

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



**Privacy Impact Assessment  
for the  
Serco Patent Processing System (PPS)**

Reviewed by: John B. Owens II, Bureau Chief Privacy Officer

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

**Catrina D. Purvis**

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Date: 2017.06.06 10:37:01 -04'00'

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

Date

## U.S. Department of Commerce Privacy Impact Assessment USPTO Serco Patent Processing System (PPS)

**Unique Project Identifier: [1858] PTOC-016-00**

### **Introduction: System Description**

*Provide a description of the system that addresses the following elements:*

*The response must be written in plain language and be as comprehensive as necessary to describe the system.*

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

*The Serco PPS system is an external contractor system that processes inbound electronic images of patent applications received by Serco Inc. from USPTO. Patent applications consist of electronic applications that conform to the application requirements as defined by USPTO.*

*The system consists of a variety of application review, research tools and data entry tools to facilitate the evaluation and classification of the application creating a series of US Patent Classification (USPC) system and Cooperative Patent Classification (CPC) system classification data elements that describe the application.*

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

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

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

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

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

*The 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 the Serco PPS so that classification activities can be performed on the collected patent application. The legal authority to collect PII and/or BII derives from 35 U.S.C. 1, 6, and 115; 5 U.S.C. 301 (SORN COMMERCE/PAT-TM-7).*

*(e) the Federal Information Processing Standard (FIPS) 199 security impact category for the system is **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 changes do not create new privacy risks. *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):					

**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:  No individually identifiable payment-related information or other PII related to the Privacy Act (such as Social Security Number) is transmitted to Serco or processed by PPS.					
*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:					

<b>General Personal Data (GPD)</b>					
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): Inventor Citizenship					

<b>Work-Related Data (WRD)</b>					
a. Occupation	<input type="checkbox"/>	d. Telephone Number	<input checked="" type="checkbox"/>	g. Salary	<input type="checkbox"/>
b. Job Title	<input 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):					

<b>Distinguishing Features/Biometrics (DFB)</b>					
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):					

<b>System Administration/Audit Data (SAAD)</b>					
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):					

<b>Other Information (specify)</b>					

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

<b>Directly from Individual about Whom the Information Pertains</b>					
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):					

<b>Government Sources</b>					
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):					

<b>Non-government Sources</b>			
Public Organizations	<input type="checkbox"/>	Private Sector	<input type="checkbox"/>
Third Party Website or Application	<input type="checkbox"/>	Commercial Data Brokers	<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.)*

<b>Technologies Used Containing PII/BII Not Previously Deployed (TUCPBNPD)</b>			
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.)*

<b>Activities</b>			
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.)

<b>Purpose</b>			
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 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 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):			
The information must be provided to USPTO in order for the USPTO to process the patent application. The information becomes part of the official record of the application, and as such is transmitted to Serco for processing.			

**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 PII and/or BII data is collected by the USPTO to facilitate the patent application process. 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.

The information is part of the official record of the application and is used to document Inventor location and nationality and for communications.

During processing, the information is not shared with any entity outside of the Serco PPS operational facility, neither with other components of Serco, nor externally to any commercial business partners not present at the PPS operational facility and authorized to access this information.

**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 checked="" 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"/>	<p>Yes, this IT system connects with or receives information from another IT system(s) authorized to process PII and/or BII.</p> <p>Provide the name of the IT system and describe the technical controls which prevent PII/BII leakage:</p> <p>Serco PPS connects to USPTO File Transfer system.</p> <p>According to 35 U.S.C. Section 122, USPTO must maintain patent applications in confidence. In order for Serco to support this, the PPS which processes unpublished patent application data have undergone a formal IT Security Certification &amp; Accreditation process and have been approved for operation with the requisite and appropriate security controls in place and in conformance with Federal IT Security Policy.</p> <p>Specific safeguards that are employed by Serco PPS to protect the patent applications include:</p> <ul style="list-style-type: none"> <li>• The PPS system and its facility are physically isolated and closely monitored. Only individuals authorized by USPTO are allowed access to the system.</li> <li>• All patent information is encrypted when transferred between PPS and USPTO using secure electronic methods.</li> <li>• All patent information is encrypted before leaving the facility and is stored at backup facilities in encrypted form.</li> <li>• Technical, operational, and management security controls are in place at PPS and are verified regularly.</li> <li>• Periodic security testing is conducted on the PPS system to help assure than any new security vulnerabilities are discovered and fixed.</li> <li>• All PPS personnel are trained to securely handle patent information and to understand their responsibilities for protecting patents.</li> </ul>
<input type="checkbox"/>	<p>No, this IT system does not connect with or receive information from another IT system(s) authorized to process PII and/or BII.</p>

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 checked="" 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 checked="" type="checkbox"/>	Yes, notice is provided by other means.	Specify how: Notice is provided at the time of collection by the patent front-end systems.
<input type="checkbox"/>	No, notice is not provided.	Specify why not:

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: Individuals may have the opportunity to decline to provide their PII/BII to the Serco PPS. That option would be offered by the primary patent application ingress system, which is covered under the system of records at USPTO: COMMERCE/PAT-TM-7, Patent Application Files.  That information is volunteered by individuals as a part of the patent application process. The PII/BII contained in this information is needed for successful processing of the patent application.



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: Individuals may have the opportunity to consent to particular uses of their PII/BII within the Serco PPS. That option would be offered by the primary patent application ingress system, which is covered under the system of records at USPTO: COMMERCE/PAT-TM-7, Patent Application Files.  That information is volunteered by individuals as a part of the patent application process. The PII/BII contained in this information is needed for successful processing of the patent application.

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: Individuals may have the opportunity to review/update the PII/BII pertaining to them within the Serco PPS. That option would be offered by the primary patent application ingress system, which is covered under the system of records at USPTO: COMMERCE/PAT-TM-7, Patent Application Files.  That information is volunteered by individuals as a part of the patent application process. The PII/BII contained in this information is needed for successful processing of the patent application.

## **Section 8: Administrative and Technological Controls**

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

<input checked="" type="checkbox"/>	All users signed a confidentiality agreement or non-disclosure agreement.
<input checked="" 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: Implementation is tracked in the Serco PPS System Security Plan (SSP)
<input checked="" type="checkbox"/>	The information is secured in accordance with FISMA requirements. Provide date of most recent Assessment and Authorization (A&A): <u>June 11, 2016</u> <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 checked="" 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 classifiers, management, and system administrators. Data is received, processed through the Serco PPS workflow, and returned to USPTO. All transfers of data between Serco PPS and USPTO occur over a FIPS 140-2 certified secure file transport system.

From an external standpoint, PPS processes inbound electronic images of patent applications. These applications consist of electronic images that conform to the patent application requirement by USPTO. The transport subsystem consists of system components designed to support receipt of inbound patent applications from USPTO and for transmission of Serco deliverables back to USPTO. The PPS transport subsystem uses strong encryption to ensure secure transmission of sensitive data between USPTO and the Serco facility.

Once transferred to the Serco facility, applications are processed by a custom developed Serco distributed computing engine. These applications are then passed through the workflow system where they are monitored throughout the entire process. Reports of these processes will be generated by the Workflow system. After each application has been properly classified by the System and Patent classifiers, the system will extract and encrypt pieces of information from the application and send these back to USPTO.

**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). Provide the SORN name and number ( <i>list all that apply</i> ): The record control schedule identified under the COMMERCE/PAT-TM-7 Patent Application Files Systems of Records would apply. <a href="http://www.uspto.gov/sites/default/files/sorn/uspto-pasorn-07.pdf">http://www.uspto.gov/sites/default/files/sorn/uspto-pasorn-07.pdf</a>
<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: Patent Classification Files (N1-241-10-1:10.1)
<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 checked="" 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 checked="" type="checkbox"/>	Overwriting	<input type="checkbox"/>
Degaussing	<input checked="" type="checkbox"/>	Deleting	<input 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 type="checkbox"/>	Quantity of PII	Provide explanation:
<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: Because the information containing PII must be transmitted outside of the USPTO environment, there is an added need to ensure the confidentiality of information during transmission.
<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.