Privacy Threshold Analysis
for the
USPTO MicroPact Background Investigation Tracking System/
Employee Relations & Labor Relations System (BITS/ERLR)
U.S. Department of Commerce Privacy Threshold Analysis

USPTO MicroPact Background Investigation Tracking System / Employee Relations & Labor Relations System (BITS/ERLR)

Unique Project Identifier: PTOC-009-00

Introduction: This Privacy Threshold Analysis (PTA) is a questionnaire to assist with determining if a Privacy Impact Assessment (PIA) is necessary for this IT system. This PTA is primarily based from the Office of Management and Budget (OMB) privacy guidance and the Department of Commerce (DOC) IT security/privacy policy. If questions arise or further guidance is needed in order to complete this PTA, please contact your Bureau Chief Privacy Officer (BCPO).

Description of the information system and its purpose: Provide a general description (in a way that a non-technical person can understand) of the information system that addresses the following elements:

The E-Government Act of 2002 defines “information system” by reference to the definition section of Title 44 of the United States Code. The following is a summary of the definition: “Information system” means a discrete set of information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of information. See: 44. U.S.C. § 3502(8).

The MicroPact Background Investigation Tracking System / Employee Relations & Labor Relations (BITS/ERLR) are suites of web-based applications hosted by the MicroPact FedRAMP Software as a Service (SaaS) which includes: supporting hardware and software, secure computing facilities, Internet gateway communications security, system administration, and system and application security services.

a) Whether it is a general support system, major application, or other type of system

BITS/ERLR is a major application.

b) System location

BITS/ERLR system is located at 44470 Chilum Place Bldg 1, Ashburn, VA 20147. BITS/ERLR has an alternate hot site located at data center located at 180 Peachtree Street, Atlanta, GA at an Equinox Atlanta Data Center.

c) Whether it is a standalone system or interconnects with other systems (identifying and describing any other systems to which it interconnects)

The BITS/ERLR applications are hosted by the MicroPact SaaS. BITS-ERLR interconnects with the following systems:
Network and Security Infrastructure (NSI): The NSI is an Infrastructure information system, and provides an aggregate of subsystems that facilitates the communications, secure access, protective services, and network infrastructure support for all United States Patent and Trademark Office (USPTO).

Enterprise Software Services (ESS) - ESS provides Enterprise Directory Services, Role-Based Access Control System, Email as a Service, PTO Exchange Services, Symantec Endpoint Protection, Enterprise SharePoint Services, etc. IT applications ESS – RBAC facilitates the communication between USPTO and MicroPact.

Information Delivery Product (IDP) - IDP is a Master System composed of the following three subsystems: 1) Enterprise Data Warehouse; 2) Electronic Library for Financial Management System (EL4FMS); and 3) Financial Enterprise Data Management Tools (FEDMT).

Enterprise Data Warehouse (EDW): EDW system is an automated information system (AIS) that provides access to integrated United States Patent and Trademark Office (USPTO) data to support the decision-making activities of managers and analysts in the USPTO’s business areas as needed to achieve business goals. It helps USPTO managers and analysts to answer a variety of strategic and tactical business questions using quantitative enterprise business information. Specifically, EDW provides a tool that allows managers and analysts to analyze business processes, resource use and needs, and other facets of the business.

Office of Personnel Management-National Background and Investigations Bureau (OPM/NBIB): NBIB will be the primary provider of effective, efficient, and secure background investigations for the Federal Government. NBIB is designed with an enhanced focus on national security, customer service, and continuous process improvement to meet this critical government-wide need now and in the future.

National Finance Center (NFC): NFC data is fed to the USPTO’s Enterprise Data Warehouse. – USPTO System administrators then upload a flat file from the Enterprise Data Warehouse into the Employee Relations / Labor Relations system. There is no direct connection between the two systems – it requires human intervention to upload this data.

d) The purpose that the system is designed to serve

BITS is an application information system, and provides a personnel background investigation security tracking system for the USPTO.

ERLR is used by the USPTO Office of Human Resources (OHR) to manage and share records/documents between Employee Relation (ER) and Labor Relation (LR).

e) The way the system operates to achieve the purpose
BITS USPTO adjudicators, contractor and employee specialists access the application through a web-based portal to create, update, track, and monitor the status of personnel background investigations. Access to the web portal is restricted to USPTO personnel within the intranet and who have received authorization.

ERLR administrators, managers, specialists, and employees are able to access the application through a web-based portal to input case data, events, and dates. Manage the sharing of records and documents between assigned staff and internal organizations using business rule workflow. Access to the web portal is restricted to USPTO personnel within the intranet and who have received authorization.

f) A general description of the type of information collected, maintained, used, or disseminated by the system

BITS tracks a number of candidate types (employees, contractors, etc.) and their current personnel security details. The BITS acts as an electronic personnel security folder for each person, tracking data related, but not limited to, investigations, clearances, and adjudications. The ER group uses the system to manage employee relation issues, to include disciplinary actions, conduct actions, and administrative grievances (for non-union employees). The LR group uses the system to manage the negotiated grievance processes and management initiatives.

g) Identify individuals who have access to information on the system

BITS: USPTO OHR staff, which includes administrators, contractor specialists, employee specialists, report writers, security specialists, security service managers, and adjudicators.

ERLR: USPTO OHR staff, which include ER and LR administrators, managers, and specialists.

h) How information in the system is retrieved by the user

USPTO OHR staff access the system via the USPTO intranet and web-based portal. Users are able to retrieve and transmit information from the systems after authenticating.

i) How information is transmitted to and from the system

Users access the BITS and ERLR systems via the USPTO intranet and a web-based portal hosted by the MicroPact SaaS. The transmission of information is facilitated by an encrypted communication between USPTO and MicroPact.

Questionnaire:

1. Status of the Information System

1a. What is the status of this information system?

☐ This is a new information system. Continue to answer questions and complete certification.

☐ This is an existing information system with changes that create new privacy risks. Complete chart below, continue to answer questions, and complete certification.
Changes That Create New Privacy Risks (CTCNPR)

<table>
<thead>
<tr>
<th>a. Conversions</th>
<th>d. Significant Merging</th>
<th>g. New Interagency Uses</th>
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<tr>
<td>b. Anonymous to Non-Anonymous</td>
<td>e. New Public Access</td>
<td>h. Internal Flow or Collection</td>
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<tr>
<td>c. Significant System Management Changes</td>
<td>f. Commercial Sources</td>
<td>i. Alteration in Character of Data</td>
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<tr>
<td>j. Other changes that create new privacy risks (specify):</td>
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☐ This is an existing information system in which changes do not create new privacy risks, and there is not a SAOP approved Privacy Impact Assessment. Continue to answer questions and complete certification.
☐ This is an existing information system in which changes do not create new privacy risks, and there is a SAOP approved Privacy Impact Assessment (version 01-2015 or 01-2017). Continue to answer questions and complete certification.
☐ This is an existing information system in which changes do not create new privacy risks, and there is a SAOP approved Privacy Impact Assessment (version 01-2019 or later). Skip questions and complete certification.

1b. Has an IT Compliance in Acquisitions Checklist been completed with the appropriate signatures?

☐ Yes. This is a new information system.

☐ Yes. This is an existing information system for which an amended contract is needed.

☐ No. The IT Compliance in Acquisitions Checklist is not required for the acquisition of equipment for specialized Research and Development or scientific purposes that are not a National Security System.

☒ No. This is not a new information system.

2. Is the IT system or its information used to support any activity which may raise privacy concerns?

NIST Special Publication 800-53 Revision 4, Appendix J, states “Organizations may also engage in activities that do not involve the collection and use of PII, but may nevertheless raise privacy concerns and associated risk. The privacy controls are equally applicable to those activities and can be used to analyze the privacy risk and mitigate such risk when necessary.” Examples include, but are not limited to, audio recordings, video surveillance, building entry readers, and electronic purchase transactions.

☐ Yes. (Check all that apply.)
3. Does the IT system collect, maintain, or disseminate business identifiable information (BII)?

As per DOC Privacy Policy: “For the purpose of this policy, business identifiable information consists of (a) information that is defined in the Freedom of Information Act (FOIA) as “trade secrets and commercial or financial information obtained from a person [that is] privileged or confidential.” (5 U.S.C. 552(b)(4)). This information is exempt from automatic release under the (b)(4) FOIA exemption. “Commercial” is not confined to records that reveal basic commercial operations” but includes any records [or information] in which the submitter has a commercial interest” and can include information submitted by a nonprofit entity, or (b) commercial or other information that, although it may not be exempt from release under FOIA, is exempt from disclosure by law (e.g., 13 U.S.C.).”

☐ Yes, the IT system collects, maintains, or disseminates BII.

☒ No, this IT system does not collect any BII.

4. Personally Identifiable Information (PII)

4a. Does the IT system collect, maintain, or disseminate PII?

As per OMB 17-12: “The term PII refers to information that can be used to distinguish or trace an individual’s identity either alone or when combined with other information that is linked or linkable to a specific individual.”

☒ Yes, the IT system collects, maintains, or disseminates PII about: (Check all that apply.)

☒ DOC employees
☒ Contractors working on behalf of DOC
☒ Other Federal Government personnel
☐ Members of the public

☐ No, this IT system does not collect any PII.

If the answer is “yes” to question 4a, please respond to the following questions.

4b. Does the IT system collect, maintain, or disseminate Social Security numbers (SSNs), including truncated form?
Yes, the IT system collects, maintains, or disseminates SSNs, including truncated form.

Provide an explanation for the business need requiring the collection of SSNs, including truncated form. The collection of SSN is necessary for the system users to conduct the background investigation tracking.


No, the IT system does not collect, maintain, or disseminate SSNs, including truncated form.

4c. Does the IT system collect, maintain, or disseminate PII other than user ID?

Yes, the IT system collects, maintains, or disseminates PII other than user ID.

No, the user ID is the only PII collected, maintained, or disseminated by the IT system.

4d. Will the purpose for which the PII is collected, stored, used, processed, disclosed, or disseminated (context of use) cause the assignment of a higher PII confidentiality impact level?

Examples of context of use include, but are not limited to, law enforcement investigations, administration of benefits, contagious disease treatments, etc.

Yes, the context of use will cause the assignment of a higher PII confidentiality impact level.

No, the context of use will not cause the assignment of a higher PII confidentiality impact level.

If any of the answers to questions 2, 3, 4b, 4c, and/or 4d are “Yes,” a Privacy Impact Assessment (PIA) must be completed for the IT system. This PTA and the SAOP approved PIA must be a part of the IT system’s Assessment and Authorization Package.
CERTIFICATION

☐ I certify the criteria implied by one or more of the questions above **apply** to the MicroPact Background Investigation Tracking System / Employee Relations & Labor Relations (BITS/ERLR) and as a consequence of this applicability, I will perform and document a PIA for this IT system.

☐ I certify the criteria implied by the questions above **do not apply** to the MicroPact Background Investigation Tracking System / Employee Relations & Labor Relations (BITS/ERLR) and as a consequence of this non-applicability, a PIA for this IT system is not necessary.

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<tr>
<th>System Owner</th>
<th>Chief Information Security Officer</th>
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| Name: Colleen Sheehan  
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**Date signed:** |

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<th>Privacy Act Officer</th>
<th>Bureau Chief Privacy Officer and Co-Authorizing Official</th>
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| Name: John Heaton  
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| **Signature:** John Heaton (Ricou)  
**Date signed:** | **Signature:** Henry Holcombe  
**Date signed:** |

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<th>Co-Authorizing Official</th>
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**Date signed:** |

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Users, Holcombe, Henry  
Digitally signed by Users, Holcombe, Henry  
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Users, Steckler, Frederick W.  
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