



Senior Agency Official for Records Management 2022 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 (OMB) and NARA issued a memorandum, *Transition to Electronic Records* ([M-19-21](#)), to ensure that all federal records are created, retained, and managed in electronic formats. M-19-21 gave agencies until the end of December 2022 to comply with several specific deadlines.

On December 23, 2022, OMB and NARA issued a new memorandum, *Update to Transition to Electronic Records* ([M-23-07](#)) reinforcing the goals in M-19-21 and extending the 2022 deadlines to June 30, 2024.

Additionally, on January 1, 2021, Congress enacted the Preservation of Electronic Messages and Other Records Act, amending 44 U.S.C. Chapter 29, that requires the electronic capture, management, and preservation of such electronic records in accordance with the records disposition requirements of 44 U.S.C. Chapter 33.

This year's SAORM report provides an opportunity for agencies to report on plans and progress towards electronic recordkeeping and preservation under these requirements, as well as other important records management initiatives.

The reporting period begins on January 9, 2023, and reports are due back to NARA no later than March 10, 2023.

NARA plans to post your 2022 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 on our website.

Instructions for Reporting:

- This template covers records management program developments, including those related to the transition to electronic recordkeeping as required by M-19-21 and M-23-07.
- 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 2022 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.

NARA may follow up with agencies to obtain additional information and/or documentation related to responses provided in the template.

As in previous years, we will be validating selected questions and responses from agencies. Your agency may be selected at random to provide additional documentation and/or take part in interviews to discuss your records management program activities.

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 23314

1. What agencies, bureaus, components, or offices are covered by this report and your position as SAORM and which will be reporting separately?

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. In response to the COVID-19 pandemic, have any of the temporary adaptations to agency business processes become permanent improvements to the management and preservation of electronic records?

- Yes
- No
- Not applicable, no adaptations were needed
- Do not know

3. Has your agency taken action to meet the goal to manage, preserve and transfer all permanent records in an electronic format with appropriate metadata by June 30, 2024? (M-19-21, 1.2 and M-23-07, 1.1 and 1.2)

- Yes
- No
- Do not know

USPTO filed an exceptions plan to M-19-21/M-23-07 which includes a comprehensive plan on how USPTO intends to accession its Patent records which are deemed to have historical value.

4. Has your agency taken action to meet the goal to manage and preserve all temporary records in an electronic format by June 30, 2024? (M-19-21, 1.3 and M-23-07, 1.3)

- Yes
- No
- Do not know

USPTO continues to make progress in improving its records management program including managing its temporary records in electronic format. USPTO has identified that digitizing its patent collection of temporary records would be cost prohibitive verses storing the records to disposition. USPTO is evaluating reducing the records schedule to allow for earlier dispositioning.

To assist with this effort, USPTO regularly reviews file plans with each USPTO Business Unit to ensure all records are accounted for, scheduled, and appropriately maintained including that they are maintained electronically to the extent possible.

In FY22 USPTO built on its work in FY21 in developing its guardrails to guide IT personnel through the various records management requirements for IT systems/investments.

5. Will your agency meet the requirements of M-19-21, 1.3 and M-23-07, 1.3 to close agency-operated records storage facilities and transfer inactive, temporary records to Federal Records Centers or commercial records storage facilities by June 30, 2024?

- Yes
 No
 Not applicable, all records are in electronic format
 Do not know

USPTO filed an exception to M-19-21. USPTO's Patent records have intrinsic historical value and significance to the United States. A comprehensive plan on how these records will be accessioned was provided to NARA on October 6, 2022. The Exceptions Plan was acknowledged by Mr. Laurence Brewer on October 11, 2022.

USPTO is continuing to explore and exercise options to reevaluating records schedules and active use timeframes to reduce record holdings.

USPTO utilizes a NARA-approved commercial storage facility and the Federal Records Center (FRC) to store temporary and permanent records until the records can be dispositioned, or accessioned in accordance with the aforementioned Exceptions Plan.

6. Does your agency have policies and procedures that incorporate records management into the information governance (IG) framework for information, data, and other agency information management? (This includes a relationship between CIO, CDO, SAORM, DRO/ARO, Records Management (RM) Staff, Security, Privacy Officers, and FOIA)

Note: The incorporation of records management into information governance is part of the framework covered by [OMB Federal Data Strategy - A Framework for Consistency \(M-19-18\)](#) as it provides a vision for managing and using federal data, along with recordkeeping requirements included in [OMB Circular A-130, Managing Information as a Strategic Resource](#).

- Yes
 No
 Do not know

Please explain your response and provide details about how your agency's policies enhance IG and RM's role or relationship to it.

USPTO is making strides in its Data Strategy, commencing with a new initiative in FY22 which evaluates data across the USPTO enterprise. Records management has been incorporated into its information governance and the management of federal data along with recordkeeping requirements is being evaluated.

7. Has your agency developed policies and procedures to ensure the capture and preservation of electronic messages, including when hardware or software is upgraded?

Note: Electronic messages means electronic mail and other electronic messaging systems that are used for purposes of communicating between individuals. Electronic messages that satisfy the definition of a federal record under the Federal Records Act are electronic records. This includes email, text messages, chat messages, voicemail, social media posts, and other similar applications. (See: [Email Management](#) and [CFR 1236: Electronic Records Management](#))

- Yes
 No
 Do not know

Please explain your response and include details of your agency's methods to capture and preserve electronic messaging records or challenges preventing you from doing so.

USPTO is in the process of developing policy for the inclusion of electronic messaging systems, to include email, text messages, chat messages, voicemail, social media and other similar applications. This is a change for the Agency and an extensive undertaking which requires the purchase of new technology to enable the capture of text messages. USPTO's OCIO has been informed of the impending change and the Agency is starting to evaluate the methods that will be required to track electronic messages under the new definition.

8. Is your agency using or exploring cognitive technologies to identify records and distinguish between temporary and permanent retention?

Note: Cognitive technologies generally describe automated technologies that can be applied to recordkeeping practices and procedures. These include Artificial Intelligence, Robotic Process Automation, Software Robot or Bot, and other machine learning technologies.

- Yes
 No
 Do not know

Please explain your response. (If Yes, include details on both methods and tools being explored, the level of accuracy and how that level is determined.)

At present USPTO is not using cognitive technologies to identify records or distinguish between temporary and permanent retention schedules. USPTO is however building an Electronic Records Management Framework which utilizes the capabilities of M365 and automates the retention and disposition of records.

9. Do you as SAORM regularly oversee and evaluate the effectiveness of your records management program and its compliance with statutes and regulations?

- Yes
 No
 Do not know

Please explain your response including what specific measures you have incorporated into the SAORM role.

As USPTO SAORM, I hold regular meetings with the USPTO Records Officer and the Records and Information Compliance Program Office. Work is planned thoroughly and regular checks and self-assessments are carried out. The effectiveness of the records management program and its compliance with statutes and regulations is paramount to the effective running of the USPTO records management program, progress and accomplishments are tracked on a bi-weekly basis.

10. Is there specific policy or guidance you need from NARA to support the strategic direction of your records management program?

- Yes
- No
- Do not know

Please explain your response and include any comments on existing, pending, and future topics.

USPTO would appreciate a response to the Exceptions Plan filed on October 6, 2022. This is integral to the correct management of USPTO's textual records.

11. Do you have any suggestions for how NARA can better engage with you and your program in your role as SAORM?

- Yes
- No
- Do not know

Please explain your response and include any comments on previous NARA SAORM engagements, topics for future engagements, or other suggestions.