Reed Technology and Information Services, Inc. (RTIS) Patent Data Capture (PDCap) Privacy Threshold Analysis (PTA)/ Privacy Impact Assessment (PIA)

Version 2.0
December 24 2009

Prepared for:
Department of Commerce
United States Patent and Trademark Office
Office of Chief Information Officer
DOC50PAPT0410001

For Official Use Only

Record of Changes/Version History

PTA-PIA Template Version 6.2
October 1, 2008

Change/Version Number	Date of Change	Sections Changed	Description	Person Entering Change
1.0	11/26/2007	All	Initial Analysis and Assessment	Frank Mellon
2.0	12/24/2009	All	Update document to current data	Frank Mellon

Privacy Threshold Analysis (PTA)

Instructions: Complete the "Privacy Threshold Analysis" section of this document and return it to United States Patent and Trademark Office (USPTO) Senior Privacy Official. If it is determined that a PIA is required as noted in the "Designation" section, the "Privacy Impact Assessment" section will be required to be completed and returned to the USPTO Senior Privacy Official for review and approval.

1. Describe the Reed Technology and Information Services, Inc. (RTIS) Patent Data Capture (PDCap) and its purpose:

The RTIS PDCap system is a system that is designed to perform data capture and conversion of patent applications to produce the final published patent. The PDCap system helps to manage the entire lifecycle of the patent application in collaboration with USPTO processing, from the initial filing of the application to the final published document. Applications are submitted either electronically or on paper to the United States Patent and Trademark Office. RTIS then processes the applications through several stages and ultimately produces the finished patent document.

2. Status of RTIS PDCap:

☐ This is a new development effort.

X This is an existing system.

> Date first developed: August 6, 2008
>
> Date last updated: September 30, 2009
>
> The updated C&A filing was the result of the physical relocation of the PDCap location in Alexandria, VA. The operation was moved from one office building to another in March, 2009.

3. Does the RTIS PDCap relate exclusively to the network infrastructure? [For example, is the system exclusively a Local Area Network (LAN) or Wide Area Network (WAN)]?

☒ No. Please continue to the next question.

☐ Yes. Is there a log kept of communication traffic?

> ☐ No. Please continue to the next question.
>
> ☐ Yes. What type of data is recorded in the log? (Please choose all that apply.)

☐ Header

☐ Payload

4. Could the RTIS PDCap contain information that relates in any way to an individual?

☐ No. Please skip ahead to question 5.

X Yes. Please provide a general description, below.

The RTIS PDCap system collects and processes patent applications that are in the pre-grant or grant phase of the patent application process. The patent applications contain personally identifiable information (PII) such as the inventor's name, address, and phone number.

5. Does the RTIS PDCap use or collect Protectable Personally Identifiable Information (PII) [1] or Publicly Releasable PII [2]? (Refer to the USPTO IT Privacy Policy for additional information specific to handling PII.)

☐ No.

X Yes. Why does the RTIS PDCap collect PII?

Patent application data and images, which contain PII, are collected to support the data capture and conversion requirements of the patent application process for the USPTO.

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[1] Protectable PII is defined as Information that can be used to uniquely identify (e.g., date of birth, gender, race, social security number, credit card account number, medical information, education information, etc.) contact (e.g., home address, phone number, etc.) or locate an individual (e.g., home or work address, etc).

[2] Publicly Releasable PII is defined as information identifiable to a specific individual that has been authorized for public release. The following information is publicly releasable PII:

- Non-financial information regarding business entities, such as business addresses, telephone numbers, web sites, e-mail; and

- Information available on the USPTO public website such as employee name, identification number, phone number and office location.

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6. What information about individuals could be collected, generated or retained?

The RTIS PDCap system collects and processes patent applications that are in the pre-grant or grant phase of the patent application process. The patent applications contain personally identifiable information (PII) such as the inventor's name, address, and phone number.

Designation

☐ This is NOT a Privacy Sensitive System – the system contains no Personally Identifiable Information.

☒ This IS a Privacy Sensitive System (Check all that apply)

    ☐ PTA sufficient at this time

    X A PIA is required

    ☐ National Security System

    ☐ Legacy System

    ☐ HR System

    ☐ Financial System

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Privacy Threshold Analysis Approval

The Privacy Threshold Analysis for the Reed Technology Information Services, Inc. (RTIS) Patent Data Capture (PDCap) system has been prepared by Frank Mellon and approved by David Ballai.

/s/ Frank Mellon   12/24/2009
_____
Prepared by Frank Mellon, RTIS   Date

/s/ David Ballai   12/24/2009
_____
Approved by David Ballai   Date
Vice President, Operations and Technical Services, RTIS

I, as the System Owner for the RTIS PDCap system, concur with the information contained in this Privacy Threshold Analysis.

_____
NaThanya Ferguson   Date
Contracting Officer's Technical Representative
System Owner for the RTIS PDCap System

I have reviewed this Privacy Threshold Analysis. I recommend that a Privacy Impact Assessment is required.

_____
Rod Turk   Date
Senior Agency Information Security Officer

I have reviewed and approve this Privacy Threshold Analysis. A Privacy Impact Assessment is required.

_____
John B. Owens II   Date
Chief Information Officer,
Co-Authorizing Official for the RTIS PDCap System

I have reviewed and approve this Privacy Threshold Analysis. A Privacy Impact Assessment is required.

_____
Robert L. Stoll   Date
Commissioner for Patents
Co-Authorizing Official for the RTIS PDCap System

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cc: Deputy Chief Information Officer
Senior Agency Information Security Officer

Privacy Impact Assessment (PIA)

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

> The Reed Technology and Information Services, Inc. (RTIS) Patent Data Capture (PDCap) system collects and processes patent applications that are in the pre-grant or grant phase of the patent application process. The patent applications contain personally identifiable information (PII) such as the inventor's name, address, and phone number.

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

> Patent application data and images, which contain PII, are collected to support the data capture and conversion requirements of the patent application process for the United States Patent and Trademark Office (USPTO).

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

> The intended use of the information is to convert raw data format into fully searchable electronic databases. Once converted to searchable format (XML), each patent is then composed to USPTO specification for delivery back to USPTO.

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

> The information will be shared only with the USPTO. The information will not be shared with any other party.

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

> Patent applications which contain PII have been provided to USPTO voluntarily. Prior to patent processing, USPTO notifies patent applicants that their privacy may become public in the event that their patent is granted. At this time, the patent applicant has the opportunity to decline to submit his/her application. Submittal of application after privacy

notification is provided is considered granting of consent to particular uses of the information.

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

Management Controls:

1. The USPTO uses the Life Cycle review process to ensure that management controls are in place for the RTIS PDCap. During the enhancement of any component, the security controls are reviewed, re-evaluated, and updated in the Security Plan. 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.

2. Access to the system and the data on the system is based on the user's job function. Users are given access only to the data necessary to perform their jobs.

Operational Controls:

1. Automated operational controls include securing access to all hardware associated with the RTIS PDCap system. The system components are located in secured areas accessible only by authorized users by a badge access system. Security guards are on site; a centrally monitored alarm system is armed when the guards are not on site.

2. Manual procedures are followed for handling extracted data containing sensitive PII which is physically transported outside of the USPTO premises. These procedures include maintaining logs and encryption and password protection of data.

Technical Controls:

The data is stored on a highly redundant network attached storage (NAS) devices and is backed up nightly. Backup tapes are stored offsite at a third-party vendor located in excess of 30 miles from the main processing site. Authentication is required at all levels of access to the data and the system and authentication levels are reviewed on a regular basis.

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 being created.

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/s/ Frank Mellon   12/24/2009

_____

Prepared by Frank Mellon, RTIS   Date

/s/ David Ballai   12/24/2009

_____

Approved by David Ballai   Date
Vice President, Operations and Technical Services, RTIS

I, as the System Owner for the RTIS PDCap system, concur with the information contained in this Privacy Impact Assessment.

/s/ NaThanya Ferguson   1/4/2010

_____

NaThanya Ferguson   Date
Contracting Officer's Technical Representative
System Owner for the RTIS PDCap System

I have reviewed this Privacy Impact Assessment and recommend that it be approved.

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Rod Turk   Date
Senior Agency Information Security Officer

I have reviewed and approve this Privacy Impact Assessment.

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John B. Owens II   Date
Chief Information Officer
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