA and the 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 Trademark Next Generation 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 Trademark Next Generation and as a consequence of this non-applicability, a PIA for this IT system is not necessary.

Jyotsna Jame

Name of System Owner (SO): _____

Signature of SO: Users, Jame, Jyotsna
Digitally signed by Users, Jame, Jyotsna
Date: 2019.09.17 11:44:13 -04'00'   Date: _____

Don Watson

Name of Chief Information Security Officer (CISO): _____

Signature of SISO: Users, Watson, Don
Digitally signed by Users, Watson, Don
Date: 2019.09.17 16:20:05 -04'00'   Date: _____

Henry J. Holcombe

Name of Authorizing Official (AO) & Bureau Chief Privacy Officer (BCPO): _____

Signature of AO & BCPO: _____   Date: 07 OCT '19