



Senior Agency Official for Records Management 2019 Annual Report

The National Archives and Records Administration (NARA) requires Senior Agency Officials for Records Management (SAORM) to provide an annual report demonstrating how agencies are handling important records management initiatives as identified by NARA.

NARA uses the reports to determine the overall progress of the Federal Government in managing its records and the transition away from paper to digital formats, and to identify best practices and model solutions within Federal agencies.

On June 28, 2019, the Office of Management and Budget and the National Archives issued a memorandum: *Transition to Electronic Records* (M-19-21) to ensure that all Federal records are created, retained, and managed in electronic formats by December 31, 2022. This year's SAORM report provides an opportunity for agencies to report on plans and progress towards the milestones and target goals in this memorandum, as well as other important records management initiatives.

The reporting period begins on January 13, 2020, with reports due back to NARA no later than March 13, 2020.

NARA plans to post your 2019 SAORM report on the NARA website upon receipt. Please ensure that your agency's report is a publicly releasable version. This action is in the interest of transparency in Government and to promote collaboration and communication among agencies. NARA intends to list any non-responding agencies in a summary report and on the website.

Instructions for Reporting:

- This template covers records management program developments towards the transition to electronic recordkeeping outlined in M-19-21 through December 31, 2019.
- Please be brief and precise in your answers. Limit answers to each question to no more than 500 words.
- Please complete the questions/items below and send the report to rmsselfassessment@nara.gov. Include the words "SAORM 2019 Annual Report - [Agency Name]" in the subject line of the email.
- If you are responsible for records management in multiple agencies, components, or bureaus, please determine how you will submit reports to NARA. While NARA prefers a comprehensive report, you may submit separate reports for each component.

Provide the following information (required):

- Name of SAORM Frederick Steckler
- Position title Chief Administrative Officer
Senior Agency Official for Records Management
- Address 600 Dulany Street
Alexandria, VA 22314

- 1. What agencies, bureaus, components, or offices are covered by this report and your position as SAORM and which will be reporting separately? Please also indicate any that are new or have been changed due to reorganization or other circumstances.**

Please provide list:

The United States Patent and Trademark Office (USPTO) is an Agency within the Department of Commerce. As USPTO's Senior Agency Official for Records Management (SAORM), all USPTO components and offices are covered by this report and position. Those components and offices include, but are not limited to: Office of the Under Secretary and Director, Regional Offices, Office of the Commissioner for Patents, Office of the Commissioner for Trademarks, Office of Policy and International Affairs, Office of the Chief Administrative Officer, Office of the Chief Communications Officer, Office of the Chief Financial Officer, Office of the Chief Information Officer, Office of the General Counsel, Office of Equal Employment and Diversity, Office of the Patent Trial and Appeal Board, Office of the Trademark Trial and Appeal Board, and Office of Government Affairs and Oversight. No USPTO components or offices are reported separately. None of the components or offices are new or have been substantively reorganized as of the filing of this report.

- 2. Is your agency managing all permanent electronic records in electronic format as of December 31, 2019? (M-19-21, 1.1)**

- X Yes
 No

Please explain your response:

The USPTO continues to make efforts to comply with Presidential Memorandum-M-19-21, 1.1 to include adopting the Capstone Approach to managing email as well as identifying all permanent records via office file plans and ensuring that they are adequately maintained in electronic formats. In addition, USPTO further reviews its electronic recordkeeping procedures by having records management included in all Information Technology (IT) deployment approvals.

3. Has your agency made progress towards managing all permanent records in an electronic format with appropriate metadata by December 31, 2022? (M-19-21, 1.2)

- X Yes
 No

Please explain your response (include specific goals and example metrics):

USPTO continues to make progress in improving its records management program including managing all permanent records in an electronic format with the appropriate metadata by December 31, 2022. USPTO is exploring options within existing tools and processes to help automate this requirement and ease the burden on the everyday user.

4. Has your agency made progress towards managing all temporary records in electronic format? (M-19-21, 1.3)

- X Yes
 No

Please explain your response (include specific goals and example metrics):

USPTO continues to make progress in improving its records management program including managing all of its temporary records in electronic format. To assist with this effort, USPTO reviews file plans with each USPTO Business Unit at least annually to ensure all records are accounted for, scheduled, and appropriately maintained including that they are maintained electronically to the extent possible. In addition, the USPTO records management personnel collaborate with the personnel responsible for the Paperwork Reduction Act and Privacy Act to further review records and how they are maintained as well as promote electronic/automated processes.

5. Have you, as the SAORM, taken steps to ensure that your records management program complies with the Federal Records Act and its regulations through strategic plans including performance goals, objectives and measures? (M-19-21, 1.4)

- X Yes
 No

Please explain your response (include specific goals and example metrics):

USPTO is committed to improve its records management program and fully comply with the Federal Records Act and its regulations and memoranda. In addition to utilizing NARA reports such as the Records Management Self-Assessment to measure success, USPTO outsourced independent review of its records management program. Findings from that independent review were used to create strategic plans, program and project plans, and associated performance goals, objectives, and measures which included an organizational realignment to bring the records management program closer to the SOARM, the hiring of

USPTO Records Officer(s), the inclusion of records management requirements in contracts, and more.

6. If applicable, have you identified all agency-operated records centers and made plans to either close them before 2022, or have you submitted a request to NARA for an exception? (M-19-21, 1.3)

X Yes

No

Please explain your response (include specific goals and example metrics):

Today, USPTO utilizes NARA's Federal Records Center(s) and NARA-approved commercial records storage facilities to store its records due to its large volume of records and need for access to them.

USPTO also maintains a legacy Agency – operated facility in which USPTO is in the process of appropriately dispositioning all of its documents.

In FY2018, with NARA guidance, USPTO closed its main Agency-operated records storage facility and transferred those records to a Federal Records Center and a NARA-approved commercial storage facility which enables USPTO to gain access to any of its records within 4 hours needed for operational requirements.

7. Does your agency have procedures that include documentation to ensure records of outgoing senior officials* are properly captured and/or processed and not improperly removed, altered, or deleted including electronic records and email?

**Senior officials are the heads of departments and independent agencies; their deputies and assistants; the heads of program offices and staff offices including assistant secretaries, administrators, and commissioners; directors of offices, bureaus, or equivalent; principal regional officials; staff assistants to those aforementioned officials, such as special assistants, confidential assistants, and administrative assistants; and career Federal employees, political appointees, and officers of the Armed Forces serving in equivalent or comparable positions.*

X Yes

No

Please explain your response (include specific details of procedures):

USPTO opted to use the Capstone Approach to Email in which senior officials (capstone officials) were briefed on the approach and their responsibilities. In addition, USPTO has employee separation procedures which are specific to senior officials to ensure that their records are properly captured and/or processed and not improperly removed, altered, or deleted, among other things. In addition, USPTO is working to further define and improve this process for efficiency and effectiveness.

8. Do you, as the SAORM, see challenges within your agency in meeting the goal of fully-electronic recordkeeping?

X Yes

No

Please explain your response (include details of specific challenges, if applicable):

While USPTO is making progress in improving its records management program overall including the transition to electronic recordkeeping, it is still challenged with changing the culture and legacy practices and procedures to fully embrace and implement fully electronic recordkeeping. In addition, USPTO is challenged with having large volumes of legacy paper files which are still needed for active Agency use. However, USPTO has proposed a records schedule change to decrease the date for accessioning many of these legacy paper files to NARA thus decreasing the volume of active use legacy paper records in USPTO's possession.

9. Do you need support from NARA to ensure a successful transition to fully- electronic recordkeeping?

X Yes

No

Please provide details on what support is needed:

USPTO appreciates NARA's continued assistance and guidance in fully complying the Federal Records Act as well as OMB/NARA memoranda. Support for retaining pre-2019 closed records in hardcopy format if agencies, for whatever reason, cannot digitize the records prior to accession to NARA would be helpful. The USPTO also requests that NARA continue to update scheduling policies and functionality within the Electronic Records Archive (ERA) system to enable the consistent and simplified implementation of media-neutral schedules, as well as the ability to execute transfers of large volumes of email and other electronic records that NARA will accession.