



UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE OF THE CHIEF INFORMATION OFFICER

USPTO Privacy Impact Assessment Statement

Intellectual Property Leadership (Policy) Management Support System

Unique Investment Identifier: 00651010601800700105012

Prepared by: Robert Rathbun, Office of the Executive for System Development and Maintenance Services, OCIO

Reviewed by: David J. Freeland, Chief Information Officer



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1. What information is to be collected (e.g., nature and source)?

Information collected from the public includes that under OMB collection numbers 0651-0012, Admittance to Practice and Roster of Registered Patent Attorneys and Agents admitted to practice before the United States Patent and Trademark Office (USPTO); and 0651-0017, Practitioner records maintenance, disclosure and discipline before the United States Patent and Trademark Office (USPTO).

The information to be collected by the component systems includes Admittance to Practice and Roster of Registered Patent Attorneys and Agents Admitted to Practice Before the USPTO; Practitioner Records Maintenance, Disclosure and Discipline Before the USPTO; Legal Processes; and Patent Appeals and Interferences.

The data sources include USPTO's Office of the General Counsel, private practitioners, practioners, and the Patent Application Locating and Monitoring Post-Exam (PALM EXPO).

For Trademark Trial and Appeal Board System, the name, address of practitioner, contact phone number, and email address are collected.

For Adjudicated Cases and Interferences, name and address, telephone number, email address and attorney registration number are collected.

For Enrollments and Discipline, legal name of applicant, address of applicant, citizenship status, date of birth, place of birth, telephone number, examination waiver status, reinstatement status (if applicable), examination performance, bar status, disciplinary and background information, and education are collected. Former USPTO employees also provide USPTO work history information.

2. Why is the information being collected (e.g., to determine eligibility)?

The USPTO is responsible for regulating and managing the listing of attorneys and agents as it pertains to practicing before the USPTO.

3. What is the intended use of the information (e.g., to verify existing data)?

The information is used to render decisions in accordance with Administrative Patent Law, regulate discipline and communicate, as necessary, with attorneys and agents who are registered to represent applicants for Patent protection.



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4. With whom will the information be shared (e.g., another agency for a specified programmatic purpose)?

The information is used within USPTO with authorized parties only. There is no other agency involved unless involvement with the Federal Courts ensues. Individual records may be shared with Federal Courts, but not the system of record.

5. What opportunities do individuals have to decline to provide information (i.e., where providing information is voluntary) or to consent to particular uses of the information (other than required or authorized uses), and how individuals can grant consent?

Individuals are provided a privacy act statement at which time they may opt to decline to provide information. However, individuals must submit the required information in order to have requests for intellectual property protection processed. Similarly, an agent or attorney who wishes to practice before the USPTO must comply in full with the request for registration information.

6. How will the information be secured (e.g., administrative and technological controls)?

Management Controls:

The USPTO uses the Life Cycle review process to ensure that management controls are in place. During the enhancement of any component, the security controls are reviewed, re-evaluated, and updated in the Security Plan, which is a document prepared during the Concept Phase of the project's life cycle. The Security Plans specifically address the management, operational and technical controls that are in place, and planned, during the operation of the enhanced system. Additional management controls include performing national agency check on all personnel, including contractor staff.

Operational Controls:

Operational controls include securing all hardware associated with this investment in the USPTO Data Center. The Data Center is controlled by access card entry, and is manned by a uniformed guard service to restrict access to the servers, their operating systems and databases. Contingency planning has been prepared for the data center as a whole and is documented in the Infrastructure Disaster Recovery Plan (updated 08/2002). Backups are performed on the processing databases every production day (Monday through Friday). The backups include all file directories (except the operating system directory) and the database. Backups are stored on tape and are secured off-site. Additional operational controls include: (1) Logical edit checks to ensure proper sequence of actions; (2) Physical terminal identification; (3) Database UserID; (4) Restricted data display, as required; and (5) Restricted access.



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Technical Controls:

Technical Controls such as password authentication (userid and passwords) on the server are accomplished by using operating system userids and passwords on the host, and database userids and passwords. At the client PCs, access is managed through a password authentication (userid and password) based on certification. A supervisor must sign the USPTO desktop security form before the user has access to the computer.

7. Is a system of records being created under the Privacy Act, 5 U.S.C. 552a?

No, there is no new system of records for these records. Existing Systems of Records cover the information already residing in the data bases. These include: COMMERCE/PAT-TM 1, Attorneys and Agents Registered to Practice Before the Office; COMMERCE/PAT-TM 2, Complaints, Investigations and Disciplinary Proceedings Relating to Registered Patent Attorneys and Agents; COMMERCE/PAT-TM 5, Non-Registered Persons Rendering Assistance to Patent Applicants; and COMMERCE/PAT-TM 6, Parties Involved in Patent Interference Proceedings.



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/s/
RW Rathbun *2-14-2006*
Prepared by _____ Date

/s/
Joyce English *3-23-06*
Approved _____ Date
Joyce English
Director, Systems Development and Maintenance

I have reviewed and approve the attached Privacy Impact Assessment document(s).

/s/
David J. Freeland *6-29-06*
David J. Freeland _____ Date
Chief Information Officer

cc:

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David Larsen, Acting Director, Enterprise IT and Security Management