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

Privacy Impact Assessment
for the
Fee Processing Next Generation System

Reviewed by: John B. Owens II, 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

Catrina D. Purvis

Digitally signed by Catrina D. Purvis
DN: cn=Catrina D. Purvis, o=Office of the Secretary, Office of Privacy and Open Government, ou=US Department of Commerce, email=cpurvis@doc.gov, c=US
Date: 2017.02.17 15:46:57 -05'00'

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

U.S. Department of Commerce Privacy Impact Assessment
USPTO FPNG

Unique Project Identifier: PTOC-004-00

<u>Introduction:</u> System Description

Provide a description of the system that addresses the following elements:
The response must be written in plain language and be as comprehensive as necessary to describe the system.

(a) a general description of the information in the system

The Fee Processing Next Generation (FPNG) program provides USPTO customers a modern payment system.

FPNG provides services to the public and internal facing functionality that will enable USPTO employees to support customers. FPNG has interfaces to various USPTO systems and also with US Treasury which include Pay.Gov and OTCNet services.

FPNG allows internal and external users to manage payment accounts, perform profile updates, and make payments for USPTO goods and services, etc. via the FPNG User Interface (UI) web presentation layer. It also provides all functionality related to managing payments, replenishing, and transferring of deposit account balances.

(b) a description of a typical transaction conducted on the system

FPNG allows internal and external users to manage payment accounts, perform profile updates, and make payments for USPTO goods and services. It also provides services for managing payments, replenishing, and transferring of deposit account balances.

(c) any information sharing conducted by the system

Information about customers' credit card transactions are sent to (the U.S. Treasury's) Pay.gov system for authorization (real-time) and settlement (same day) and customers' banking information is sent to the Pay.gov system (daily batch- not real-time) for pre-notifications (new account verification-zero dollar transaction) and for EFT processing. Employee information is not shared with any other system or agency.

(d) a citation of the legal authority to collect PII and/or BII

The USPTO collects customer financial information for fee processing under 35 U.S.C. 2 and 41 and 15 U.S.C. 1113, as implemented in 37 CFR 1.16–1.28, 2.6–2.7, and 2.206–2.209.

(e) the Federal Information Processing Standard (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.)*

☒   This is an existing information system in which changes do not create new privacy risks. *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):					

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.)*

Identifying Numbers (IN)					
a. Social Security*	☐	e. File/Case ID	☒	i. Credit Card	☒
b. Taxpayer ID	☐	f. Driver's License	☐	j. Financial Account	☒
c. Employer ID	☐	g. Passport	☐	k. Financial Transaction	☒
d. Employee ID	☐	h. Alien Registration	☐	l. Vehicle Identifier	☐
m. Other identifying numbers (specify):					
*Explanation for the need to collect, maintain, or disseminate the Social Security number, including truncated form:					
*If SSNs are collected, stored, or processed by the system, please explain if there is a way to avoid such collection in the future and how this could be accomplished:					

General Personal Data (GPD)					
a. Name	☒	g. Date of Birth	☐	m. Religion	☐
b. Maiden Name	☐	h. Place of Birth	☐	n. Financial Information	☒
c. Alias	☐	i. Home Address	☒	o. Medical Information	☐
d. Gender	☐	j. Telephone Number	☒	p. Military Service	☐
e. Age	☐	k. Email Address	☒	q. Physical Characteristics	☐
f. Race/Ethnicity	☐	l. Education	☐	r. Mother's Maiden Name	☐
s. Other general personal data (specify):					

Work-Related Data (WRD)					
a. Occupation	☐	d. Telephone Number	☐	g. Salary	☐
b. Job Title	☐	e. Email Address	☒	h. Work History	☐
c. Work Address	☒	f. Business Associates	☐		
i. Other work-related data (specify):					

Distinguishing Features/Biometrics (DFB)					
a. Fingerprints	☐	d. Photographs	☐	g. DNA Profiles	☐
b. Palm Prints	☐	e. Scars, Marks, Tattoos	☐	h. Retina/Iris Scans	☐
c. Voice Recording/Signatures	☐	f. Vascular Scan	☐	i. Dental Profile	☐
j. Other distinguishing features/biometrics (specify):					

System Administration/Audit Data (SAAD)					
a. User ID	☒	c. Date/Time of Access	☒	e. ID Files Accessed	☐
b. IP Address	☐	d. Queries Run	☐	f. Contents of Files	☐
g. Other system administration/audit data (specify):					

Other Information (specify)

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

Directly from Individual about Whom the Information Pertains					
In Person	☐	Hard Copy: Mail/Fax	☐	Online	☒
Telephone	☐	Email	☐		
Other (specify):					

Government Sources					
Within the Bureau	☐	Other DOC Bureaus	☐	Other Federal Agencies	☐
State, Local, Tribal	☐	Foreign	☐		
Other (specify):					

Non-government Sources					
Public Organizations	☐	Private Sector	☐	Commercial Data Brokers	☐
Third Party Website or Application			☐		
Other (specify):					

2.3   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	☐	Biometrics	☐
Caller-ID	☐	Personal Identity Verification (PIV) Cards	☐
Other (specify):			

☒	There are not any technologies used that contain PII/BII in ways that have not been previously deployed.

Section 3: System Supported Activities

3.1   Indicate IT system supported activities which raise privacy risks/concerns. *(Check all that apply.)*

Activities			
Audio recordings	☐	Building entry readers	☐
Video surveillance	☐	Electronic purchase transactions	☒
Other (specify):			

☐	There are not any IT system supported activities which raise privacy risks/concerns.

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.)*

Purpose			
To determine eligibility	☐	For administering human resources programs	☐
For administrative matters	☒	To promote information sharing initiatives	☐
For litigation	☐	For criminal law enforcement activities	☐
For civil enforcement activities	☐	For intelligence activities	☐
To improve Federal services online	☒	For employee or customer satisfaction	☐
For web measurement and customization technologies (single-session)	☐	For web measurement and customization technologies (multi-session)	☐
Other (specify): For financial transactions			

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).

The USPTO collects customer financial information for fee processing. Under 35 U.S.C, Section 41 and 15 U.S.C. Section 11 13, as implemented in 37 CFR, the USPTO charges fees for processing and services related to patents, trademarks, and information products. In the case of payments, we collect information about the payment method in order to troubleshoot or complete a chargeback should there be a problem with the payment. All employee information is collected in order to identify the FPNG fee processor and organization in which they work. The FPNG system is set up with role-based privileges, so an employee only has access to those specific functions permitted within their organization or by their required duties.

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	☒	☒	☐
DOC bureaus	☐	☐	☐
Federal agencies	☒	☒	☐
State, local, tribal gov't agencies	☐	☐	☐
Public	☐	☐	☐
Private sector	☐	☐	☐
Foreign governments	☐	☐	☐
Foreign entities	☐	☐	☐
Other (specify):	☐	☐	☐

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

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

⊠	Yes, this IT system connects with or receives information from another IT system(s) authorized to process PII and/or BII. Provide the name of the IT system and describe the technical controls which prevent PII/BII leakage: FPNG shares a connection with the USPTO Revenue Account Management (RAM) system in order to process financial transactions. The connection is made using TLS encryption in order to protect the data while it is moving between the two connections.
☐	No, this IT system does not connect with or receive information from another IT system(s) authorized to process PII and/or BII.

6.3   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	⊠	Government Employees	⊠
Contractors	⊠		
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.)*

⊠	Yes, notice is provided pursuant to a system of records notice published in the Federal Register and discussed in Section 9.	
⊠	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: http://www.uspto.gov/privacy-policy	
☐	Yes, notice is provided by other means.	Specify how:
☐	No, notice is not provided.	Specify why not:

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

⊠	Yes, individuals have an opportunity to decline to provide PII/BII.	Specify how: Users have the option of making anonymous payments however certain PII is required for users creating and maintaining deposit accounts.

	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.

	Yes, individuals have an opportunity to consent to particular uses of their PII/BII.	Specify how: All financial information for payment processing described herein is required to obtain services related to intellectual property and the protection of intellectual property rights. Customers do have payment options, so they have the opportunity to decline the provision of credit card information if they would rather use a deposit account or a check. Also, there is no additional use of the information beyond the required use and therefore no "consent process" is necessary.
☒		
☐	No, individuals do not have an opportunity to consent to particular uses of their PII/BII.	Specify why not:

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

	Yes, individuals have an opportunity to review/update PII/BII pertaining to them.	Specify how: Users have access to their user profiles in order to update information as needed.
☒		
☐	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.)*

☐	All users signed a confidentiality agreement or non-disclosure agreement.
☐	All users are subject to a Code of Conduct that includes the requirement for confidentiality.
☒	Staff (employees and contractors) received training on privacy and confidentiality policies and practices.
☒	Access to the PII/BII is restricted to authorized personnel only.
☒	Access to the PII/BII is being monitored, tracked, or recorded. Explanation:
☒	The information is secured in accordance with FISMA requirements. Provide date of most recent Assessment and Authorization (A&A): ____2/20/2016_____ ☐ This is a new system. The A&A date will be provided when the A&A package is approved.
☒	The Federal Information Processing Standard (FIPS) 199 security impact category for this system is a moderate or higher.
☒	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 (POAM).

☒	Contractors that have access to the system are subject to information security provisions in their contracts required by DOC policy.
☐	Contracts with customers establish ownership rights over data including PII/BII.
☒	Acceptance of liability for exposure of PII/BII is clearly defined in agreements with customers.
☐	Other (specify):

8.2   Provide a general description of the technologies used to protect PII/BII on the IT system.

FPNG is secured by the USPTO's infrastructure systems and other OCIO established technical controls to include password authentication at the server and database levels. 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.

In supporting fee collection via Internet Web storefronts, FPNG uses a secure architecture. When a fee payment is required, users of a "legacy storefront" are redirected to a Secure Hypertext Transfer Protocol (HTTPS) URL from their specific storefront Web pages. After requesting a purchase transaction, the client's web browser is redirected to the load balanced edge servers located in the USPTO Sensitive DMZ.

Section 9: Privacy Act

9.1   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."

☒	Yes, this system is covered by an existing system of records notice (SORN). Provide the SORN name and number *(list all that apply)*: COMMERCE/PAT–TM–10 Deposit Accounts and Electronic Funds Transfer Profiles.
☐	Yes, a SORN has been submitted to the Department for approval on (date).
☐	No, a SORN is not being created.

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.)*

☒	There is an approved record control schedule. Provide the name of the record control schedule: GRS 1.1:010: Financial transaction records related to procuring goods and services, paying bills, collecting debts, and accounting.
☐	No, there is not an approved record control schedule. Provide the stage in which the project is in developing and submitting a records control schedule:
☒	Yes, retention is monitored for compliance to the schedule.
☐	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.)*

Disposal			
Shredding	☒	Overwriting	☐
Degaussing	☒	Deleting	☒
Other (specify):			

Section 11: NIST Special Publication 800-122 PII Confidentiality Impact Levels

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.

☐	Low – the loss of confidentiality, integrity, or availability could be expected to have a limited adverse effect on organizational operations, organizational assets, or individuals.
☐	Moderate – the loss of confidentiality, integrity, or availability could be expected to have a serious adverse effect on organizational operations, organizational assets, or individuals.
☒	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 levels. *(Check all that apply.)*

☒	Identifiability	Provide explanation: Name, home/business address, email address, telephone number, financial information for fee processing
☒	Quantity of PII	Provide explanation: Collectively, the number of records collected generate an enormous amount of PII and a breach in such large numbers of individual PII must be considered in the

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		determination of the impact level.
☒	Data Field Sensitivity	Provide explanation: Combination of name and financial information may be more sensitive.
☒	Context of Use	Provide explanation: PII is collected in order to communicate with external customers in case there are any problems with fee sale or to identify the fee processor and organization.
☒	Obligation to Protect Confidentiality	Provide explanation: Based on the data collected USPTO must protect the PII of each individual in accordance to the Privacy Act of 1974.
☒	Access to and Location of PII	Provide explanation: Due to obtaining PII, necessary measures must be taken to ensure the confidentiality of information during processing, storing and transmission.
☐	Other:	Provide explanation:

Section 12: Analysis

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

☐	Yes, the conduct of this PIA results in required business process changes. Explanation:
☒	No, the conduct of this PIA does not result in any required business process changes.

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

☐	Yes, the conduct of this PIA results in required technology changes. Explanation:
☒	No, the conduct of this PIA does not result in any required technology changes.