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 19, 2021, and reports are due back to NARA no later than March 19, 2021.

NARA plans to post your 2020 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 both records management program developments towards the transition to electronic recordkeeping outlined in M-19-21 through December 31, 2022, and other aspects of agency records management programs.
- 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 rmselfassessment@nara.gov. Include the words "SAORM 2020 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 23314

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

   Please provide a list, and also indicate any that are new or have been changed due to reorganization or other circumstances.

   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 Trail and Appeal Board, Office of the Trademark Trail 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. **Has the COVID-19 pandemic changed any policies or practices related to records management at your agency?**

   ☐X Yes
   ☐ No
   ☐ Do not know

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

   NARA facility closures, due to the COVID-19 pandemic, have impacted USPTO's ability to access some of its textual records. As a mitigation technique, USPTO informed its customers of the facility statuses and worked with NARA to process emergency requests, as appropriate. In addition, USPTO seized the moment to further automate some of its processes.

3. **Does your agency have an established information governance framework that connects records management, data management, and other agency information lines of business? (A relationship between CIO, CDO, SAORM, DRO/ARO, RM Staff)**

   ☐X Yes

☐ No
☐ Do not know

Please provide details on what support is needed:

USPTO has a Data and Analytics Guild (DAG) (formerly the Data Reform Board) as well as an Information Governance Guild (IGG). The DAG is comprised of individuals representing every USPTO business unit and other personnel with focuses on data analytics and information governance. The DAG is also following the path/guidance outlined by the Office of Management and Budget (OMB) to support the Foundations for Evidence-Based Policymaking Act of 2018. The IGG is comprised of IT, legal, and administrative personnel covering the functions of records management, Controlled Unclassified Information, Privacy Act, Paperwork Reduction Act, Freedom of Information Act, and documentation management, among other information related areas.

4. **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
☐ Do not know

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. Furthermore, USPTO has developed guardrails to guide IT personnel through the various records management requirements for IT systems/investments.

5. **Has your agency made progress towards managing all <u>temporary</u> records in an electronic format by December 31, 2022? (M-19-21, 1.3)**

☐X Yes
☐ No
☐ Do not know

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 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 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. Furthermore, USPTO has developed guardrails to guide IT personnel through the various records management requirements for IT systems/investments.

6. **Is your agency investing resources in IT to support the transition to electronic recordkeeping?**

☐X Yes
☐ No
☐ Do not know

Please explain your response. If Yes: Please include specific examples of resources and how this will support records management processes. If No or Do not know: Please explain.

USPTO is committed to support and improve its records management program and fully comply with the Federal Records Act and associated regulations and memoranda. USPTO has developed guardrails to guide IT personnel through the various records management requirements to be applied to all IT systems/investments. In addition, USPTO is exploring upgrading to Microsoft Office 365 G5 license to better support the tagging and automation of records dispositions, among other things. Furthermore, USPTO has invested in the SEEK tool to help deduplicate its files and information.

7. **To meet the requirements of M-19-21, 1.3, related to records storage facilities, does your agency have plans to use commercial storage to replace agency-operated records centers and NARA Federal Records Centers by December 31, 2022? (M-19-21, 1.3)**

☐X Yes
☐ No
☐ Do not know

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.

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.

8. **Does your agency have policies and procedures that include documentation to ensure records of <u>newly appointed and outgoing senior officials</u>* 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
☐ Do not know

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

USPTO opted to use the Capstone Approach to email in which senior officials (capstone officials) were briefed on the approach and their responsibilities. Also, all USPTO employees (including senior officials) are required to complete records management training to understand their records management roles and 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. Furthermore, USPTO is working to further define and improve this process for efficiency and effectiveness.

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

☐X Yes
☐ No
☐ Do not know

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. Therefore, USPTO is preparing a waiver request for some its records.

10. **Do you have suggestions for NARA to improve its engagement with you as the SAORM?**

☐X Yes
☐ No

☐ Do not know

Please explain your response (include any comments on previous NARA SAORM engagements, topics for future engagements, or other suggestions):

USPTO values its relationship with NARA. However, it would be helpful for NARA to fully recognize USPTO separate from the Department of Commerce to include FRC billing, reporting reminders, etc.,