

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



**Privacy Threshold Analysis
for the
International Data Exchange Cloud (PPL-IDE-C-01-00)**

U.S. Department of Commerce Privacy Threshold Analysis

USPTO International Data Exchange Cloud (PPL-IDE-C-01-00)

Unique Project Identifier: PPL-IDE-C-01-00

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: *Provide a brief description of the information system.*

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).

International Data Exchange (IDE) is a system developed by USPTO that helps exchange published application data with international stakeholders, including foreign intellectual property offices (IPOs) and the World Intellectual Property Organization (WIPO). International Data Exchange will be used by all applicants, public stakeholders, and IPOs (including examiners at the USPTO) who wish to view, monitor and exchange application data on related applications (including work sharing, priority document exchanges, and other bulk/service exchanges).

IDE is a major online system located in the cloud. IDE interconnects with multiple systems throughout PTO, including Case Management System (CMS, the central data repository for Patent-related data). The system retrieves data from the CMS system and provides the information to users. The information contains patent application related information and PII and Business Identifiable Information (BII) to make published application file wrappers available to the public. USPTO employees will administer the system and the public have access to the information presented by the system through a web interface. The system will retrieve the data for users through application programming interfaces (APIs) to the interconnected systems.

Address the following elements:

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

IDE is a general support system.

b) *System location*

IDE is a general support system located in the Amazon Web Services (AWS) East cloud.

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

IDE interconnects with the systems listed below:

- Patent Search System-Specialized Search (PSS-SS): PSS-SS is a major application that provides support to the Patent Cost Center. It is considered a mission critical system. PSS-SS 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-SS system is made up of multiple applications that allow patent examiners and applicants to effectively search the USPTO Patent data repositories.

- Patents End-to-End (PE2E): PE2E is a master system portfolio consisting of next generation Patents Information Systems. PE2E is a single web-based examination tool providing users with a unified and robust set of tools with a simple, unified interface that supports new and improved IT advances.

d) The purpose that the system is designed to serve

The system delivers information to public users through web applications. The web applications retrieve data from interconnected USPTO systems, responds to the user request, and delivers the public data to the user.

e) The way the system operates to achieve the purpose

The system helps exchange published application data with international stakeholders, including foreign intellectual property offices (IPOs) and the World Intellectual Property Organization (WIPO). IDE interconnects with multiple systems throughout PTO, including CMS (the central data repository for Patent-related data). Users search for and request public data from the IDE system elements (web applications).

Public users and web service calls access the system through the web application via the https protocol. The web application retrieves the data from interconnected USPTO systems, responds to the user request, and delivers the public data to the user via the https protocol.

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

The system helps exchange published application data with international stakeholders, including foreign intellectual property offices (IPOs) and the World Intellectual Property Organization (WIPO). Users search for and request public patent data from the IDE system elements (web applications). Web services provide capability to ingest information to and retrieve information from the CMS database system.

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

- Public users have access to the web application and request the public information offered by IDE
- Administrative users are USPTO internal users with access to the data and infrastructure in order to maintain the system.

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

- Public users access the system through the web application. The web application retrieves the data from interconnected USPTO systems, responds to the user request, and delivers the public data to the user.
- Web services retrieve data for integrating systems.

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

Information is transmitted via Hyper Text Transfer Protocol Secure (HTTPS) protocol.

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. *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.
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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

The criteria implied by one or more of the questions above **apply** to the International Data Exchange – Cloud (IDE-C) and as a consequence of this applicability, a PIA will be performed and documented for this IT system.

The criteria implied by the questions above **do not apply** to the International Data Exchange – Cloud (IDE-C) and as a consequence of this non-applicability, a PIA for this IT system is not necessary.

<p>System Owner Name: Nelson Yang Office: P/IPBS—International Patent Business Solutions Phone: (571) 272-0826 Email: Nelson.Yang@uspto.gov</p> <p>Signature: _____ Date signed: _____</p>	<p>Chief Information Security Officer Name: Don Watson Office: Office of the Chief Information Officer (OCIO) Phone: (571) 272-8130 Email: Don.Watson@uspto.gov</p> <p>Signature: _____ Date signed: _____</p>
<p>Privacy Act Officer Name: Ezequiel Berdichevsky Office: Office of General Law (O/GL) Phone: (571) 270-1557 Email: Ezequiel.Berdichevsky@uspto.gov</p> <p style="text-align: right; font-size: small;">Users, Berdichevsky, Digitally signed by Users, Berdichevsky, Ezequiel Date: 2022.04.21 11:10:11 -04'00'</p> <p>Signature: <u>Ezequiel</u> _____ Date signed: _____</p>	<p>Bureau Chief Privacy Officer and Co-Authorizing Official Name: Henry J. Holcombe Office: Office of the Chief Information Officer (OCIO) Phone: (571) 272-9400 Email: Jamie.Holcombe@uspto.gov</p> <p>Signature: _____ Date signed: _____</p>
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