

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



**Privacy Threshold Analysis
for the
Reed Technology and Information Services, Inc. (Reed Tech®)
Patent Data Capture (PDCap)**

U.S. Department of Commerce Privacy Threshold Analysis

USPTO Reed Tech Patent Data Capture (PDCap)

Unique Project Identifier: PTOC-013-00

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).

The Reed Tech Patent Data Capture (PDCap) system is designed to process, transmit and store data and images to support the data-capture and conversion requirements of the USPTO to support the USPTO patent application process. Patent applications are typically submitted to USPTO on paper (hard copy) and in electronic format. Under the Patent Data Capture contract, Reed Tech hosts and manages the PDCap system and is required to convert the paper applications into an electronic format, including all text, graphics, artwork, drawings, etc. Once converted to electronic data, each patent is composed and formatted to USPTO specifications for delivery back to the USPTO.

When both hardcopy and electronic patent applications are initially received at the USPTO, the documents are scanned/uploaded respectively into the Image File Wrapper (IFW) system. Applications are electronically exported to the Reed Tech PDCap system via a USPTO-managed interconnection. Once received by Reed Tech PDCap, every application is then examined by a Reed Tech proprietary application which breaks down each page into separate sections, such as graphics and text. Each section is then sent to separate directories on the Reed Tech PDCap network for manipulation.

The sections of the application are processed by separate Reed Tech PDCap departments, with departments dedicated to text, headers, and complex work units, such as math and chemistry, and drawings. These departments use a combination of proprietary and commercial software to complete their work on each section. When all the sections have been completed, a queue reassembles the file and it is forwarded to the Composition Department. The Composition Department is responsible for the final formatting, layout, and any remaining error corrections

before the file is delivered back to USPTO. There are several phases to the overall process: PreGrant Publication (PGPub), Initial Data Capture (IDC), File Maintenance (FM), and Final Data Capture (FDC).

Published Application Alert Service (PAAS)

The Reed Tech Published Application Alert Service (PAAS) is a service offered by the USPTO to allow the public to configure queries and alerts for key words in pre-grant published patent applications. A logged-in user creates a keyword search, which will be executed on a weekly basis against only the most recent pre-grant published patent applications. The queries will be executed at the date and time of the publication of the data by the USPTO. The data that will be used for searching will be copied out of the main PDCap system onto a file system on or attached to the backend server. The queries will be run against the data on that file share and not within the main PDCap file system. After the queries are executed, the data for that week's pre-grant published patent applications will be deleted from the file system on or attached to the backend server. After the queries are executed, an email alert will be sent to the user's email address, which will be part of the profile created during registration. Queries against patent applications older than the most recent publication date are not possible, as prior publication data is removed from the system after the weekly search is executed. Other features of the system include the functionality to allow a logged-in user to view the queries that have been created under their user name, and the ability for a user to test their queries against static data. The source of the static data is prior granted patents.

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.*

PDCap: The PII/BII information collected as part of the patent application process is made public by the USPTO during the course of the patent application process. There are no other activities that may raise privacy concerns for this data.

PAAS: Members of the public may create user profiles in the PDCap Published Application Alert Service (PAAS). These user profiles contain the full name and email address of the person creating the profile. This information is used solely to generate patent alerts, which is the purpose of the PAAS. There are no other activities that may raise privacy concerns for this data.

- ☐ 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 Reed Tech Patent Data Capture (PDCap) system 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 Reed Tech Patent Data Capture (PDCap) system and as a consequence of this non-applicability, a PIA for this IT system is not necessary.

Name of System Owner (SO): Susan Scanlon

Signature of SO: *Susan Scanlon* Date: 7-24-18

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

Signature of SISO: *Rami Dillon* Date: 7-25-18

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

Signature of AO & BCPO: *D. Chiles* Date: 7/31/2018

Name of Authorizing Official (AO) or Designated Representative: Andrew H. Hirshfeld
for Deborah Stephens

Signature of AO: *Deborah Stephens* Date: 7/31/18