

**U.S. Department of Commerce
U.S. Patent and Trademark Office**



**Privacy Threshold Analysis
for the
MicroPact Equal Employment System / Reasonable
Accommodation Case Management System (EES/RACMS)**

**U.S. Department of Commerce Privacy Threshold Analysis
USPTO MicroPact Equal Employment System / Reasonable Accommodation
Case Management System (EES/RACMS)**

Unique Project Identifier: [2428] PTOC-026-00

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 description of the system that addresses the following elements:*

(a) a general description of the information in the system

EES/RACMS system is an application information system, and provides support to the Office of Equal Employment Opportunity and Diversity (OEEOD) business functions within the United States Patent and Trademark Office (USPTO). The EES/RACMS supports all activities associated with the recruitment and management of USPTO personnel. The EES/RACMS is composed of two (2) Information Systems that provide the following capabilities:

- Track and manage Equal Employment Opportunity (EEO) claims through the USPTO; and,
- The RA (Reasonable Accommodations) program housed in OEEOD includes processing requests and ensuring that RA requests are addressed promptly, thoroughly, and in strict compliance with the Equal Employment Opportunity Commission's (EEOC) regulations.

(b) a description of a typical transaction conducted on the system

The Equal Employment Opportunity Case Management and Reporting System (EES)

EES is an Information System that supports OEEOD. EES provides automated information support to OEEOD for use in tracking and managing the flow of Equal Employment Opportunity (EEO) claims through the USPTO process. The EES customer base consists of OEEOD staff in USPTO Headquarters. The EES system uses the MicroPact COTS product iComplaints.

The Reasonable Accommodation Case Management System (RACMS)

RACMS is designed to help OEEOD staff to process requests for reasonable accommodation by collecting and maintaining data on accommodations requested and provided and the costs of each accommodation for annual reporting purposes. RACMS uses the MicroPact COTS product entellitrak. The entellitrak RA Edition and entellitrak efile COTS software are an electronic case management and tracking system to track the RA requests. The USPTO requires a software package to track and manage the flow of RA requests through the RA process from the initial filing of a new RA request to the final resolution of the request.

(c) any information sharing conducted by the system

Information stored and processed by the EES system is not shared outside of the approved user groups and USPTO business units for the system.

(d) a citation of the legal authority to collect PII and/or BII

5 U.S.C. 301; 42 U.S.C. 2000e *et seq.*; 29 U.S.C. 206; 29 U.S.C. 621 *et seq.*; 29 U.S.C. 701 *et seq.*; 29 U.S.C. 791 *et seq.*; 42 U.S.C. 2000ff *et seq.*; E.O. 13164, E.O. 11478; 41 U.S.C. 433(d); 29 CFR Part 1614; AAO 214-01, and AAO 214-02.

*(e) the Federal Information Processing Standard (FIPS) 199 security impact category for the system is **Moderate**.*

Questionnaire:

1. 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)					
a. Conversions		d. Significant Merging		g. New Interagency Uses	
b. Anonymous to Non-Anonymous		e. New Public Access		h. Internal Flow or Collection	
c. Significant System Management Changes		f. Commercial Sources		i. Alteration in Character of Data	
j. Other changes that create new privacy risks (specify):					

- 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 later). *Skip questions and complete certification.*

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. *Please describe the activities which may raise privacy concerns.*

- No

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 about: *(Check all that apply.)*

- Companies
- Other business entities

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

4. Personally Identifiable Information

4a. Does the IT system collect, maintain, or disseminate personally identifiable information (PII)?

As per OMB 07-16, Footnote 1: "The term 'personally identifiable information' refers to information which can be used to distinguish or trace an individual's identity, such as their name, social security number, biometric records, etc... alone, or when combined with other personal or identifying information which is linked or linkable to a specific individual, such as date and place of birth, mother's maiden name, etc..."

- Yes, the IT system collects, maintains, or disseminates PII about: *(Check all that apply.)*
- DOC employees
 - Contractors working on behalf of DOC
 - 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 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.

4c. 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, and/or 4c are “Yes,” a Privacy Impact Assessment (PIA) must be completed for the IT system. This PTA and the 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 Equal Employment System / Reasonable Accommodation Case Management System (EES/RACMS) 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 Equal Employment System / Reasonable Accommodation Case Management System (EES/RACMS) and as a consequence of this non-applicability, a PIA for this IT system is not necessary.

Name of System Owner (SO): Tamika Anderson

Signature of SO: Tamika Anderson Date: 3/28/19

Name of Senior Information Security Officer (SISO): John Pardun

Signature of SISO: [Signature] Date: 4-2-2019

Name of Authorizing Official (AO) & Bureau Chief Privacy Officer (BCPO): Henry J. Holcombe

Signature of AO & BCPO: [Signature] Date: 16 APR '19

Name of Authorizing Official (AO) or Designated Representative: Bismarck Myrick

Signature of AO: [Signature] Date: 17 APR 19
for Bismarck Myrick