

**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: 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 (in a way that a non-technical person can understand) of the information system that addresses the following elements: The following section provides a general description of DCLPS and identifies the system's purpose, capabilities, users, and information data flow and discusses the hardware, software and firmware implemented in support of DCLPS.*

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 DCLPS is an Application information system, and provides the text equivalent of the incoming TIF image, from the Applicant, in XML format. This will allow 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 will be an automated process and will result in the TIF and XML components viewable side-by-side by the Examiner.

**a) *Whether it is a general support system, major application, or other type of system***

The Data Conversion Laboratory Patent Support (DCLPS) is a general support system.

**b) *System location***

The Data Conversion Laboratory Patent Support (DCLPS) is located at 6118 190 Street, Suite 205, Fresh Meadows, NY

**c) *Whether it is a standalone system or interconnects with other systems (identifying and describing any other systems to which it interconnects)***

The Data Conversion Laboratory Patent Support (DCLPS) is an external contractor system that has been implemented in support of the Continuous Data Conversion (CDC) and it connects to the USPTO File Transfer system which is a part of the NSI Master System.

**d) *The purpose that the system is designed to serve***

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) *The way the system operates to achieve the purpose***

DCL receives patent applications directly from the United States Patent and Trademark Office (USPTO).

**f) *A general description of the type of information collected, maintained, used, or disseminated by the system***

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) *Identify individuals who have access to information on the system***

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) *How information in the system is retrieved by the user***

The files in the new XML format allow patent examiners to search, manage, and manipulate different document types, using examination tools under development.

**i) *How information is transmitted to and from the system***

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. Status of the Information System

1a. 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.*

<b>Changes That Create New Privacy Risks (CTCNPR)</b>					
a. Conversions	<input type="checkbox"/>	d. Significant Merging	<input type="checkbox"/>	g. New Interagency Uses	<input type="checkbox"/>
b. Anonymous to Non-	<input type="checkbox"/>	e. New Public Access	<input type="checkbox"/>	h. Internal Flow or	<input type="checkbox"/>

Anonymous				Collection	
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, 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 01-2017). *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 01-2019 or later). *Skip questions and complete certification.*

1b. Has an IT Compliance in Acquisitions Checklist been completed with the appropriate signatures?

- Yes. This is a new information system.
- Yes. This is an existing information system for which an amended contract is needed.
- No. The IT Compliance in Acquisitions Checklist is not required for the acquisition of equipment for specialized Research and Development or scientific purposes that are not a National Security System.
- No. This is not a new information system.

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. *(Check all that apply.)*

Activities			
Audio recordings	<input type="checkbox"/>	Building entry readers	<input type="checkbox"/>
Video surveillance	<input type="checkbox"/>	Electronic purchase transactions	<input type="checkbox"/>

Other(specify):
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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.

No, this IT system does not collect any BII.

4. Personally Identifiable Information (PII)

4a. Does the IT system collect, maintain, or disseminate PII?

As per OMB 17-12: "The term PII refers to information that can be used to distinguish or trace an individual's identity either alone or when combined with other information that is linked or linkable to a specific individual."

Yes, the IT system collects, maintains, or disseminates PII about: *(Check all that apply.)*

- DOC employees
- Contractors working on behalf of DOC
- Other Federal Government personnel
- 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 Social Security numbers (SSNs), including truncated form?

- Yes, the IT system collects, maintains, or disseminates SSNs, including truncated form.

Provide an explanation for the business need requiring the collection of SSNs, including truncated form.
Provide the legal authority which permits the collection of SSNs, including truncated form.

- No, the IT system does not collect, maintain, or disseminate SSNs, including truncated form.

4c. 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.

4d. 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, 4c, and/or 4d are “Yes,” a Privacy Impact Assessment (PIA) must be completed for the IT system. This PTA and the SAOP 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.

<p><b>System Owner</b>                  Name: Neal Miskell                  Office: Vendor Management (I/VMD)                  Phone: (571) 270-0883                  Email: Neal.Miskell@uspto.gov</p> <p>Signature: <u>Users, Miskell, Neal</u> <small>Digitally signed by Users, Miskell, Neal Date: 2021.04.22 12:29:08 -04'00'</small></p> <p>Date signed: _____</p>	<p><b>Chief Information Security Officer</b>                  Name: Don Watson                  Office: Office of the Chief Information Officer (OCIO)                  Phone: (571) 272-8130                  Email: Don.Watson@uspto.gov</p> <p>Signature: <u>DON R Watson</u> <small>Digitally signed by DON R Watson Date: 2021.04.22 13:17:21 -04'00'</small></p> <p>Date signed: _____</p>
<p><b>Privacy Act Officer</b>                  Name: John Heaton                  Office: Office of General Law (O/GL)                  Phone: (571) 270-7420                  Email: Ricou.Heaton@upsto.gov</p> <p>Signature: <u>Users, Heaton, John (Ricou)</u> <small>Digitally signed by Users, Heaton, John (Ricou) Date: 2021.04.19 15:02:49 -04'00'</small></p> <p>Date signed: _____</p>	<p><b>Bureau Chief Privacy Officer and Authorizing Official</b>                  Name: Henry J. Holcombe                  Office: Office of the Chief Information Officer (OCIO)                  Phone: (571) 272-9400                  Email: Jamie.Holcombe@uspto.gov</p> <p>Signature: <u>Users, Holcombe, Henry</u> <small>Digitally signed by Users, Holcombe, Henry Date: 2021.04.22 14:18:47 -04'00'</small></p> <p>Date signed: _____</p>
<p><b>Co-Authorizing Official</b>                  Name: Andrew Faile                  Office: Office of the Commissioner for Patents                  Phone: (571) 272-8800                  Email: Andrew.Faile@uspto.gov</p> <p>Signature: <u>Users, Faile, Andrew</u> <small>Digitally signed by Users, Faile, Andrew Date: 2021.04.22 17:00:22 -04'00'</small></p> <p>Date signed: _____</p>	