

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



**Privacy Threshold Analysis  
for the  
Legal Document Management System-Cloud (LDMS-C)**

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

### USPTO Legal Document Management System-Cloud (LDMS-C)

**Unique Project Identifier: PTO-EBPL-LT-02-00**

**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).

The Legal Document Management System-Cloud (LDMS-C) is a commercial Software as a Service (SaaS) implemented with Federal Risk and Authorization Management Program (FedRAMP)- authorized NetDocuments software. This SaaS will support the Office of General Counsel’s (OGC) document management requirements as they provide advice to USPTO clients on the full range of federal agency legal issues: fiscal, procurement, rulemaking, administrative law, labor and employment, and information law. The system provides a centralized repository for easy storage, search, and retrieval of documents relating to legal matters.

Address the following elements:

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

LDMS-C is FedRAMP-authorized commercial SaaS and minor application.

**b) *System location***

LDMS-C is SaaS hosted in NetDocuments Cloud in Microsoft Azure U.S. Government (Virginia and Texas).

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

LDMS-C is hosted in the NetDocuments Cloud in Microsoft Azure U.S. Government Cloud and accessed by users via a web browser. It interconnects with the following systems:

- **Identity, Credential, and Access Management-Identity as a Service (ICAM-IDaaS):** ICAM-IDaaS is the USPTO system by which users are authenticated to enable single sign on (SSO) to LDMS-C.

- **PTONet:** PTONet provides the common network that connects all USPTO applications and network access for employees, contractors, Public Search Room visitors to applications and systems in information technology (IT)-East and IT-West data centers.

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

LDMS-C will support OGC's document management requirements to provide advice to USPTO clients on the full range of federal agency legal issues: fiscal, procurement, rulemaking, administrative law, labor and employment, and information law. The system will provide a centralized repository for easy storage, search, and retrieval of documents relating to legal matters.

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

LDMS-C is an application located within the NetDocuments Cloud hosted in Microsoft Azure Cloud that will be accessible to the Office of General Law (OGL) to develop a centralized repository of USPTO documents pertaining to legal advice and guidance in support of the USPTO mission. It will enable for efficient document storage, retrieval, search, redaction, versioning, sharing, and knowledge management.

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

This system stores documents and metadata for OGL. The metadata includes document creator, subject matter, date created, and date modified. The documents stored include Microsoft (MS) Word documents, emails, PowerPoint presentations, and Adobe PDF files relating to legal advice and representation for the agency.

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

Legal staff and administrators from OGL and Microsoft Azure staff have access to information in the system.

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

LDMS-C is a web application that allows authorized users to access and view information in the system using a web browser.

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

LDMS-C users use a web browser to make a Hypertext Transfer Protocol Secure (HTTPS) connection to the web application.

**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-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.  SSNs may be incidentally collected and maintained as part of a legal matter relating to an individual where the SSN was included within a document originating from other agency records. For example, employment forms, Office of Human Resources (OHR) forms, financial forms etc.
Provide the legal authority which permits the collection of SSNs, including truncated form. LDMS-C supports Office of General Counsel (OGC), Office of General Law (OGL). OGL provides advice and written legal opinions on areas concerning the administration and management of the USPTO. The OGL also represents USPTO in various administrative proceedings. As such, there are several authorizing statutes including but not limited to 5 U.S.C. 301, Federal Rules of Civil Procedures, Freedom of Information Act, Privacy Act, Administrative Procedures Act, Principles of Federal Appropriations Law (Red Book), Federal Advisory Committee Act, Merit System Principles, E.O. 10450, E.O. 11478, E.O. 12107, and E.O. 12564.

- 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 Legal Document Management System-Cloud (LDMS-C) 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 Legal Document Management System-Cloud (LDMS-C) and as a consequence of this non-applicability, a PIA for this IT system is not necessary.

<p><b>System Owner</b>                  Name: Michael Christensen                  Office: Office of the General Counsel (OGC)                  Phone: (571) 272-5091                  Email: Michael.Christensen@uspto.gov</p> <p>Signature: _____                  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: _____                  Date signed: _____</p>
<p><b>Privacy Act Officer</b>                  Name: Ezequiel Berdichevsky                  Office: Office of General Law (O/GL)                  Phone: (571) 270-1557                  Email: Ezequiel.Berdichevsky@uspto.gov</p> <p>Signature: _____                  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: _____                  Date signed: _____</p>
<p><b>Co-Authorizing Official</b>                  Name: David Berdan                  Office: Office of the General Counsel (OGC)                  Phone: (571) 272-7000                  Email: David.Berdan@uspto.gov</p> <p>Signature: _____                  Date signed: _____</p>	