

U.S. DEPARTMENT OF COMMERCE

UNITED STATES PATENT AND TRADEMARK OFFICE

Privacy Impact Assessment



Serco Pre-Grant Publication Classification Services (PGPCS)

DOC50PAPT06001010

12/17/2010

Privacy Impact Assessment

This Privacy Impact Assessment (PIA) is a requirement of the Privacy Act of 1987 and OMB Memorandum 03-22, *OMB Guidance for Implementing the Privacy Provisions of the E-Government Act of 2002*. A PIA documents the due diligence and oversight placed upon information associated with the project or system in question. Written from the System Owner's perspective for the American public, the PIA discloses what information is being collected, and how that information is protected. The intent is to build confidence that privacy information is secure, processes that utilize this information comply with Federal requirements, and more importantly, inform the privacy expectations of the American public.

The Privacy Threshold Analysis (PTA) is a separate artifact that must be completed prior to beginning this PIA. In many cases, the PTA will be the only required artifact to satisfy DOC privacy considerations.

SYSTEM DESCRIPTION

PGPCS is a Major Application (MA). This system 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 International Patent Classification (IPC) system classification data elements that describe the application.

The PGPCS system is exclusively dedicated for processing USPTO PG Pubs information. The system is physically located at the contractor owned, staffed, and operated facility located at Serco Inc., 1450 Technology Drive, Harrisonburg, VA 22801.

QUESTIONNAIRE

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

Serco Services Inc., a wholly owned subsidiary of Serco Inc. and formerly known as SI International, Inc. (Serco) Pre-Grant Publication Classification Services (PGPCS) system processes information collected by the United States Patent and Trademark Office (USPTO) under Office of Management and Budget (OMB) Collection Number 0651-0031, Initial Patent Applications. Bibliographic data (Inventory name, Inventor address, Citizenship, Correspondence address, Employer name and address, Telephone number[s], and E-mail address) are collected from the applicant or applicant's legal representative and attached to the electronic patent application files sent to Serco for pre-grant publication classification. Once publication by USPTO has occurred, this data is publicly available.

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 PGPCS.

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

The name and address of the Inventor is collected to uniquely identify the Inventor and is required as part of Patent Rights determination under the Patent statutes. Correspondence address and other contact information are collected to facilitate communications with the applicant or applicant's legal representative.

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

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

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

During processing, the information is passed through to various stages of the Serco PGPCS workflow and the Serco's Automated Information Systems dedicated to PGPCS. The information is not shared with any entity outside of the PGPCS operational facility, neither with other components of Serco, nor externally to any commercial business partners not present at the PGPCS operational facility and authorized to access this information.

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 can individuals grant consent?

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.

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

According to 35 U.S.C. Section 122, USPTO must maintain patent applications in confidence. In order for Serco to support this, the PGPCS Automated Information Systems (AISs) which process unpublished patent application data have undergone a formal IT Security Certification & 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.

Specific safeguards that are employed by Serco PGPCS to protect the patent applications include:

- The PGPCS system and its facility are physically isolated and closely monitored. Only individuals authorized by USPTO are allowed access to the system.
- All patent information is encrypted when transferred between PGPCS and USPTO using secure electronic methods.
- All patent information is encrypted before leaving the facility and is stored at backup facilities in encrypted form.
- Technical, operational, and management security controls are in place at PGPCS and are verified regularly.
- Periodic security testing is conducted on the PGPCS system to help assure that any new security vulnerabilities are discovered and fixed.
- All PGPCS personnel are trained to securely handle patent information and to understand their responsibilities for protecting patents.

7. How will the data extract log and verify requirement be met?

No individually identifiable payment-related information or other PII is processed by PGPCS. The address and other contact information are collected by the system for correspondence purposes. This would be not considered a data extract and therefore not applicable to the system.

8. 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. Existing Systems of Records cover the information residing in the databases. These include the COMMERCE/PAT-TM-7, Patent Application Files.

9. Are these records covered by a record control schedule approved by the National Archives and Records Administration (NARA)?

Since this is not a system of records, the record control schedule identified under the COMMERCE/PAT-TM-7 Patent Application Files Systems of Records would apply.

SIGNATORY AUTHORITY

Agreed: _____ /s/ Amber Ostrup _____ 12/17/2010
/ /
Amber Ostrup Date
Information System Owner

Agreed: _____ Rod Turk _____ / /
Date
Senior Agency Information Security Officer

Agreed: _____ Robert L. Stoll _____ / /
Date
Authorizing Official