

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



**Privacy Impact Assessment
for the
Data Conversion Laboratory Patent Support (DCLPS)**

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- Concurrence of Senior Agency Official for Privacy/DOC Chief Privacy Officer
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Date

U.S. Department of Commerce Privacy Impact Assessment USPTO Data Conversion Laboratory Patent Support (DCLPS)

Unique Project Identifier: PTOC-027-00

Introduction: System Description

(a) *a general description of the information in the system*

The Data Conversion Laboratory Patent Support (DCLPS) has been implemented in support of the Continuous Data Conversion (CDC) and Backfile/Pre-1971 Patent Conversion projects. 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. The files in the new XML format allow patent examiners to search, manage, and manipulate different document types, using examination tools under development.

Data transfer between DCLPS and USPTO is done via the Axway SSH system. The transfers take place over public internet, from DCL to USPTO through their TIC (trusted internet connection). The connectivity is automated via the 'hot folders' in Axway that were established on both ends. When establishing the transfer mechanism a user account/password was established on both sides as well as a ssl certificate exchange. Therefore DCL will only accept connections from PTO that come from the proper ip address, has the correct username/password, and provides the proper certificate. The same exists for traffic coming from DCL to PTO.

(b) *a description of a typical transaction conducted on the system*

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

(c) *any information sharing conducted by the system*

DCL does not share any information with other agencies, individuals, or organizations. The information provided by USPTO is used by DCL for authorized data conversion activities performed by internal personnel only.

(d) *a citation of the legal authority to collect PII and/or BII*

This PII and BII data is collected by the USPTO to enable identification of the inventory and facilitate the patent application process. It is provided to DCL so that data conversion activities can be performed on the collected patent application.

(e) *the Federal Information Processing Standard (FIPS) 199 security impact category for the system*

Moderate

Section 1: Status of the Information System

1.1 Indicate whether the information system is a new or existing system.

- This is a new information system.
- This is an existing information system with changes that create new privacy risks.
(Check all that apply.)

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): No changes were made. This is a new template being used for the FY16 reassessment package.					

Section 2: Information in the System

2.1 Indicate what personally identifiable information (PII)/business identifiable information (BII) is collected, maintained, or disseminated. (Check all that apply.)

Identifying Numbers (IN)					
a. Social Security*	<input type="checkbox"/>	e. File/Case ID	<input checked="" type="checkbox"/>	i. Credit Card	<input type="checkbox"/>
b. Taxpayer ID	<input type="checkbox"/>	f. Driver's License	<input type="checkbox"/>	j. Financial Account	<input type="checkbox"/>
c. Employer ID	<input type="checkbox"/>	g. Passport	<input type="checkbox"/>	k. Financial Transaction	<input type="checkbox"/>
d. Employee ID	<input type="checkbox"/>	h. Alien Registration	<input type="checkbox"/>	l. Vehicle Identifier	<input type="checkbox"/>
m. Other identifying numbers (specify):					
*Explanation for the need to collect, maintain, or disseminate the Social Security number, including truncated form:					
*If SSNs are collected, stored, or processed by the system, please explain if there is a way to avoid such collection in the future and how this could be accomplished:					

General Personal Data (GPD)					
a. Name	<input checked="" type="checkbox"/>	g. Date of Birth	<input type="checkbox"/>	m. Religion	<input type="checkbox"/>
b. Maiden Name	<input type="checkbox"/>	h. Place of Birth	<input type="checkbox"/>	n. Financial Information	<input type="checkbox"/>
c. Alias	<input type="checkbox"/>	i. Home Address	<input checked="" type="checkbox"/>	o. Medical Information	<input type="checkbox"/>
d. Gender	<input type="checkbox"/>	j. Telephone Number	<input checked="" type="checkbox"/>	p. Military Service	<input type="checkbox"/>
e. Age	<input type="checkbox"/>	k. Email Address	<input checked="" type="checkbox"/>	q. Physical Characteristics	<input type="checkbox"/>
f. Race/Ethnicity	<input type="checkbox"/>	l. Education	<input type="checkbox"/>	r. Mother's Maiden Name	<input type="checkbox"/>

s. Other general personal data (specify):

Work-Related Data (WRD)					
a. Occupation	<input checked="" type="checkbox"/>	d. Telephone Number	<input checked="" type="checkbox"/>	g. Salary	<input type="checkbox"/>
b. Job Title	<input checked="" type="checkbox"/>	e. Email Address	<input checked="" type="checkbox"/>	h. Work History	<input type="checkbox"/>
c. Work Address	<input checked="" type="checkbox"/>	f. Business Associates	<input checked="" type="checkbox"/>		
i. Other work-related data (specify):					

Distinguishing Features/Biometrics (DFB)					
a. Fingerprints	<input type="checkbox"/>	d. Photographs	<input type="checkbox"/>	g. DNA Profiles	<input type="checkbox"/>
b. Palm Prints	<input type="checkbox"/>	e. Scars, Marks, Tattoos	<input type="checkbox"/>	h. Retina/Iris Scans	<input type="checkbox"/>
c. Voice Recording/Signatures	<input type="checkbox"/>	f. Vascular Scan	<input type="checkbox"/>	i. Dental Profile	<input type="checkbox"/>
j. Other distinguishing features/biometrics (specify): Not Applicable					

System Administration/Audit Data (SAAD)					
a. User ID	<input type="checkbox"/>	c. Date/Time of Access	<input type="checkbox"/>	e. ID Files Accessed	<input type="checkbox"/>
b. IP Address	<input type="checkbox"/>	d. Queries Run	<input type="checkbox"/>	f. Contents of Files	<input type="checkbox"/>
g. Other system administration/audit data (specify): Not Applicable					

Other Information (specify)					

2.2 Indicate sources of the PII/BII in the system. (Check all that apply.)

Directly from Individual about Whom the Information Pertains					
In Person	<input type="checkbox"/>	Hard Copy: Mail/Fax	<input type="checkbox"/>	Online	<input type="checkbox"/>
Telephone	<input type="checkbox"/>	Email	<input type="checkbox"/>		
Other (specify):					

Government Sources					
Within the Bureau	<input checked="" type="checkbox"/>	Other DOC Bureaus	<input type="checkbox"/>	Other Federal Agencies	<input type="checkbox"/>
State, Local, Tribal	<input type="checkbox"/>	Foreign	<input type="checkbox"/>		
Other (specify): From the USPTO.					

Non-government Sources					
Public Organizations	<input type="checkbox"/>	Private Sector	<input type="checkbox"/>	Commercial Data Brokers	<input type="checkbox"/>
Third Party Website or Application			<input type="checkbox"/>		
Other (specify):					

2.3 Indicate the technologies used that contain PII/BII in ways that have not been previously deployed. *(Check all that apply.)*

Technologies Used Containing PII/BII Not Previously Deployed (TUCPBNPD)			
Smart Cards	<input type="checkbox"/>	Biometrics	<input type="checkbox"/>
Caller-ID	<input type="checkbox"/>	Personal Identity Verification (PIV) Cards	<input type="checkbox"/>
Other (specify):			

<input checked="" type="checkbox"/>	There are not any technologies used that contain PII/BII in ways that have not been previously deployed.
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Section 3: System Supported Activities

3.1 Indicate IT system supported activities which raise privacy risks/concerns. *(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):			

<input checked="" type="checkbox"/>	There are not any IT system supported activities which raise privacy risks/concerns.
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Section 4: Purpose of the System

4.1 Indicate why the PII/BII in the IT system is being collected, maintained, or disseminated. *(Check all that apply.)*

Purpose			
To determine eligibility	<input type="checkbox"/>	For administering human resources programs	<input type="checkbox"/>
For administrative matters	<input checked="" type="checkbox"/>	To promote information sharing initiatives	<input checked="" type="checkbox"/>
For litigation	<input type="checkbox"/>	For criminal law enforcement activities	<input type="checkbox"/>
For civil enforcement activities	<input type="checkbox"/>	For intelligence activities	<input type="checkbox"/>
To improve Federal services online	<input checked="" type="checkbox"/>	For employee or customer satisfaction	<input type="checkbox"/>
For web measurement and customization technologies (single-session)	<input type="checkbox"/>	For web measurement and customization technologies (multi-session)	<input type="checkbox"/>
Other (specify):			

Section 5: Use of the Information

5.1 In the context of functional areas (business processes, missions, operations, etc.) supported by the IT system, describe how the PII/BII that is collected, maintained, or disseminated will be used. Indicate if the PII/BII identified in Section 2.1 of this document is in reference to a federal employee/contractor, member of the public, foreign national, visitor or other (specify).

This PII and BII data is collected by the USPTO to enable identification of the inventory and facilitate the patent application process. DCL does not store any data. After receiving and processing data is directly transmitted back to USPTO. The PII/BII comes from persons applying for patents through the USPTO. This could include federal employees, contractors, members of the public, or foreign nationals.

Section 6: Information Sharing and Access

6.1 Indicate with whom the bureau intends to share the PII/BII in the IT system and how the PII/BII will be shared. (Check all that apply.)

Recipient	How Information will be Shared		
	Case-by-Case	Bulk Transfer	Direct Access
Within the bureau	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
DOC bureaus	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Federal agencies	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
State, local, tribal gov't agencies	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Public	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Private sector	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Foreign governments	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Foreign entities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (specify):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The PII/BII in the system will not be shared.

6.2 Indicate whether the IT system connects with or receives information from any other IT systems authorized to process PII and/or BII.

<input checked="" type="checkbox"/>	Yes, this IT system connects with or receives information from another IT system(s) authorized to process PII and/or BII. Provide the name of the IT system and describe the technical controls which prevent PII/BII leakage: Axway Secure Transport v5.2.0 (AC-22, IA-7, IA8(2), SC-5, SC-7, SC-7(3), SC-7(5), SC-7(7), SC-8, SC-10)
<input type="checkbox"/>	No, this IT system does not connect with or receive information from another IT system(s) authorized to process PII and/or BII.

6.3 Identify the class of users who will have access to the IT system and the PII/BII. (*Check all that apply.*)

Class of Users			
General Public	<input type="checkbox"/>	Government Employees	<input type="checkbox"/>
Contractors	<input checked="" type="checkbox"/>		
Other (specify):			

Section 7: Notice and Consent

7.1 Indicate whether individuals will be notified if their PII/BII is collected, maintained, or disseminated by the system. (*Check all that apply.*)

<input type="checkbox"/>	Yes, notice is provided pursuant to a system of records notice published in the Federal Register and discussed in Section 9.
<input type="checkbox"/>	Yes, notice is provided by a Privacy Act statement and/or privacy policy. The Privacy Act statement and/or privacy policy can be found at: _____.
<input type="checkbox"/>	Yes, notice is provided by other means. Specify how:
<input checked="" type="checkbox"/>	No, notice is not provided. Specify why not: This is provided by the USPTO during initial collection of data.

7.2 Indicate whether and how individuals have an opportunity to decline to provide PII/BII.

<input type="checkbox"/>	Yes, individuals have an opportunity to decline to provide PII/BII. Specify how:
<input checked="" type="checkbox"/>	No, individuals do not have an opportunity to decline to provide PII/BII. Specify why not: This is the responsibility of the USPTO System of Record

7.3 Indicate whether and how individuals have an opportunity to consent to particular uses of their PII/BII.

<input type="checkbox"/>	Yes, individuals have an opportunity to consent to particular uses of their PII/BII.	Specify how:
<input checked="" type="checkbox"/>	No, individuals do not have an opportunity to consent to particular uses of their PII/BII.	Specify why not: This is addressed by the USPTO. DCL only converts data collected by the USPTO and transmits data back to the USPTO. DCL does not collect or store any of this data.

7.4 Indicate whether and how individuals have an opportunity to review/update PII/BII pertaining to them.

<input type="checkbox"/>	Yes, individuals have an opportunity to review/update PII/BII pertaining to them.	Specify how:
<input checked="" type="checkbox"/>	No, individuals do not have an opportunity to review/update PII/BII pertaining to them.	Specify why not: This is addressed by the USPTO. DCL only converts data collected by the USPTO and transmits data back to the USPTO. DCL does not collect or store any of this data.

Section 8: Administrative and Technological Controls

8.1 Indicate the administrative and technological controls for the system. (*Check all that apply.*)

<input type="checkbox"/>	All users signed a confidentiality agreement or non-disclosure agreement.
<input type="checkbox"/>	All users are subject to a Code of Conduct that includes the requirement for confidentiality.
<input checked="" type="checkbox"/>	Staff (employees and contractors) received training on privacy and confidentiality policies and practices.
<input checked="" type="checkbox"/>	Access to the PII/BII is restricted to authorized personnel only.
<input checked="" type="checkbox"/>	Access to the PII/BII is being monitored, tracked, or recorded. Explanation: Access to the information system is limited to system administrators only. Each administrator has a unique logon ID. All successful and unsuccessful logons to the system are recorded.
<input checked="" type="checkbox"/>	The information is secured in accordance with FISMA requirements. Provide date of most recent Assessment and Authorization (A&A): March 2016 _____ <input type="checkbox"/> This is a new system. The A&A date will be provided when the A&A package is approved.
<input checked="" type="checkbox"/>	The Federal Information Processing Standard (FIPS) 199 security impact category for this system is a moderate or higher.
<input checked="" type="checkbox"/>	NIST Special Publication (SP) 800-122 and NIST SP 800-53 Revision 4 Appendix J recommended security controls for protecting PII/BII are in place and functioning as intended; or have an approved Plan of Action and Milestones (POAM).
<input checked="" type="checkbox"/>	Contractors that have access to the system are subject to information security provisions in their contracts required by DOC policy.
<input checked="" type="checkbox"/>	Contracts with customers establish ownership rights over data including PII/BII.
<input type="checkbox"/>	Acceptance of liability for exposure of PII/BII is clearly defined in agreements with customers.
<input type="checkbox"/>	Other (specify):

8.2 Provide a general description of the technologies used to protect PII/BII on the IT system.

Access to the system and data are limited to system administrators and software developers. Data is received, processed, and returned through Axway. This is usually within four hours. All transfers of data between DCL and USPTO occur over a FIPS 140-2 certified secure file transport system.

Section 9: Privacy Act

9.1 Indicate whether a system of records is being created under the Privacy Act, 5 U.S.C.

§ 552a. *(A new system of records notice (SORN) is required if the system is not covered by an existing SORN).*

As per the Privacy Act of 1974, “the term ‘system of records’ means a group of any records under the control of any agency from which information is retrieved by the name of the individual or by some identifying number, symbol, or other identifying particular assigned to the individual.”

<input checked="" type="checkbox"/>	Yes, this system is covered by an existing system of records notice (SORN) under USPTO. Provide the SORN name and number (<i>list all that apply</i>): Patent Application Files—PAT/TM—7 http://www.uspto.gov/sites/default/files/sorn/uspto-pasorn-07.pdf
<input type="checkbox"/>	Yes, a SORN has been submitted to the Department for approval on <u>(date)</u> .
<input type="checkbox"/>	No, a SORN is not being created.

Section 10: Retention of Information

10.1 Indicate whether these records are covered by an approved records control schedule and monitored for compliance. (*Check all that apply.*)

<input checked="" type="checkbox"/>	There is an approved record control schedule. Provide the name of the record control schedule: This is provided and tracked by the USPTO and not DCL. Please see USPTO Comprehensive Record Schedule, commissioner for Patents: http://ptoweb.uspto.gov/ptointranet/cisd/cio/records_mgmt/docs/Section%20-%20Office%20of%20the%20Commissioner%20for%20Patent.pdf
<input type="checkbox"/>	No, there is not an approved record control schedule. Provide the stage in which the project is in developing and submitting a records control schedule:
<input type="checkbox"/>	Yes, retention is monitored for compliance to the schedule.
<input type="checkbox"/>	No, retention is not monitored for compliance to the schedule. Provide explanation:

10.2 Indicate the disposal method of the PII/BII. (*Check all that apply.*)

Disposal			
Shredding	<input type="checkbox"/>	Overwriting	<input checked="" type="checkbox"/>
Degaussing	<input type="checkbox"/>	Deleting	<input checked="" type="checkbox"/>
Other (specify):			

Section 11: NIST Special Publication 800-122 PII Confidentiality Impact Levels

11.1 Indicate the potential impact that could result to the subject individuals and/or the organization if PII were inappropriately accessed, used, or disclosed.

<input type="checkbox"/>	Low – the loss of confidentiality, integrity, or availability could be expected to have a limited adverse effect on organizational operations, organizational assets, or individuals.
<input checked="" type="checkbox"/>	Moderate – the loss of confidentiality, integrity, or availability could be expected to have a serious adverse effect on organizational operations, organizational assets, or individuals.
<input type="checkbox"/>	High – the loss of confidentiality, integrity, or availability could be expected to have a severe or catastrophic adverse effect on organizational operations, organizational assets, or individuals.

11.2 Indicate which factors were used to determine the above PII confidentiality impact levels.
(Check all that apply.)

<input checked="" type="checkbox"/>	Identifiability	Provide explanation: Name, title, address, phone number, email.
<input checked="" type="checkbox"/>	Quantity of PII	Provide explanation: PII is only on the system for the time it takes to process and return to USPTO. This is usually less than four hours.
<input type="checkbox"/>	Data Field Sensitivity	Provide explanation:
<input checked="" type="checkbox"/>	Context of Use	Provide explanation: information is for identifying and tracking patent applicants/applications.
<input type="checkbox"/>	Obligation to Protect Confidentiality	Provide explanation:
<input checked="" type="checkbox"/>	Access to and Location of PII	Provide explanation: access is limited to DCL staff on a closed system.
<input type="checkbox"/>	Other:	Provide explanation:

Section 12: Analysis

12.1 Indicate whether the conduct of this PIA results in any required business process changes.

<input type="checkbox"/>	Yes, the conduct of this PIA results in required business process changes. Explanation:
<input checked="" type="checkbox"/>	No, the conduct of this PIA does not result in any required business process changes.

12.2 Indicate whether the conduct of this PIA results in any required technology changes.

<input type="checkbox"/>	Yes, the conduct of this PIA results in required technology changes. Explanation:
<input checked="" type="checkbox"/>	No, the conduct of this PIA does not result in any required technology changes.