



*Senior Agency Official for Records Management
2017 Annual Report*

The [OMB/NARA Managing Government Records Directive \(M-12-18\)](#) requires Senior Agency Officials for Records Management (SAORM) to provide an annual report to NARA. This report demonstrates how your organization is achieving the goals of the *Directive* and other important initiatives as identified by NARA.

NARA uses the reports to determine the overall progress of the Federal Government in meeting the goals of the *Directive* transitioning to electronic recordkeeping. Additionally, NARA uses the report for information sharing purposes to provide best practices and model solutions with Federal agencies.

The reporting period begins on January 8, 2018 and reports are due back to NARA no later than March 16, 2018.

NARA plans to post your 2017 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 progress through December 31, 2017.
- 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 PRMD@nara.gov. Include the words "SAORM 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: David Chiles
- Position title: Acting Chief Information Officer (CIO)
Senior Agency Official for Privacy (SAOP)
Senior Agency Official for Records Management (SAORM)
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1. **What agencies, bureaus, components, or offices are covered by this report and your position as SAORM?**

Please explain your response:

The United States Patent and Trademarks Office (USPTO) is a Bureau within the Department of Commerce. As the USPTO Senior Agency Official for Records Management (SAROM), all USPTO components and offices are covered by this report and position.

2. **Is your agency and its components making progress towards managing all permanent electronic records in electronic format by December 31, 2019? (M-12-18, Goal 1.1)**

Yes

No

Please explain your response:

The USPTO continues to make tremendous strides to comply with Presidential Memorandum-M-12-18, Managing Government Records Directive, Goal 1.1 to manage all permanent electronic records to the fullest extent possible in an electronic format for eventual transfer and accessioning by NARA S

Since the last SAROM reporting period, we have accomplished the following:

- Successfully implemented the Capstone Approach to managing electronic mail records Enterprise-wide via production deployment; ahead of schedule, prior to calendar year-end 2016. We leveraged existing software capabilities using the Microsoft Office 365 mail topology and Message Rights Management (MRM) functionality for creating and maintaining role-based retention schedules and rules for generating, transmitting, and dispositioning electronic mail messages. This included a hybrid exchange infrastructure consisting of both on premise and cloud-based technologies.
- Successfully obtained NARA's approval of USPTO's three-tier Capstone Retention Schedule for the management of electronic mail messages.
- In accordance with NARA's approval of the NA-1005 Capstone Retention Schedule and Transfer Guidance of Permanent Electronic Records, Bulletin 2014-04, USPTO will initiate disposition and accession activities of electronic mail messages that have either met or exceeded their retention schedule by calendar year-end 2018. This activity will include the destruction of temporary

electronic mail messages and the transfer of legal custodianship of permanent electronic mail messages to NARA in an electronic format.

- Successfully created an Agency-wide Administrative Order for Records and Information Governance for all USPTO employees and contractors to ensure compliance with Federal Records Management statutes and NARA guidelines.
- Continued development of an Electronic Records Management (ERM) roadmap for strategic and tactical execution to meet M-12-18, Goal 1.1. to manage all permanent electronic records electronically to the fullest extent possible.
- Continued development of a high-level technical architecture to serve as a baseline for ERM system design and records management processes.
- Continued “good faith” efforts include evaluating the landscape of USPTO legacy and next generation systems to determine the appropriate Electronic Records Management (ERM) solution alternatives to manage both structured and unstructured data that is cost-effective and scalable, without placing an unreasonable burden or undue hardship on the agency or its employees.
- In accordance with OMB Circular A-130, USPTO has incorporated records and information management as a strategic priority by means of our multi-year IT capital investment planning process to ensure proper allocation of human capital and financial resources to support compliance with the M-12-18, Presidential mandate to further facilitate records and information governance efficiency in our systems development activities and implementation of Next Generation technologies.
- Initiated acquisition activities to acquire contractor services to assist in developing proof of concepts for our core mission critical business systems within the Patents and Trademarks business units that contain and produce permanent electronic records for eventual electronic transfer to NARA.

3. Has your agency developed plans or taken actions to evaluate and implement the digitization of permanent records created in hard copy or other analog formats (e.g., microfiche, microfilm, analog video, analog audio)? (M-12-18 Goal 1.1)

Yes

No

Please explain your response:

Since 2003, USPTO’s core business records for both Patents and Trademarks are born digital. Further research and analysis continues to determine the economic and business feasibility of digitizing permanent textual records without placing an undue burden or hardship on the Agency in accordance with the Clinger-Cohen Act.

4. OMB M-17-22 required agencies to create reform plans that may result in re-organizations and the elimination of offices and/or functions. Where necessary, has your agency taken steps to ensure that recordkeeping requirements and other records management needs have been or will be accounted for and implemented when making these changes?

Yes

No

Please explain your response:

The USPTO continues to take active steps to reform the records management program by eliminating duplicative and inefficient business functions and practices performed within disparate organizations to ensure proper program alignment within in the agency's organizational structure to facilitate transparency, better management, oversight, and accountability.

Below are a few examples of the actions we are taking to achieve this goal:

- Initiated independent program assessment activities to determine compliance with Commercial Facility Standards as specified in 36 CFR 1228, subpart K; for all adjunct "active use" file repositories that house USPTO federal record holdings.
- Developed a plan-of-actions and milestones to mitigate deficiencies within an 18-month timeframe based on criticality and order of importance to minimize risk associated with non-compliance and mismanagement federal records.
- Initiated acquisitions activities to procure professional contractor resources and services to facilitate transition and facility closure efforts at the Franconia-Springfield, GSA facility; targeted for completion, August 2018.
- Worked collaboratively with internal and external engagement partners such as the Office of the Chief Administrative Office, DOC, and NARA to transfer, disposition, and accession millions of textual records to NARA approved Commercial Records Storage Facilities within the Washington, DC, Metropolitan area, the Washington National Records Center, other Federal Records Centers, and the National Archives and Records Administration (NARA).
- Assessment and elimination of redundant or similar records service functions that are misaligned is on-going to include realignment and/or transfer of ownership and accountability to the Office of the Chief Information Officer under the leadership and direction of the Senior Agency Official for Records Management.
- Review and consolidation of service contracts to reduce the total cost of ownership and improve service excellence.
- On-going records and information management reform efforts include review, assessment, and mitigation plan to minimize the risk associated with deficiencies identified in the Boyer's, Pennsylvania, Commercial Storage Facility assessment.

5. **Have you, as the SAORM, taken steps to ensure that your records management program has the strategic direction, support and resources it needs to be successful?** (see: NARA Bulletin 2017-02: Guidance on Senior Agency Officials for Records Management <https://www.archives.gov/records-mgmt/bulletins/2017/2017-02.html>)

Yes

No

Please explain your response:

As the Acting Chief Information Officer and Senior Agency Official for Records Management, I have taken individual accountability to ensure adequate resources (*both human capital and financial*) are embedded into the Agency's IT Capital Investment Planning and Strategic Information Resource Management activities to ensure accountability for the effective management and preservation of USPTO's records holdings.

Further, I facilitate and encourage program outreach by playing an active role as an advocate for records and information governance to set the vision and strategic direction for the Agency's records management program. I also meet regularly and work closely with the Agency's Records Officer, Chief Technology Officer, Records and Information Governance Division, and other critical engagement partners.

6. Have you, as the SAORM, ensured that all incoming and outgoing senior officials* receive briefings on their records management responsibilities including documenting their public service, use of personal email, and other recordkeeping requirements.

*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.

Yes

No

Please explain your response:

In accordance with NARA Bulletin, 2017-01 as the Senior Agency Official for Records Management, the USPTO has developed Agency Administrative Order, 205-16, Records and Information Governance, which requires annual mandatory training for all federal employees, contractors, and others that create, receive, access, or use federal records.

Further, all agency personnel with active email accounts or IT network access must complete the Records Management Training for Everyone computer-based course accessible through the Commerce Learning Center within 60-days of employment and must complete annual refresher training.

Likewise, role-based training is required for all Political Appointees, Senior Officials, and Senior Executives upon on boarding and off boarding. These senior officials are also required to take mandatory annual refresher training to ensure that records are protected and preserved appropriately.

7. Is the records management program and related requirements included in your agency's Information Resource Management Plan or an equivalent information management plan? ([OMB Circular A-130, Managing Information as a Strategic Resource](#))?

Yes

No

Please explain your response:

Yes, the records management program, functions, retention schedules, and disposition requirements are incorporated into the IT planning process, Enterprise Architecture Framework, and the Records Management and Systems Development Life Cycle to include creation, access, use, development design, maintenance, and disposition of information systems, permanent storage solutions, or eventual destruction and cloud-based services. We recognize that these actions are imperative as the life cycle of records typically far exceeds the lifecycle of information systems. Likewise, some storage media may outlast the hardware and software necessary to retrieve and display the records stored on them.

Therefore, we embed these requirements throughout the lifecycle phases to sufficiently plan migration strategies counteract foreseeable hardware and software dependencies for the long-term management of electronic records.

8. What policies, guidance or support do you need from NARA to ensure a successful transition to fully electronic recordkeeping? (NARA Strategic Plan. Goal 2.4)

Please explain your response:

USPTO appreciates NARA continued collaborative efforts to create transparency with the federal government and very much looks forward to short and long-term plans regarding NARA's capabilities and readiness to support and accept system to system electronic file transfers to support the transition to a digital world of electronic records. Additional guidance would be helpful regarding compliance with electronic and voice messaging, collaboration tools, managing web content as a record, and social media.