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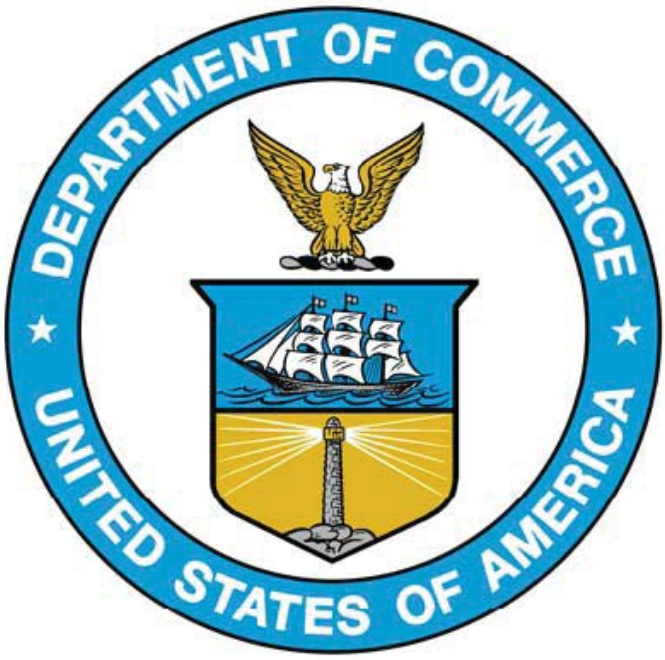

Privacy Threshold Analysis
for the
Patent Capture and Application Processing System – Examination Support (PCAPS-ES)

U.S. Department of Commerce Privacy Threshold Analysis

USPTO Patent Capture and Application Processing System – Examination Support (PCAPS-ES)

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).

PCAPS-ES represents a collection of tools that facilitates USPTO examiner's ability to process, examine and review patent applications. PCAPS-ES stores patent applications and related metadata, creation of patent application processing and prosecution status reports and patent applications retrieval and displays. The following applications comprise PCAPS-ES system:

Electronic Business Center Imaging System (EBCIS): Supports scanning, indexing, retrieving, and searching of manually submitted patent applications. The system does not collect, process or transmit sensitive PII.
Electronic Desktop Application Navigator (eDAN): Examiner desktop tool for managing pre-published and published patent applications. The system does not collect, process or transmit sensitive PII.
File Inspection Utility (FIU): Legacy examiner tool that serves as an alternate means of secure access to pending patent applications. The system does not collect, process or transmit sensitive PII.
Image File Wrapper (IFW): Patent image repository. The system does not collect, process or transmit sensitive PII.
Integrated Quality System (IQS): Patent management tool to track patent examiner's office action quality. The system does not collect, process or transmit sensitive PII.
Office Action Correspondence System (OACS): Patent examiner tool that facilitates creation of official correspondence documents with patent applicants. The system does not collect, process or transmit sensitive PII.
Patent Resource Management System (PRMS): Commissioner of Patent forecast tool. The system does not collect, process or transmit sensitive PII.
PAIR User Resource Manager (PURM): Internal tool to track customer numbers with their assigned PKI certificate. The system does not collect, process or transmit sensitive PII.

Patent Application Location Monitoring – Examination and Post-Examination (PALM ExPO): Examiner tool that supports tracking patent application prosecution, publication and location. The system does not collect, process or transmit sensitive PII.
Patent Application Location Monitoring – Services Gateway (PALM SG): A service oriented architecture that supports logging, security and PALM services. The system does not collect, process or transmit sensitive PII.
Patent Application Location Monitoring – File Ordering System (PALM FOS): An application that supports tracking physical location and status of issued or abandoned patent applications. The system does not collect, process or transmit sensitive PII.
Patent Application Location Monitoring - Infrastructure (PALM INFRA): Supports the management of basic information and contact details about the USPTO (its organizational structure, workers, and physical locations – including special purpose locations such as search rooms and how they interact with each other). The system does collect, process or transmit sensitive PII.
Patent Application Information Retrieval - Private (Private PAIR): An online web portal to facilitate patent applicant and examiner correspondence. Also enables applicant to review status and submit updates. The system does not collect, process or transmit sensitive PII.
Patent Enterprise Access Integration Public Patent Application Information Retrieval - Public (Public PAIR): allows public access to published patent applications and additional information regarding published patents. The system does not collect, process or transmit sensitive PII.
Trilateral Document Access (TDA): Facilitates USPTO's access to the European Patent Office (EPO), Korean Patent Office (KIPO), Japanese Patent Office (JPO,) and World Intellectual Property (WIPO) patent documents. The system does not collect, process or transmit sensitive PII.
Patent File Wrapper (PFW): A tool that streamlines the patent application examination process. The system does not collect, process or transmit sensitive PII
Quality Review System (QRS): A tool that improves efficiency Patent management's mandated quality reviews. The system does not collect, process or transmit sensitive PII
Supplemental Complex Repository for Examiners (SCORE): Internal repository that contains patent metadata used by patent examiners. The system does not collect, process or transmit sensitive PII.
Technology Assessment and Forecast (TAF): a database that generates a variety of statistical and analytical reports published by USPTO. The system does not collect, process or transmit sensitive PII.
Patents Telework Enterprise System (PTES): Database used to track USPTO employees enrolled in the telework program. PTES does collect/store sensitive PII for example home address, phone number, and ISP statement.

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)*

Interconnects with other systems:

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

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

NSI (Network and Security Infrastructure System): The 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.

PSS-PS (Patent Search System – Primary Search and Retrieval): PSS-PS is a Master system portfolio consisting of multiple Automated Information Systems (AIS). PSS-PS supports legal determination of prior art for patent applications, including text and image search of repositories of US application and grant publications, Foreign application and grant publications, various concordances, and non-patent literature. It represents the databases that contain the images and text data for US Patent Grants, Published applications, and unpublished applications.

PCAPS-IP (Patent Capture and Application Processing System – Initial Processing): The PCAPS-IP is an Application information system, and provides support to the 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.

RAM (Revenue Accounting and Management System): RAM is a Master System that collects fees for all USPTO goods and services related to intellectual property. While the FPNG system provides secure web applications from which internet customers can pay these fees, FPNG forwards those payments to RAM to be processed and recorded. Fees submitted to the USPTO by mail are processed through the RAM Desktop application by designated USPTO staff. Collected payment information is shared with the U.S. Treasury's Pay.gov system for credit card and ACH verification and processing.

EDP (Enterprise Desktop Platform): The EDP is an infrastructure information system that provides a standard enterprise-wide environment that manages desktops and laptops running on the Windows operating system (OS), providing United States Government Configuration Baseline (USGCB) compliant workstations.

SOI (Service Oriented Infrastructure): The SOI provides a feature-rich and stable platform upon which USPTO applications can be deployed.

ESS (Enterprise Software System): Provides Enterprise Directory Services, Role-Based Access Control System, Email as a Service, PTO Exchange Services, Symantec Endpoint Protection, Enterprise SharePoint Services, etc.
EMSO (Enterprise Monitoring and Security Operations): 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. EMSO does not collect, maintain, and disseminate PII/BII.
DBS (Database Services): The DBS is an Infrastructure information system, and provides a Database Infrastructure to support mission of USPTO database needs.
TRINET (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).
IPLMSS (Intellectual Property Leadership Management Support System): The IPLMSS is an Application information system, and provides Adjudicated Case Tracking System, Electronic Freedom of Information Act System, Electronic System for Trademark Trials and Appeals, FOIA Electronic Management System, General Counsel Case Tracking System, General Counsel Library System, Office of Enrollment and Discipline Item Bank, Office of Enrollment and Discipline Information System, Trademark Trial and Appeal Board, Trademark Trial and Appeal Board Information System, E-Discovery Software Suite, & NOSPS.
IDSS (Information Dissemination Support System): The purpose of the IDSS system is to support the Trademark and Electronic Government Business Division, the Corporate Systems Division (CSD), the Patent Search System Division, the Office of Electronic Information Products, and the Office of Public Information Services. It provides automated support for the timely search and retrieval of electronic text and images concerning patent applications and patents by USPTO internal and external users.
PE2E (Patent End to End): 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.

RTIS-PDCAP: 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.
National Finance Center (NFC)

d) *The purpose that the system is designed to serve*
Allowing the submission, categorization, metadata capture, and Patent examiner assignment of Patent applications from internal and external customers of the USPTO.

e) *The way the system operates to achieve the purpose*
The Patent Capture and Application Processing System - Examination Support (PCAPS-ES) provides twenty applications that allow the submission, categorization, metadata capture, and Patent examiner assignment of Patent applications from internal and external customers of the USPTO. It supports the Patent Business Function of USPTO.

f) *A general description of the type of information collected, maintained, used, or disseminated by the system*
Published patent data, unpublished patent data, customer PII, employee PII, contractor PII

g) *Identify individuals who have access to information on the system*
Public, USPTO patent examiners, USPTO patents and contractor employees, Foreign patent examiners,

h) *How information in the system is retrieved by the user*
Public internet websites, Internal web applications on PTONet

i) *How information is transmitted to and from the system*
For Internal USPTO communication, transmission integrity is provided by internal access controls, firewalls, and VPN. Device management connections are protected by Secure Shell (SSH) based encrypted connections. PCAPS-ES data transmission is protected by the PTONet infrastructure.

For external connections to the DMZ, Contractor Access Zone (CAZ), and/or external networks, device management connections use SSH, PKI, and Secure ID VPN-based connections. User data connections use PKI and Secure ID VPN and SSL/TLS. Additional session-level communication protection mechanisms are not utilized within PCAPS-ES. Limited session confidentiality is provided by the PTONet Local Area Network (LAN). Only authorized USPTO systems may access the internal PTONet.

Public users transmit information to and from Public PAIR and Private PAIR via HTTPS.

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 Patent Capture and Application Processing System – Examination Support 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 – Examination Support 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: 3/20/19

Name of Senior Information Security Officer (SISO): ____John Pardun (Acting)_____

Signature of SISO: _____ Date: 3-20-19

Name of Authorizing Official (AO)/Bureau Chief Privacy Officer (BCPO)___Henry J. Holcombe_

Signature of AO/BCPO_____ Date: 28 MAR 19

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

Signature of Co-AO: _____ Date: 4/1/2019