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 10, 2022, and reports are due back to NARA no later than March 11, 2022.

NARA plans to post your 2021 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 2021 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 Opportunity 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. **Has the COVID-19 pandemic changed any policies or practices related to records management at your agency?**

   ☒ Yes
   ☐ No
   ☐ Do not know

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

   NARA facility closures and limited on-site personnel, due to the COVID-19 pandemic, have impacted USPTO's ability to access some of its textual records and accession additional 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)**

☒ 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)**

☒ 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. In addition, USPTO is upgrading one of its key products which could permit automated dispositioning, among other things. 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)**

☒ 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. **Does your agency have plans to submit to NARA a request for an exception to the M-19-21 requirements before December 31, 2022?**

☒ Yes
☐ No
☐ Do not know

Please explain your response. If 'Yes,' please include an estimate of when you plan to submit an exception and any relevant details. If 'No' or 'Do not know,' please explain your response.

USPTO plans to submit a request for an exception to the M-19-21 requirements in two parts prior to December 31, 2022. The first covering records related to USPTO's proposed pen-and-ink schedule change and the second covering all other records.

7. **Is your agency utilizing the General Services Administration's Special Item Number for Electronic Records Management (518210 ERM) 6 to procure solutions to assist in transitioning to an Electronic Environment?**

☐ Yes
☒ No
☐ Do not know

Please explain your response. If 'Yes,' please include specific examples and how this will support records management processes. If 'No' or 'Do not know,' please explain.

USPTO is exploring what the General Services Administration's special item number for electronic records management (518210 ERM) 6 to procure solutions to assist in transitioning to an electronic environment has to offer, but hasn't officially utilized it yet.

8. **Has your agency developed plans to meet the requirements of M-19-21, 1.3 to store temporary records in commercial storage facilities by December 31, 2022?***

☒ Yes
☐ No

☐ Do not know

M-19-21, 1.3 includes closing of agency-operated storage facilities and no new transfers of paper records to the Federal Records Centers.

Please explain your response. If 'Yes,' provide details about the use of commercial storage and other changes related to storage. If 'No' or 'Do not know,' please explain.

USPTO is striving to manage all of its records (temporary and permanent) electronically to the extent possible. However, USPTO has some legacy textual records in which it is exploring and exercising several options to include but not limited to reevaluating schedules and active use timeframes to reduce the holdings, utilizing its existing NARA-approved commercial storage facility until the records can be dispositioned, digitizing the records, and seeking exception(s) from NARA.

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

   ☒ 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 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. Furthermore, USPTO explored digitizing many of these legacy paper files in accordance with NARA standards, but the cost of digitization would put an undue burden on the Agency. Therefore, USPTO is preparing an exception request for some its records.

10. **NARA is always working on ways we can make your role as the SAORM easier, improve how we interact with you and how you interact with each other. Do you have any suggestions?**

    ☐ Yes
    ☒ No
    ☐ Do not know

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