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

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 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*
   PCAPS-IP is a major applications consisting of multiple applications.

b) *System location*
   Madison building 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:

   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

   Revenue and Account Management (RAM) is master system that collects fees for various USPTO goods and services related to intellectual property and the protection of intellectual property rights

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.

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, use, 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.

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.*

__X__ 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.*

_ X ___ 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.)."

    __ X _ Yes, the IT system collects, maintains, or disseminates BII about: *(Check all that apply.)*

    _ X _ Companies
    __ X _ 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..."

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

    __ X __   DOC employees
    __ X __   Contractors working on behalf of DOC
    __ X __   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?

    __ X _ 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.

_ X _ 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

__X__ I certify the criteria implied by one or more of the questions above **apply** to the PCAPS-IP 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 PCAPS-IP and as a consequence of this non-applicability, a PIA for this IT system is not necessary.

Name of System Owner (SO): _____William Stryjewski_____

Signature of ISSO or SO: _____ Date: _6/13/18_

Name of Senior Information Security Officer (SISO): ____Rami Dillon_____

Signature of SISO: _____ Date: _6/14/18_

Name of Authorizing Official (AO)/Bureau Chief Privacy Officer (BCPO)___David Chiles____

Signature of AO/BCPO_____ Date: _6/15/2018_

Name of Co-Authorizing Official (Co-AO): ___Richard Seidel_____

Signature of Co-AO: _____ Date: _6/19/2018_