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**NATIONAL SECURITY AGENCY/CENTRAL SECURITY
SERVICE**



INSPECTOR GENERAL

REPORT OF INVESTIGATION

21 August 2014

IV-14-0064

Misuse of Government Resources

**WARNING: THIS REPORT MAY CONTAIN GRAPHIC IMAGES
AND/OR LANGUAGE**

(U) This report might not be releasable under the Freedom of Information Act or other statutes and regulations. Consult the NSA/CSS Inspector General Chief of Staff before releasing or posting all or part of this report.

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(U) OFFICE OF THE INSPECTOR GENERAL

(U) Chartered by the NSA Director and by statute, the Office of the Inspector General conducts audits, investigations, inspections, and special studies. Its mission is to ensure the integrity, efficiency, and effectiveness of NSA operations, provide intelligence oversight, protect against fraud, waste, and mismanagement of resources by the Agency and its affiliates, and ensure that NSA activities comply with the law. The OIG also serves as an ombudsman, assisting NSA/CSS employees, civilian and military.

(U) AUDITS

(U) The audit function provides independent assessments of programs and organizations. Performance audits evaluate the effectiveness and efficiency of entities and programs and their internal controls. Financial audits determine the accuracy of the Agency's financial statements. All audits are conducted in accordance with standards established by the Comptroller General of the United States.

(U) INVESTIGATIONS

(U) The OIG administers a system for receiving complaints (including anonymous tips) about fraud, waste, and mismanagement. Investigations may be undertaken in response to those complaints, at the request of management, as the result of irregularities that surface during inspections and audits, or at the initiative of the Inspector General.

(U) INTELLIGENCE OVERSIGHT

(U) Intelligence oversight is designed to insure that Agency intelligence functions comply with federal law, executive orders, and DoD and NSA policies. The IO mission is grounded in Executive Order 12333, which establishes broad principles under which IC components must accomplish their missions.

(U) FIELD INSPECTIONS

(U) Inspections are organizational reviews that assess the effectiveness and efficiency of Agency components. The Field Inspections Division also partners with Inspectors General of the Service Cryptologic Elements and other IC entities to jointly inspect consolidated cryptologic facilities.

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I. (U) SUMMARY

(U//~~FOUO~~) On 18 March 2014 the Inspector General (IG) received a referral from the NSA/CSS Information Systems Incident Response Team (NISIRT) identifying potential computer misuse by an NSA/CSS contractor, [REDACTED]. On 3 April 2014 the IG initiated an investigation of [REDACTED] use of the unclassified NSA/CSS Information System (IS). The investigation included a review of the NISIRT evidence and an interview of [REDACTED].

(U//~~FOUO~~) The preponderance of the evidence collected during the investigation substantiates that [REDACTED] misused his unclassified NSA/CSS IS. [REDACTED] used his unclassified IS to type sexually explicit emails and chat entries, in violation of NSA/CSS Policies 6-4 and 6-6. [REDACTED] spent at least 30 minutes per day from February to May 2014 engaged in non-work, non-contract, and personal use of the unclassified IS. [REDACTED] streamed non-work related media which is an additional violation of NSA/CSS Policy 6-6.

(U//~~FOUO~~) A summary memorandum will be provided to the Maryland Procurement Office and the Office of the General Counsel. An informational summary memorandum will be provided to Contractor Clearances, ADS&CI; and Special Actions, ADS&CI.

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II. (U) BACKGROUND

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(U) Introduction

(U//~~FOUO~~) [redacted] is a contractor affiliate with [redacted] assigned to the [redacted] [redacted] is working under contract number [redacted] under the [redacted] program.

(U//~~FOUO~~) The NISIRT reviewed [redacted] unclassified U.S. Government account for the period from 6 to 16 January 2014. The NISIRT provided their activity report to the Office of the Inspector General on 18 March 2014.

(U) Applicable Authorities

(U//~~FOUO~~) NSA/CSS Policy 6-4, "CONTRACTOR USE OF NSA/CSS INFORMATION SYSTEMS," issued 22 October 2013.

(U//~~FOUO~~) NSA/CSS Policy 6-6, "USE OF UNCLASSIFIED INFORMATION SYSTEMS SUCH AS THE INTERNET," Responsibilities Section (revised 15 October 2013).

(U) See Appendix A for the full text of the applicable authorities

III. (U) FINDINGS

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(U//~~FOUO~~) Did [redacted] an [redacted] contractor, misuse his NSA/CSS IS in violation of NSA/CSS Policies 6-4 and 6-6?

(U//~~FOUO~~) CONCLUSION: *Substantiated.* The preponderance of the evidence supports the conclusion that [redacted] misused his unclassified NSA/CSS IS. [redacted] used Government resources to type sexually explicit emails and chat entries, in violation of NSA/CSS Policies 6-4 and 6-6. [redacted] spent at least 30 minutes per day from February to May 2014 engaged in non-work, non-contract, and personal use of the unclassified IS. [redacted] streamed non-work related media which is an additional violation of NSA/CSS Policy 6-6.

(U) Documentary Evidence

(U) NISIRT Report

(U//~~FOUO~~) The NISIRT provided the OIG with an analysis of [redacted] activities on the unclassified NSA/CSS IS. [redacted] used the unclassified NSA/CSS IS to type non-work, non-contract related, personal emails using his personal email account. He also made non-work, non-contract related, and personal chat entries in Yahoo chat using the unclassified NSA/CSS IS. Several of the emails and chat entries were sexually explicit. Based on NISIRT estimates, [redacted] engaged in approximately 1 to 2 hours per day (a total of 14 hours) on personal use of the unclassified NSA/CSS IS during the 10 days analyzed (6 - 15 January 2014). The full NISIRT report can be found at Appendix B.

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(U) Testimonial Evidence

(U//~~FOUO~~) On 15 July 2014, [redacted] was interviewed and provided the following sworn testimony:

(U//~~FOUO~~) [redacted] used the unclassified system to check his personal email account and used Yahoo chat to communicate with people outside NSA. He also streamed music in the background and watched YouTube videos. From February to May 2014, [redacted] admitted that he typed sexually explicit emails and chat entries on the unclassified NSA/CSS IS. [redacted] reported that he spent approximately 30 minutes per day on personal use of the unclassified IS and that the time spent on his personal use would vary from day to day due to the customer driven workload in the office. When confronted with the estimated 1 to 2 hours per day during a sample period, [redacted] did not deny the length of time but felt that it was not

the norm of his daily use from February to May 2014. [redacted] billed the Government contract for time he spent making personal use of the unclassified NSA/CSS IS.

(U) Analysis and Conclusions

(U//~~FOUO~~) Contractor's use of Agency IS for personal use is extremely limited. [redacted] personal use of the IS was not authorized by contract, and it clearly exceeded the brief, infrequent communications permitted by NSA/CSS Policy 6-4. In addition, his use of the unclassified NSA/CSS IS to type sexually explicit emails and chat entries reflects negatively on the Agency. The fact that [redacted] billed the Government for the time spent on his personal use is an additional violation of NSA/CSS Policy 6-4.

(U//~~FOUO~~) [redacted] use of the NSA/CSS IS also violated NSA/CSS Policy 6-6. [redacted] did not use good judgment and common sense when he typed sexually explicit emails and chat entries. [redacted] admission that he accessed non-work related streaming media substantiates an additional violation of NSA/CSS Policy 6-6.

(U//~~FOUO~~) [redacted] testimony confirmed that he typed sexually explicit emails and chat entries and he billed for the time he spent on this personal activity. As a result of a review of the NISIRT report and [redacted] testimony, the OIG concluded that [redacted] spent at least 30 minutes per day from February to May 2014 engaged in personal use of the unclassified IS. This activity was ultimately billed to a U.S. Government contract. NISIRT report combined with [redacted] testimony supports the allegation that he misused his unclassified NSA/CSS IS.

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IV. (U) RESPONSE TO TENTATIVE CONCLUSION(b) (3) - P.L. 86-36
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(U//FOUO) [redacted] was provided the tentative conclusions of 19 August 2014.
[redacted] responded to the tentative conclusion stating:

My name is [redacted] and this is my response to the OIG investigation IV-14-0064 and its conclusions. I can't agree with all the conclusions of the report. I have included truthful mitigating information, as well as explanations that can assist the OIG in their final decisions.

The content of the emails did include language that one may regard as explicit and I take ownership of them. It was inappropriate to use Government resources to draft these emails, and I arrived at this conclusion even before I was aware of an investigation. I ceased to write emails with explicit language in May. This does not erase my responsibility of what I had sent up until May, so I have to take accountability of them. I had the illusion of privacy using personal email accounts, e.g. yahoo or gmail, but that is still not appropriate in the work center.

The amount of time spent on emails in the report is inaccurate. 30 minutes a day from February to May is not true in my observation. Although I can't defend any amount of time on personal email, the amount of time in reality is not close to the 30 minutes a day for approximately 80 working days. There were days when no time at all was spent on email.

Streaming media content is not discouraged in the work center, and at times non-work related content is encouraged by leadership. On many occasions some in leadership have asked analysts in the work center to visit non work-related websites and stream entertaining videos. Others in position of leadership have discouraged it, but the overall atmosphere is relaxed in regards to streaming content.

Streaming music and videos is not uncommon and not strongly discouraged in the office to accompany work related activities on other systems. Until recently it was not well known that streaming media was explicitly forbidden in the terms of agreement. This is not an excuse to use Government systems in this fashion, but the overall attitude of the employees and the office leadership is to allow it.

I am aware that others in the office are not discouraged from using Government systems in similar ways. The language I used in my email certainly brought the attention on my use, though in my opinion it is not the most egregious of violations in the office. It's not my place to determine if a violation is occurring, so this is my opinion. Even after this investigation and conversations with office

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leadership, streaming media continues in the office. In my personal observation other employees could be using Government Information and communication systems to run personal business interests during work hours. My interpretation of this is that as long as work related tasks and deadlines are met, one may engage in non-work related activities on Government systems concurrently.

The policies listed in the user agreements are not immediately accessible, so the details are not well known. The links from the OIG website were broken, specifically ones that bring up the NSA/CSS policies 6-6 and 6-4, but one could find them with some searching. Common sense should prevail overall, but certain, specific activities still occur perhaps because the rules until recently weren't found.

This is my statement, and I make it truthfully and without evasion. My actions are ultimately my own, and I hope to have the opportunity to correct and improve.

(U//FOUO) As a result of [redacted] response to the tentative conclusions, the OIG performed an additional review of the NISIRT report and [redacted] testimony and determined that the conclusion remains as originally stated. The OIG concluded that [redacted] spent at least 30 minutes per day from February to May 2014 engaged in personal use of the unclassified NSA/CSS IS. [redacted] testified that he spent approximately 30 minutes per day on personal use of the unclassified IS but that the time varied from day to day due to the customer driven workload in the office. The NISIRT estimated that [redacted] activity in his personal email account and chat activity was 1 to 2 hours per day during the sample period. [redacted] did not deny the length of time but felt the 1 to 2 hour estimated was not the norm of his daily use from February to May 2014. The OIG determination of time spent performing non-work, non-contract related, and personal use of the unclassified NSA/CSS IS included email and chat activities as well as his streaming non-work related media. [redacted] claim that others in the office stream non-work related media does not mitigate his personal violations of policy. NSA/CSS Policy 6-6 detailed streaming non-work related media as a prohibited application; therefore, [redacted] interpretation that as long as his tasks and deadlines are met that he may engage in non-work related activities is irrelevant.

(U//FOUO) The conclusion of this investigation remains unchanged.

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V. (U) CONCLUSION

(U//~~FOUO~~) The preponderance of the evidence supports the conclusion that [redacted] misused his unclassified NSA/CSS IS. [redacted] used Government resources to type sexually explicit emails, in violation of NSA/CSS Policies 6-4 and 6-6. [redacted] spent at least 30 minutes per day from February to May 2014 engaged in non-work, non-contract related, and personal use of the unclassified IS. [redacted] streamed non-work related media which is an additional violation of NSA/CSS Policy 6-6.

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V. (U) DISTRIBUTION OF RESULTS

(U//~~FOUO~~) A summary memorandum will be provided to the Maryland Procurement Office and the Office of the General Counsel. An informational summary memorandum will be provided to Contractor Clearances, ADS&CI; and Special Actions, ADS&CI.

[Redacted Signature]

Senior Investigator

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Concurred by:

[Redacted Signature]

Deputy Assistant Inspector General
For Investigations

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APPENDIX A

(U) Applicable Authorities

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(U//~~FOUO~~) NSA/CSS Policy 6-4, "CONTRACTOR USE OF NSA/CSS INFORMATION SYSTEMS," issued 22 October 2013:

1. (U) Contractors shall only use NSA/CSS ISs to perform tasks that are authorized by contract, approved by the Contracting Officer, and permitted by this policy.

...

8. (U) Contractors shall not use NSA/CSS ISs or telephone services for personal use except for brief, infrequent communications to deal with urgent matters. This limited exception to the personal use prohibition applies only when:

- a. (U) Unavoidable personal matters arise such as, but not limited to, contacting a spouse, dependent family member, or other individuals responsible for a dependent's care; scheduling a physicians appointment; or vehicle maintenance;
- b. (U) The communication does not adversely affect the NSA/CSS mission or reflect poorly on NSA/CSS;
- c. (U) The communication does not result in other than minimal expense to the Government (e.g., the call is local, toll-free);
- d. (U) Time spent using the NSA/CSS IS or resource is not billed to the contract; and
- e. (U) The use is not associated with personal business activities outside the scope and purpose of the contract.

....

(U//~~FOUO~~) NSA/CSS Policy 6-6, "USE OF UNCLASSIFIED INFORMATION SYSTEMS SUCH AS THE INTERNET," Responsibilities Section (revised 15 October 2013):

25. (U) All Users shall:

...

n. (U) Use good judgment and common sense when accessing and/or communicating on unclassified ISs

...

(U) Annex - Prohibited Applications

(U) The following applications are prohibited for other than work-related purposes:

...

4. (U) Streaming media

...

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APPENDIX B
(U) NISIRT Report

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The NISIRT report

Below is a sample of emails and chat entries that [redacted] typed using Government resources from 6 to 8 January 2014. Edits were made by the OIG for readability purposes. NISIRT estimated that between 6 and 15 January 2014 [redacted] spent approximately 1 to 2 hours per day on the unclassified network on personal use.

01/06/2014 06:26:01

[redacted]

01/06/2014 08:19:20

[redacted]

(b) (6)

01/06/2014 08:31:14

[redacted]

01/06/2014 08:34:01

[redacted]

01/06/2014 08:35:19

[redacted]

01/06/2014 09:14:40

[redacted]

01/06/2014 09:15:28

[redacted]

01/06/2014 09:17:39

[redacted]

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01/06/2014 09:19:58

[Redacted]

01/06/2014 11:26:38

(b) (6)

[Redacted]

01/06/2014 11:54:31

[Redacted]

01/06/2014 12:36:04

[Redacted]

01/06/2014 12:53:21

[Redacted]

01/06/2014 12:54:20

[Redacted]

01/07/2014 05:33:06

[Redacted]

01/07/2014 05:44:28

[Redacted]

01/07/2014 05:53:39

[Redacted]

01/07/2014 05:55:14

[Redacted]

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[Redacted]

01/07/2014 06:54:52

[Redacted]

01/07/2014 07:03:11

[Redacted]

01/07/2014 07:33:16

[Redacted]

01/07/2014 07:37:20

[Redacted]

(b) (6)

01/07/2014 08:25:40

[Redacted]

01/07/2014 09:26:47

[Redacted]

01/07/2014 09:27:38

[Redacted]

01/07/2014 09:28:49

[Redacted]

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01/07/2014 12:40:08

[Redacted]

01/07/2014 12:42:06

[Redacted]

01/07/2014 13:06:08

[Redacted]

01/07/2014 13:25:04

[Redacted]

01/07/2014 13:28:47

[Redacted]

01/07/2014 13:30:05

[Redacted]

01/07/2014 13:39:18

[Redacted]

(b) (6)

01/07/2014 13:42:35

[Redacted]

01/07/2014 14:03:35

[Redacted]

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(b) (6)

01/07/2014 14:06:02

[Redacted]

01/07/2014 14:08:33

[Redacted]

01/07/2014 14:22:00

[Redacted]

01/07/2014 14:23:57

[Redacted]

01/07/2014 14:27:50

[Redacted]

01/07/2014 14:31:38

[Redacted]

01/07/2014 14:32:08

[Redacted]

01/07/2014 14:33:51

[Redacted]

01/07/2014 14:34:40

[Redacted]

01/07/2014 14:35:35

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[Redacted]

01/08/2014 05:35:49

[Redacted]

01/08/2014 05:36:50

[Redacted]

01/08/2014 05:42:22

[Redacted]

01/08/2014 05:47:08

[Redacted]

(b) (6)

01/08/2014 05:48:21

[Redacted]

01/08/2014 05:50:27

[Redacted]

01/08/2014 05:57:32

[Redacted]

01/08/2014 06:51:17

[Redacted]

01/08/2014 07:51:10

[Redacted]

01/08/2014 08:54:29

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[Redacted]

01/08/2014 08:56:04

[Redacted]

01/08/2014 08:59:07

[Redacted]

01/08/2014 09:34:01

[Redacted]

(b) (6)

01/08/2014 09:52:00

[Redacted]

01/08/2014 09:57:57

[Redacted]

01/08/2014 10:00:18

[Redacted]

01/08/2014 10:08:48

[Redacted]

01/08/2014 10:28:01

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[Redacted]

01/08/2014 10:38:41

[Redacted]

01/08/2014 10:42:55

[Redacted]

01/08/2014 11:06:25

[Redacted]

01/08/2014 11:08:14

[Redacted]

01/08/2014 11:08:46

[Redacted]

01/08/2014 11:10:24

[Redacted]

01/08/2014 11:13:04

[Redacted]

01/08/2014 11:13:53

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01/08/2014 11:14:52

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[Redacted]

01/08/2014 11:18:25

[Redacted]

01/08/2014 11:22:53

[Redacted]

01/08/2014 11:25:07

[Redacted]

(b) (6)

01/08/2014 11:25:50

[Redacted]

01/08/2014 11:28:30

[Redacted]

01/08/2014 11:32:44

[Redacted]

01/08/2014 11:36:21

[Redacted]

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[Redacted]

01/08/2014 11:38:42

[Redacted]

01/08/2014 11:39:27

[Redacted]

01/08/2014 13:03:13

[Redacted]

01/08/2014 13:07:42

[Redacted]

01/08/2014 13:08:16

[Redacted]

01/08/2014 13:11:26

[Redacted]

01/08/2014 13:12:54

[Redacted]

01/08/2014 13:14:31

[Redacted]

01/08/2014 13:15:27

[Redacted]

01/08/2014 13:15:55

[Redacted]

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01/08/2014 13:20:02

[Redacted]

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[Redacted]

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[Redacted]

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01/08/2014 13:30:03

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[Redacted]

01/08/2014 13:36:49

[Redacted]

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01/08/2014 13:43:01

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01/08/2014 13:51:34

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[Redacted]

01/08/2014 13:59:16

[Redacted]

01/08/2014 14:10:33

[Redacted]

01/08/2014 14:11:53

[Redacted]

01/08/2014 14:13:56

(b) (6)

[Redacted]

01/08/2014 14:33:46

[Redacted]

01/08/2014 14:35:28

[Redacted]

01/08/2014 14:36:49

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