

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



**Privacy Threshold Analysis  
for the  
Patent Search System – Primary Search & Retrieval (PSS-PS)  
System**

## U.S. Department of Commerce Privacy Threshold Analysis

### USPTO Patent Search System – Primary Search & Retrieval (PSS-PS)

**Unique Project Identifier: PTO-008-00**

**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 Senior Agency Official for Privacy (SAOP).

**Description of the information system and its purpose:** The PSS-PS master system has multiple AISs with search and retrieval automation tools that supports the USPTO Patent examiners legal determination of prior art of patent applications. It is considered a mission critical “system”. PSS-PS provides access to highly specialized data that may include annual submissions of nucleic and amino acid sequence or prior-art searching of polynucleotide and polypeptide sequences, and other types of information that may be more scientific or the technology-based, Patent Linguistic Utility Service (a query by example search system), Chemical Drawing ability, and Foreign Patent Data. The PSS-PS system is made up of multiple applications that allow Patents examiners and applicants to effectively search the USPTO Patent data repositories.

#### 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	<input type="checkbox"/>	d. Significant Merging	<input type="checkbox"/>	g. New Interagency Uses	<input type="checkbox"/>
b. Anonymous to Non-Anonymous	<input type="checkbox"/>	e. New Public Access	<input type="checkbox"/>	h. Internal Flow or Collection	<input type="checkbox"/>
c. Significant System Management Changes	<input type="checkbox"/>	f. Commercial Sources	<input type="checkbox"/>	i. Alteration in Character of Data	<input type="checkbox"/>
j. Other changes that create new privacy risks (specify):					

- ☒ This is an existing information system in which changes do not create new privacy risks. *Continue to answer 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, PSS-PS 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.

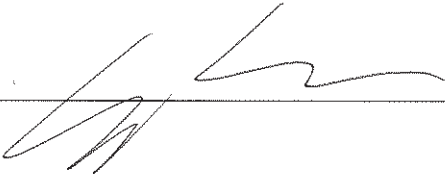
***If any of the answers to questions 2, 3, 4b, and/or 4c are “Yes,” a Privacy Impact Assessment (PIA) must be completed for the IT system. This PTA and the approved PIA must be a part of the IT system’s Assessment and Authorization Package.***

## CERTIFICATION


☒ I certify the criteria implied by one or more of the questions above **apply** to the PSS-PS and as a consequence of this applicability, I will perform and document a PIA for this PSS-PS.

☐ I certify the criteria implied by the questions above **do not apply** to the PSS-PS and as a consequence of this non-applicability, a PIA for this PSS-PS is not necessary.

Name of System Owner (SO): William Stryjewski

Signature of SO:  Date: 8/11/17

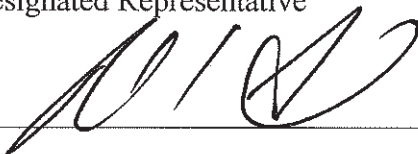
Name of Senior Information Security Officer (SISO): Rami Dillon

Signature of SISO:  Date: 8/14/17

Name of Authorizing Official (AO) & Bureau Chief Privacy Officer (BCPO): John B. Owens II

Signature of AO & BCPO:  Date: 8/16/17

Name of Co-Authorizing Official (AO) Richard Seidel  
Or Authorizing Official Designated Representative

Signature of Co-AO:  Date: 8/16/17