

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



**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 (in a way that a non-technical person can understand) of the information system that addresses the following elements:*

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 PCAPS-ES system purpose is 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.

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)

- **EWS (Enterprise Windows Services):** EWS is an Infrastructure information system that provides a hosting platform for major applications supporting various USPTO missions.
- **EUS (Enterprise UNIX Services):** The EUS System consists of assorted UNIX operating system (OS) variants, 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, which provides an aggregate of subsystems that facilitates the communications, secure access, protective services, and network infrastructure support for all 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 that 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 Fee Processing Next Generation (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):** SOI provides a feature-rich and stable platform upon which USPTO applications are deployed.
- **ESS (Enterprise Software System):** ESS supports services such as 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):** EMSO 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, and Situational Awareness and Incident Response. EMSO does not collect, maintain, and disseminate PII/BII.
- **DBS (Database Services):** DBS is an Infrastructure information system, which provides a Database Infrastructure to support mission of USPTO database needs.
- **TRINET (Trilateral Network):** TRINET is an Infrastructure information system, which 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 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, which 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 IDSS system supports 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). PE2E makes the interaction of USPTO's users as simple and efficient as possible in order to accomplish user goals. PE2E is a single web-based examination tool providing users with a unified and robust set of tools..
- **RTIS-PDCAP:** RTIS is an off-campus contractor system that captures critical fields from applicant's applications, which are pre-loaded into an index file to reduce examiners and public search times.
- **National Finance Center (NFC):** NFC is a U.S. Department of Agriculture (USDA) personnel and payroll system.

d) The purpose that the system is designed to serve

PCAPS-ES allows 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

PCAPS-ES uses twenty applications to 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

Individuals who have access to the system are: members of the public, USPTO patent examiners, USPTO patents and contractor employees, and 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. 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.*

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, 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):			

- 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.

PCAPS-ES uses SSNs, which are cross-referenced to USPTO HR assigned employee ID. Federal employee SSNs are 9-digits and contractors are the last two digits of the SSN. Federal employee SSN are mandatory key identifiers that facilitate federal personnel data synchronization between USPTO HR payroll and the National Finance Center (NFC) only. The contractor's last two digits of the SSN are minimum administrative requirements for unique employee ID assignment. These fields are restricted to select admin groups. The assigned Employee ID is utilized within USPTO as a unique reference to identify USPTO employees, examiner actions, back office actions, etc. Sensitive PII is obfuscated (masked) when viewed directly by unauthorized viewers, such as administrators.

Provide the legal authority which permits the collection of SSNs, including truncated form.

Executive Order 9397, 35 U.S.C. 1 and 115; 5 U.S.C. 301.

- 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 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.

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