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

Privacy Threshold Analysis
for the
Data Conversion Laboratory Patent Support (DCLPS)

U.S. Department of Commerce Privacy Threshold Analysis

USPTO Data Conversion Laboratory Patent Support (DCLPS)

Unique Project Identifier: [2405] PTOC-027-00

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) *The Data Conversion Laboratory Patent Support (DCLPS) is a general support system*
b) *The Data Conversion Laboratory Patent Support (DCLPS) is located in Fresh Meadows, NY*
c) *The Data Conversion Laboratory Patent Support (DCLPS) is an external contractor system that has been implemented in support of the Continuous Data Conversion (CDC)*
d) *The purpose of the system is to transform electronic Tagged Image File Format (TIFF) images of patent application documents to Extensible Markup Language (XML) documents based on a predefined XML schema.*
e) *DCL receives patent applications directly from the United States Patent and Trademark Office (USPTO).*
f) *The DCLPS is an Application information system, and provides the text equivalent of the incoming TIF image, from the Applicant, in XML format. This allows Patent Examiners to search their Application Database, IFW / eDAN, in a similar manner to how they search their BRS Prior Art Database. Currently, the Examiners must rely on OCR Text equivalents that are either run in real-time and not 100% accurate or a costly human-stenographic alternative. This is an automated process and will result in the TIF and XML components viewable side-by-side by the Examiner.*
g) *Access to the system and data are limited to system administrators and software developers. Data is received, processed, and returned. This is usually within four hours. All transfers of data between DCLPS and USPTO occur over a FIPS 140-2 certified secure file transport system.*
h) *The files in the new XML format allow patent examiners to search, manage, and manipulate different document types, using examination tools under development.*

i) *DCL receives patent applications directly from the United States Patent and Trademark Office (USPTO). Data transfer between DCLPS and USPTO is done via a secure transport system. The transfers take place over public internet, from DCL to USPTO through their TIC (trusted internet connection).*

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 Data Conversion Laboratory Patent Support (DCLPS) 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 Data Conversion Laboratory Patent Support (DCLPS) and as a consequence of this non-applicability, a PIA for this IT system is not necessary.

Name of System Owner (SO): Neal Miskell

Signature of SO: Date: 1/29/19

Name of Senior Information Security Officer (SISO): John Pardun

Signature of SISO: Date: 2·6·19

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

Signature of AO & BCPO: Date: 2/14/2019

Name of Authorizing Official (AO) or Designated Representative: Deborah Stephens

Signature of AO: Deborah Stephens Date: 2/14/19