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

Privacy Impact Assessment
for the
Background Investigation Tracking System (BITS)

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☐ Concurrence of Senior Agency Official for Privacy/DOC Chief Privacy Officer
☐ Non-concurrence of Senior Agency Official for Privacy/DOC Chief Privacy Officer

Signature of Senior Agency Official for Privacy/DOC Chief Privacy Officer Date

U.S. Department of Commerce Privacy Impact Assessment
USPTO BITS

Unique Project Identifier: PTOC-009-00

Introduction: System Description

The USPTO Background Investigation and Tracking system (BITS) suite of Web-based applications is currently hosted under a contract within Equinix Data Center in Ashburn, VA, 20164. MicroPact provides a fully managed support infrastructure service including: supporting hardware and software, secure computing facilities, Internet gateway communications security, system administration, and system and application security services.
The purpose of this project is to deploy a web enabled system in support of the USPTO requirement to migrate from a FoxPro based system to a more robust, flexible and enterprise capable background investigation tracking system. The goal is to deploy a system that is able to represent the evolving business processes of USPTO and incrementally introduce additional departments into the user population.
Users access the USPTO BITS system via the Internet with the additional requirement of being logged onto the USPTO network and accessing BITS via the USPTO INTRANET. All of the logic and processing functionality of USPTO BITS resides on one or more central servers, with users accessing USPTO BITS from their PC client Web browsers.

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

BITS is an Application information system, and provides a personnel background investigation security tracking system for the USPTO.
The system tracks a number of candidate types (employees, contractors, volunteers etc.) and their current personnel security details. The BITS acts as an electronic personnel security folder for each person, tracking data related, but not limited to, investigations, clearances and adjudications.

(b) a description of a typical transaction conducted on the system
N/A

(c) any information sharing conducted by the system

The information will primarily stay within the USPTO Office of Security and Safety and is shared with properly credentialed background investigators who are conducting the background investigation and employees from the Office of Human Resources, Employee Relations Division who conduct suitability adjudication on USPTO employees. It will also be shared with other federal agency security offices that require the 'passing' of USPTO background investigative data

for USPTO personnel visiting/attending meetings/conferences/briefings at other federal agencies.

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

The system of records is planned to be created under the Privacy Act, 5 U.S.C 522a and is identified as "Investigative and Security Records—Commerce/Dept-13".These files will be available at the following URL: *http://www.gpo.gov/fdsys/pkg/PAI-2005-COMMERCE/html/PAI-2005-COMMERCE-SYSTEMOFRECORDS-COMMERCE-DEPT-13.htm*

(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.)*
☒ This is an existing information system in which privacy risks do not change.

Changes That Create New Privacy Risks (CTCNPR)					
a. Conversions	☐	d. Significant Merging	☐	g. New Interagency Uses	☐
b. Anonymous to Non-Anonymous	☐	e. New Public Access	☐	h. Internal Flow or Collection	☐
c. Significant System Management Changes	☐	f. Commercial Sources	☐	i. Alteration in Character of Data	☐
j. Other changes that create new privacy risks (specify):					

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*	☒	e. File/Case ID	☒	i. Credit Card	☐
b. Taxpayer ID	☐	f. Driver's License	☐	j. Financial Account	☐
c. Employer ID	☐	g. Passport	☐	k. Financial Transaction	☐
d. Employee ID	☒	h. Alien Registration	☐	l. Vehicle Identifier	☐
m. Other identifying numbers (specify): Last, First and Middle initial, DOB, POB, Dual Citizenship, Position Title, Position Designation, Employee/Contractor, Name of Contracting Co., if applicable, type of background investigation (BI), status of BI, BI Case Number, OPM Issue Code and adjudicative determination					
*Explanation for the need to collect, maintain, or disseminate the Social Security number, including truncated form: The system tracks a number of candidate types (employees, contractors, volunteers etc.) and their current personnel security details. The BITS acts as an electronic personnel security folder for each person, tracking data related, but not limited to, investigations, clearances and adjudications.					
*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: N/A					

General Personal Data (GPD)					
a. Name	☒	g. Date of Birth	☒	m. Religion	☐
b. Maiden Name	☒	h. Place of Birth	☒	n. Financial Information	☐

c. Alias	☒	i. Home Address	☐	o. Medical Information	☐
d. Gender	☐	j. Telephone Number	☐	p. Military Service	☐
e. Age	☐	k. Email Address	☐	q. Physical Characteristics	☐
f. Race/Ethnicity	☐	l. Education	☐	r. Mother's Maiden Name	☐
s. Other general personal data (specify):					

Work-Related Data (WRD)					
a. Occupation	☒	d. Telephone Number	☐	g. Salary	☐
b. Job Title	☒	e. Email Address	☐	h. Work History	☐
c. Work Address	☐	f. Business Associates	☐		
i. Other work-related data (specify):					

Distinguishing Features/Biometrics (DFB)					
a. Fingerprints	☐	d. Photographs	☐	g. DNA Profiles	☐
b. Palm Prints	☐	e. Scars, Marks, Tattoos	☐	h. Retina/Iris Scans	☐
c. Voice Recording/Signatures	☐	f. Vascular Scan	☐	i. Dental Profile	☐
j. Other distinguishing features/biometrics (specify):					

System Administration/Audit Data (SAAD)					
a. User ID	☐	c. Date/Time of Access	☐	e. ID Files Accessed	☐
b. IP Address	☐	d. Queries Run	☐	f. Contents of Files	☐
g. Other system administration/audit data (specify):					

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	☒	Hard Copy: Mail/Fax	☒	Online	☐
Telephone	☐	Email	☐		
Other (specify): Information is collected in person, or from documentation provided by OHR via the Commerce – OCIO Secure Filing System					

Government Sources					
Within the Bureau	☐	Other DOC Bureaus	☐	Other Federal Agencies	☐
State, Local, Tribal	☐	Foreign	☐		
Other (specify):					

Non-government Sources

Public Organizations	☐	Private Sector	☐	Commercial Data Brokers	☐
Third Party Website or Application			☐		
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	☐	Biometrics	☐
Caller-ID	☐	Personal Identity Verification (PIV) Cards	☐
Other (specify):			

☒	There are not any technologies used that contain PII/BII in ways that have not been previously deployed.

Section 3: System Supported Activities

3.1 Indicate IT system supported activities which raise privacy risks/concerns. *(Check all that apply.)*

Activities			
Audio recordings	☐	Building entry readers	☐
Video surveillance	☐	Electronic purchase transactions	☐
Other (specify):			

☒	There are not any IT system supported activities which raise privacy risks/concerns.

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	☒	For administering human resources programs	☐
For administrative matters	☒	To promote information sharing initiatives	☐
For litigation	☐	For criminal law enforcement activities	☐
For civil enforcement activities	☐	For intelligence activities	☐
To improve Federal services online	☐	For employee or customer satisfaction	☐
For web measurement and customization technologies (single-session)	☐	For web measurement and customization technologies (multi-session)	☐
Other (specify): The U.S. Patent & Trademark Office (USPTO) must ensure that only trustworthy individuals are hired to work in national security or public trust positions. The primary means for determining whether an individual is trustworthy is the background investigation, authorized by Executive Order 10450 and 5 C.F.R. Parts 731, 732, and 736. To ensure periodic investigations are conducted at least once every 5 years on individuals who occupy Public Trust Positions as well as those individuals who have access to classified (national security positions) The background investigation is not an evaluation of the subject's character, but is instead a determination of the likelihood that a particular person will adhere to all security requirements in the future. In addition, Homeland Security Presidential Directive 12 (hereinafter HSPD-12) requires a standardized form of official identification for both government employees and contractors. The directive establishes minimum government-wide background			

investigation requirements for entry on duty and states that official identification cards should be issued only to those individuals with certain pre-employment background checks completed and that the validity of these checks must be updated or verified every five (5) years for employees and contractors. The HSPD-12 directive will expand the USPTO's oversight responsibilities to include monitoring identification card recertification for all employees and contractors, and checking hiring practices for contractors who are investigated and hired locally.

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).

The U.S. Patent & Trademark Office (USPTO) must ensure that only trustworthy individuals are hired to work in national security or public trust positions. The primary means for determining whether an individual is trustworthy is the background investigation, authorized by Executive Order 10450 and 5 C.F.R. Parts 731, 732, and 736. To ensure periodic investigations are conducted at least once every 5 years on individuals who occupy Public Trust Positions as well as those individuals who have access to classified (national security positions). The background investigation is not an evaluation of the subject's character, but is instead a determination of the likelihood that a particular person will adhere to all security requirements in the future. In addition, Homeland Security Presidential Directive 12 (hereinafter HSPD-12) requires a standardized form of official identification for both government employees and contractors. The directive establishes minimum government-wide background investigation requirements for entry on duty and states that official identification cards should be issued only to those individuals with certain pre-employment background checks completed and that the validity of these checks must be updated or verified every five (5) years for employees and contractors. The HSPD-12 directive will expand the USPTO's oversight responsibilities to include monitoring identification card recertification for all employees and contractors, and checking hiring practices for contractors who are investigated and hired locally.

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	☒	☐	☐
DOC bureaus	☒	☐	☐
Federal agencies	☒	☐	☐
State, local, tribal gov't agencies	☐	☐	☐
Public	☐	☐	☐
Private sector	☐	☐	☐
Foreign governments	☐	☐	☐
Foreign entities	☐	☐	☐
Other (specify):	☐	☐	☐

☐	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.

☐	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:
☒	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	☐	Government Employees	☒
Contractors	☒		
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.)*

☐	Yes, notice is provided pursuant to a system of records notice published in the Federal Register and discussed in Section 9.	
☐	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: _____.	
☐	Yes, notice is provided by other means.	Specify how:
☐	No, notice is not provided.	Specify why not:

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

☐	Yes, individuals have an opportunity to decline to provide PII/BII.	Specify how:
☐	No, individuals do not have an opportunity to decline to provide PII/BII.	Specify why not:

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

☐	Yes, individuals have an opportunity to consent to particular uses of their PII/BII.	Specify how:
☐	No, individuals do not have an opportunity to consent to particular uses of their PII/BII.	Specify why not:

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

☐	Yes, individuals have an opportunity to review/update PII/BII pertaining to them.	Specify how:
☐	No, individuals do not have an opportunity to review/update PII/BII pertaining to them.	Specify why not:

Section 8: Administrative and Technological Controls

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

☐	All users signed a confidentiality agreement or non-disclosure agreement.
☒	All users are subject to a Code of Conduct that includes the requirement for confidentiality.
☒	Staff (employees and contractors) received training on privacy and confidentiality policies and practices.
☒	Access to the PII/BII is restricted to authorized personnel only.
☒	Access to the PII/BII is being monitored, tracked, or recorded. Explanation: The BITS Administrator conducts monthly audits of the system, to include when and by whom the system was accessed and what info was updated, changed corrected, etc.
☒	The information is secured in accordance with FISMA requirements. Provide date of most recent Assessment and Authorization (A&A): ____9/2015_____ ☐ This is a new system. The A&A date will be provided when the A&A package is approved.
☒	The Federal Information Processing Standard (FIPS) 199 security impact category for this system is a moderate or higher.
☒	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).
☐	Contractors that have access to the system are subject to information security provisions in their contracts required by DOC policy.
☐	Contracts with customers establish ownership rights over data including PII/BII.
☐	Acceptance of liability for exposure of PII/BII is clearly defined in agreements with customers.
☐	Other (specify):

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

Automated operational controls include securing all hardware associated with BITS in the Micropact Data Center. The Data Center is controlled by access card entry and all use of the card is audited through the access system to restrict access to the servers, their Operating Systems and databases. In addition, physical access points to the Micropact Data Center is controlled by physical locking mechanism including separate door locks, an alarm control contact monitored twenty-four (24) hours a day by ADT, a motion detector at each door and hallway and a video camera at each hallway. Contingency planning has been prepared for the data. Backups are performed on the processing databases. All backup tapes that contain PII or information covered under the Privacy Act are encrypted with FIPS 140-2 compliant algorithms by the MicroPact Database Administration Team. Technical controls: 1. Information is also secured through the application itself, by only allowing authorized users access to the application and to data to which they have access and privilege. Also the information system controls attacks and unauthorized attempts on the application and database through strict logins, AV protection, and through firewalls.

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."

☒	Yes, this system is covered by an existing system of records notice (SORN). Provide the SORN name and number *(list all that apply)*: "Investigative and Security Records—Commerce/Dept-13".These files will be available at the following URL: http://www.gpo.gov/fdsys/pkg/PAI-2005-COMMERCE/html/PAI-2005-COMMERCE-SYSTEMOFRECORDS-COMMERCE-DEPT-13.htm
☐	Yes, a SORN has been submitted to the Department for approval on (date).
☐	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.)*

☒	There is an approved record control schedule. Provide the name of the record control schedule: Background Investigation and Tracking files that contain PII information are covered by the USPTO Comprehensive Records Schedule approved by NARA as detailed at the following URL: *http://ptoweb.uspto.gov/ptointranet/cisd/cio/records_mgmt/records_mgmt_crs.html*, under the Office of Chief Administrative Officer records. Additional record control schedule information is available on NARA's website: *http://www.archives.gov/records-mgmt/rcs/schedules/index.html?dir=/departments/department-of-commerce/rg-0241*
☐	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:
☐	Yes, retention is monitored for compliance to the schedule.
☐	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	☐	Overwriting	☐
Degaussing	☐	Deleting	☐
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.

☐	Low – the loss of confidentiality, integrity, or availability could be expected to have a limited adverse effect on organizational operations, organizational assets, or individuals.
☒	Moderate – the loss of confidentiality, integrity, or availability could be expected to have a serious adverse effect on organizational operations, organizational assets, or individuals.
☐	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.)*

☒	Identifiability	Provide explanation: NIST 800-60/FIPS 199
☒	Quantity of PII	Provide explanation: NIST 800-60/FIPS 199
☒	Data Field Sensitivity	Provide explanation: NIST 800-60/FIPS 199
☒	Context of Use	Provide explanation: NIST 800-60/FIPS 199
☒	Obligation to Protect Confidentiality	Provide explanation: NIST 800-60/FIPS 199
☒	Access to and Location of PII	Provide explanation: NIST 800-60/FIPS 199
☐	Other:	Provide explanation:

Section 12: Analysis

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

☐	Yes, the conduct of this PIA results in required business process changes. Explanation:
☒	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.

☐	Yes, the conduct of this PIA results in required technology changes. Explanation:
☒	No, the conduct of this PIA does not result in any required technology changes.