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**NATIONAL SECURITY AGENCY/CENTRAL SECURITY
SERVICE**



INSPECTOR GENERAL

REPORT OF INVESTIGATION

30 January 2014

IV-13-0025

Misuse of Government Resources

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Approved for Release by NSA on 08-01-2018, FOIA Case # 79204 (litigation)

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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 15 November 2012 the Office of the Inspector General (OIG) received a referral from the NSA/CSS Information Systems Incident Response Team (NISIRT) identifying potential computer misuse by an NSA/CSS contractor, [REDACTED]. On 15 November 2012 the OIG initiated an investigation of [REDACTED] use of NSA/CSS Information Systems (ISs).

(U//~~FOUO~~) The preponderance of the evidence collected during the investigation substantiates that [REDACTED] misused her unclassified NSA/CSS IS. [REDACTED] used Government resources to perform tasks not authorized by contract and for personal business activities, in violation of NSA/CSS Policies 6-4 and 6-6.

(U//~~FOUO~~) A summary memorandum will be provided to the Maryland Procurement Office (BA3) and the Office of General Counsel (D25) for review and appropriate action. An information copy of the summary memorandum will be provided to the NSA/CSS Senior Acquisition Executive; Contractor Clearances, ADS&CI; and Special Actions, ADS&CI.

[REDACTED]
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II. (U) BACKGROUND

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(U) Introduction

(U//~~FOUO~~) [redacted] is a contractor affiliate with [redacted] formerly assigned to [redacted] working under contract number [redacted] on the [redacted] contract. Although [redacted] still works for [redacted] she is no longer assigned to an NSA contract and does not work in NSA spaces.

(U//~~FOUO~~) The NISIRT reviewed [redacted] unclassified U.S. Government account for the period 11 June to 18 September 2012. The NISIRT detected possible misuse on the unclassified account on 14, 18, 22, 27 June; and 6, 16, 17, 18, 20, 23, 24, 25, 31 July; and 17, 20, 22, 23 August; and 11, 17, 8 September 2012. The NISIRT provided their activity report to the OIG on 15 November 2012.

(U) Applicable Authorities

(U//~~FOUO~~) NSA/CSS Policy 6-4, "CONTRACTOR USE OF NSA/CSS INFORMATION SYSTEMS," revised 7 June 2007.

(U//~~FOUO~~) NSA/CSS Policy 6-6, "USE OF UNCLASSIFIED INFORMATION SYSTEMS SUCH AS THE INTERNET," revised 20 June 2012.

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

III. (U) FINDINGS

(U//~~FOUO~~) Did [redacted] and [redacted] contract employee, misuse her unclassified 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 her unclassified NSA/CSS IS. [redacted] used Government resources to perform tasks not authorized by contract and for personal business activities, in violation of NSA/CSS Policies 6-4 and 6-6.

(U) Documentary Evidence

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(U) NISIRT Report

(U//~~FOUO~~) The NISIRT provided the OIG with an analysis of [redacted] activities on the unclassified NSA/CSS IS. [redacted] was observed sending emails from her personal account, [redacted]. The full NISIRT report can be found at Appendix B.

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(U) Testimonial Evidence

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(U) On 24 October 2013, [redacted] was interviewed by telephone and provided the following sworn testimony.

(U) From January 2012 until approximately January/February 2013, [redacted] worked in NSA spaces on the [redacted] contract [redacted]. [redacted] testified that while on lunch breaks and random breaks during the day, she would periodically check her personal email, communicating mostly with [redacted]. She provided an estimate on the amount of time spent on non-contract related activities as approximately 45 minutes each day. In addition to the personal use of the Government resources, [redacted] admitted she would check her [redacted] email account and send emails pertaining to the [redacted] using Government resources. She was unaware that this activity was in violation of Agency policy. She testified the policy "makes good sense" and if she had known this activity was against policy, she would have immediately stopped. [redacted] personal and business related activities did not interfere with her performance on the contract. Although no longer in NSA spaces, [redacted] is still employed by [redacted].

(U) Analysis and Conclusions

(U//~~FOUO~~) By policy, contractor use of Agency IS for personal use is extremely limited. NSA/CSS Policy 6-4 allows contractor use of government IS only for brief, infrequent personal communications in very specific situations. The NISIRT evidence and testimony clearly shows that [redacted] used her government provided IS to access her personal email account in order to [redacted]. The OIG considered these communications as brief, infrequent communications to take care of unavoidable personal matters (e.g., contacting a spouse, dependent, or individual responsible for a dependent's care) as allowed in NSA/CSS Policy 6-4. However, [redacted] used Government resources to conduct activities in furtherance of her [redacted]. This activity is in direct violation of the NSA/CSS Policy 6-4 prohibition against using Government ISs in support of a contractor employee's personal business. Additionally, by using Government resources to conduct activities not authorized by contract and activities of a commercial nature, [redacted] failed to demonstrate good judgment and common sense as defined in NSA/CSS Policy 6-6. The evidence along with her testimony clearly supports the conclusion that [redacted] misused her unclassified NSA/CSS IS.

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IV. (U) RESPONSE TO TENTATIVE CONCLUSION

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(U//~~FOUO~~) [redacted] was provided the tentative conclusions on 24 October 2013. On 31 October 2013, [redacted] responded to the tentative conclusion stating:

I agree to the conclusions provided by [redacted] and would like to add the following supporting information. I responded to a few emails via my business email address while on break or lunch when I was employed as a contractor on an NSA project. These emails were answered on non-billable time and did not effect [sic] my performance or duties.

(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 her unclassified NSA/CSS IS. [redacted] used the Government resources to perform tasks not authorized by contract and for personal business activities, in violation of NSA/CSS Policies 6-4 and 6-6.

[redacted]
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VI. (U) DISTRIBUTION OF RESULTS

(U//~~FOUO~~) A summary memorandum will be provided to the Maryland Procurement Office (BA3) and the Office of General Counsel (D25) for review and any action deemed appropriate. An information copy of the summary memorandum will be provided to the NSA/CSS Senior Acquisition Executive; Contractor Clearances, ADS&CI; and Special Actions, ADS&CI.

[Redacted Signature]

Senior Investigator

Concurred by:

(b) (3) - P.L. 86-36

[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," revised 7 June 2007:

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

4. (U) Contractors shall not make personal use of NSA/CSS ISs except for brief, infrequent communications to take care of unavoidable personal matters (e.g., contacting a spouse, dependent, or individual responsible for a dependent's care; scheduling a physician's appointment or car maintenance; etc.). This limited exception to the personal use prohibition applies only when:
 - a. (U) The communication could not have reasonably been made at another time (e.g., the physician is only available during working hours);
 - b. (U) The communication does not adversely affect the Agency mission or reflect poorly on the Agency;
 - c. (U) The communication does not result in other than minimal expense to the Government (e.g., the call is local, toll-free, or charged to a personal telephone calling card);
 - d. (U) Time spent using the NSA/CSS IS for personal use is not billed to the contract; and
 - e. (U) The personal communication is of a non-commercial nature. This exception does not permit the use of NSA/CSS ISs in conjunction with a contractor employee's personal business activity.

10. (U) Contractor management may request that an exception be made to a provision of this policy unless:
 - a. (U) The exception requested requires NSA/CSS to establish new contractor connectivity with, or access to, NSA/CSS ISs, the installation or modification of hardware or software, or support from the NSA/CSS Information Technology Support Center (ITSC).
 - b. (U) The exception requested would allow contractors to use NSA/CSS ISs for general business purposes (e.g., to send and receive corporate newsletters, to announce company events such as picnics and retirement ceremonies, to announce job opportunities, etc.).

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(U//~~FOUO~~) NSA/CSS Policy 6-6, "USE OF UNCLASSIFIED INFORMATION SYSTEMS SUCH AS THE INTERNET," revised 20 June 2012:

25. (U) All Users shall:

...

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

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Appendix B

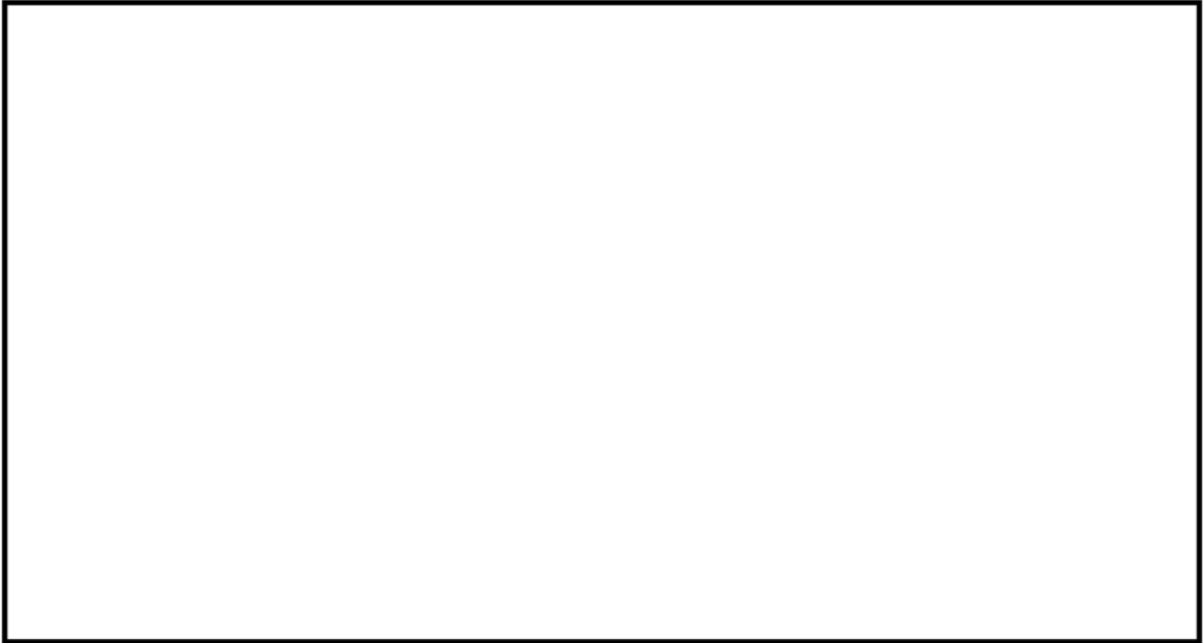
(U) NISIRT Report

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The NISIRT report

Edits were made for readability purposes

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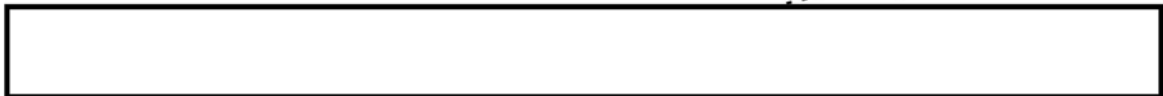


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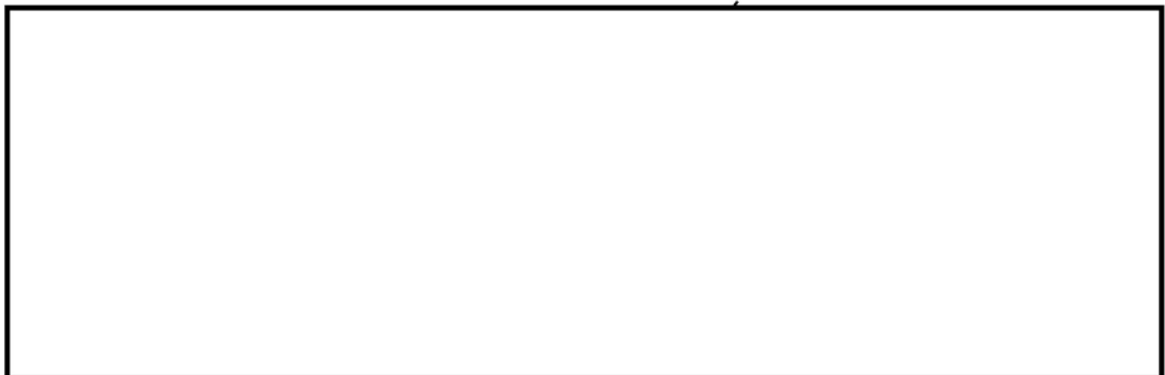


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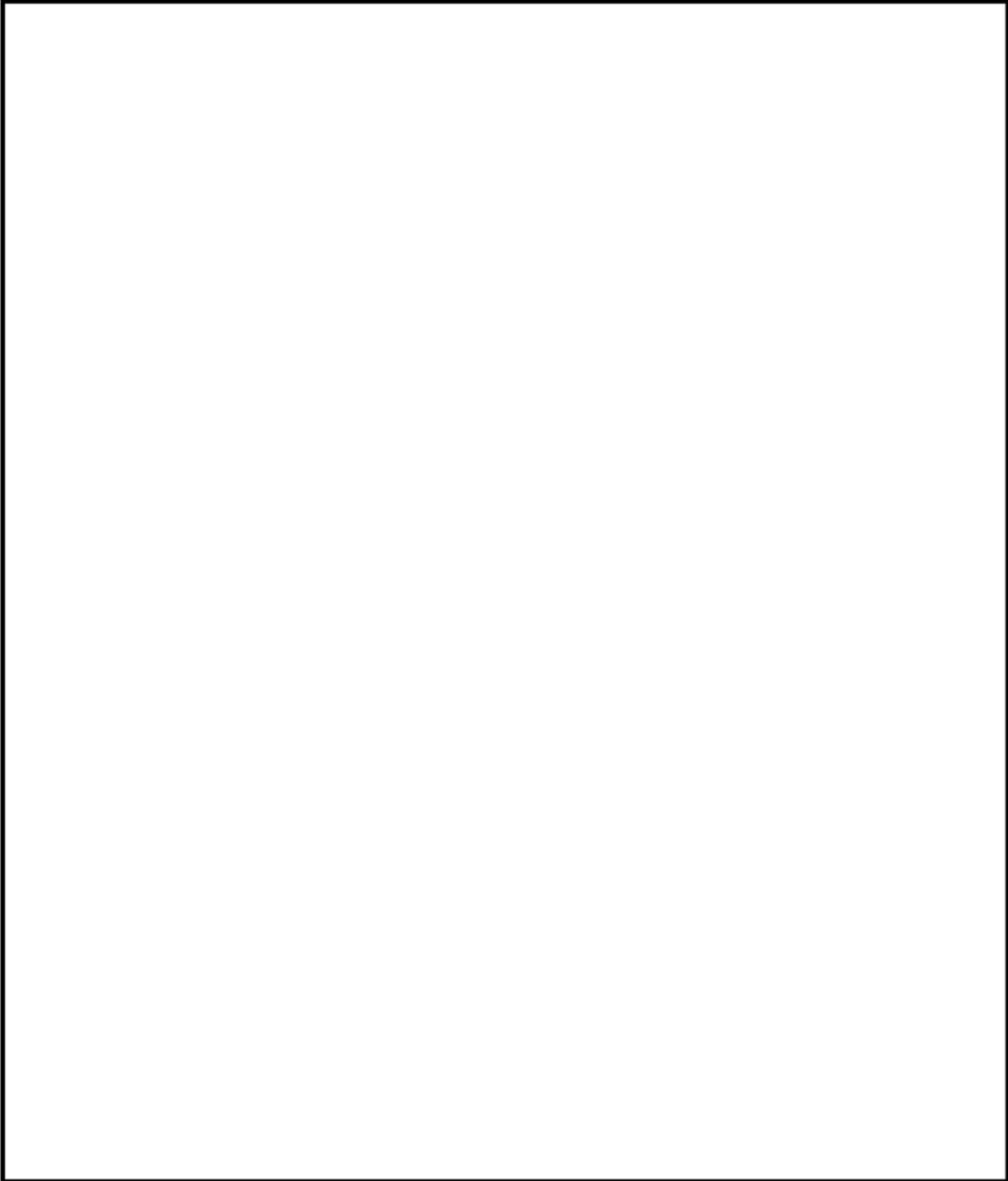
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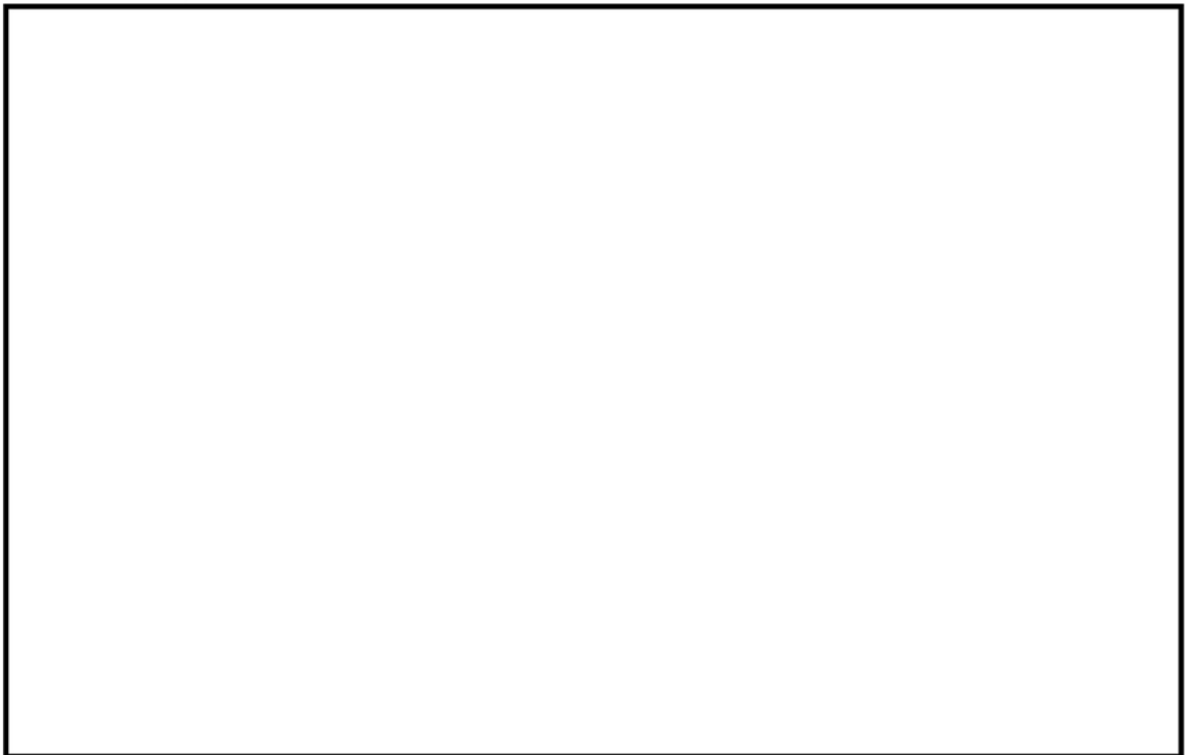


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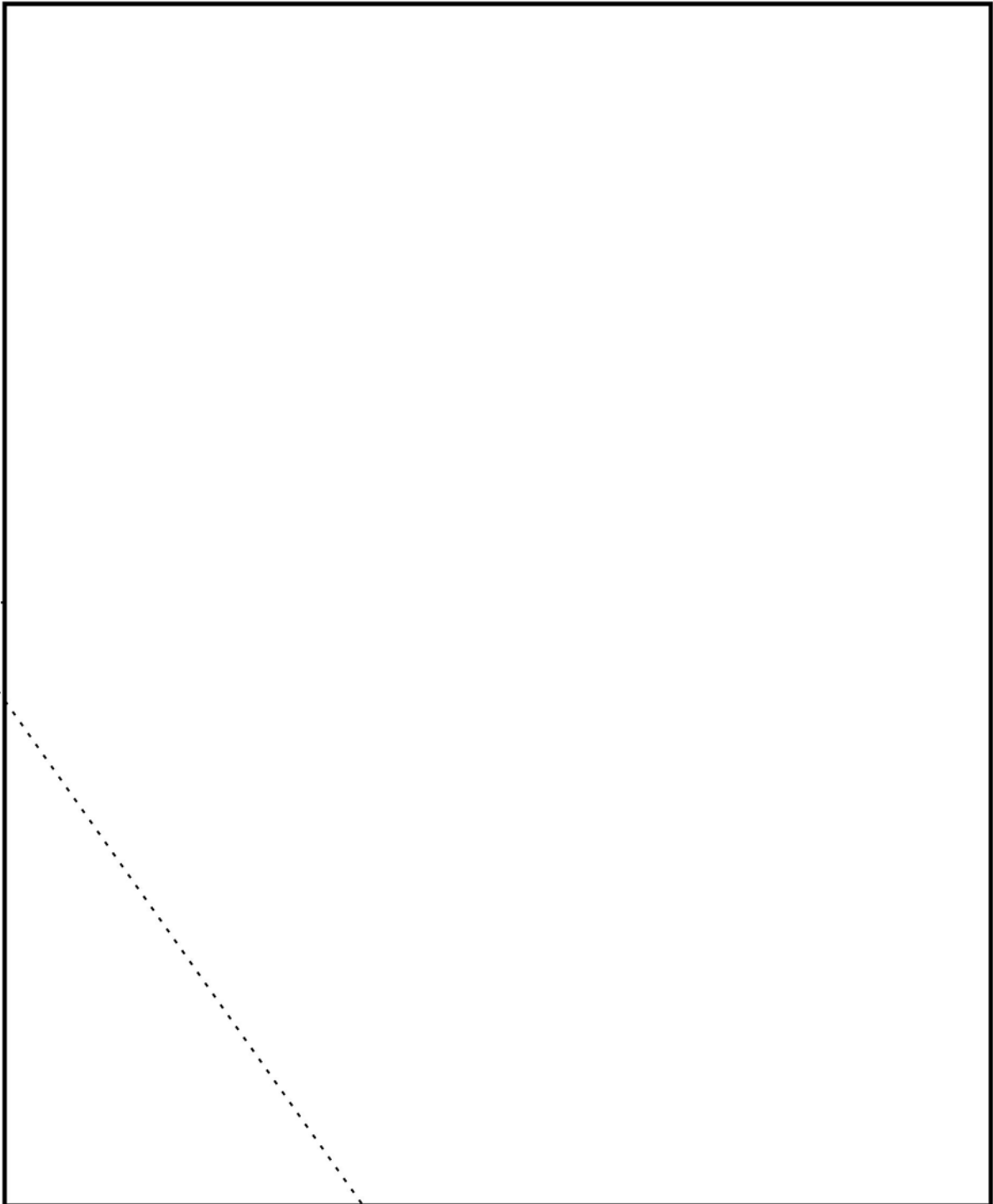


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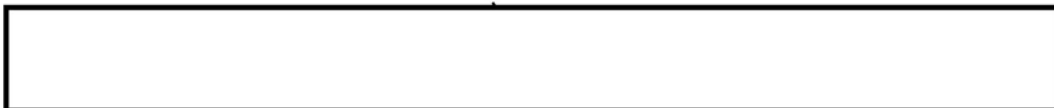
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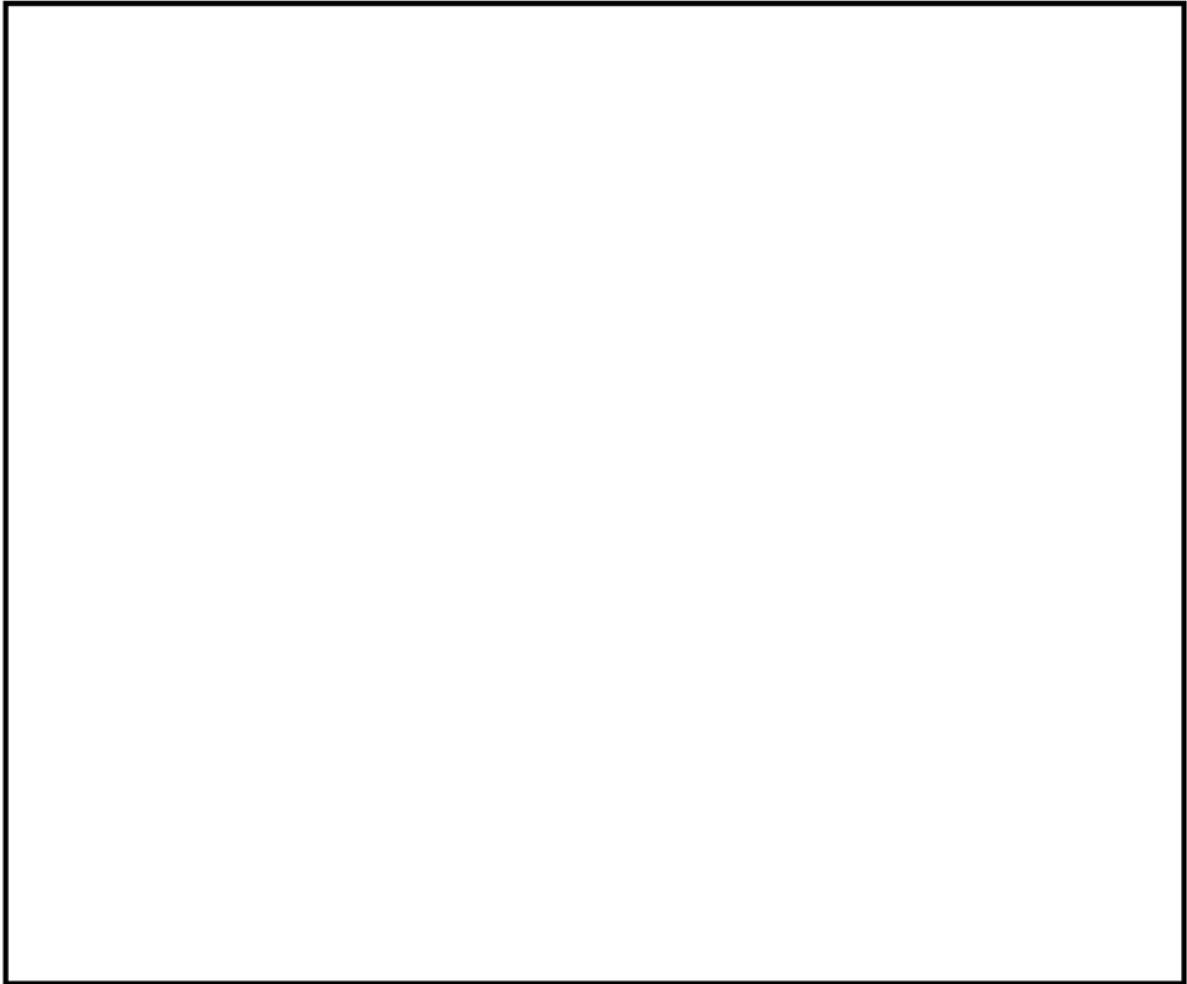
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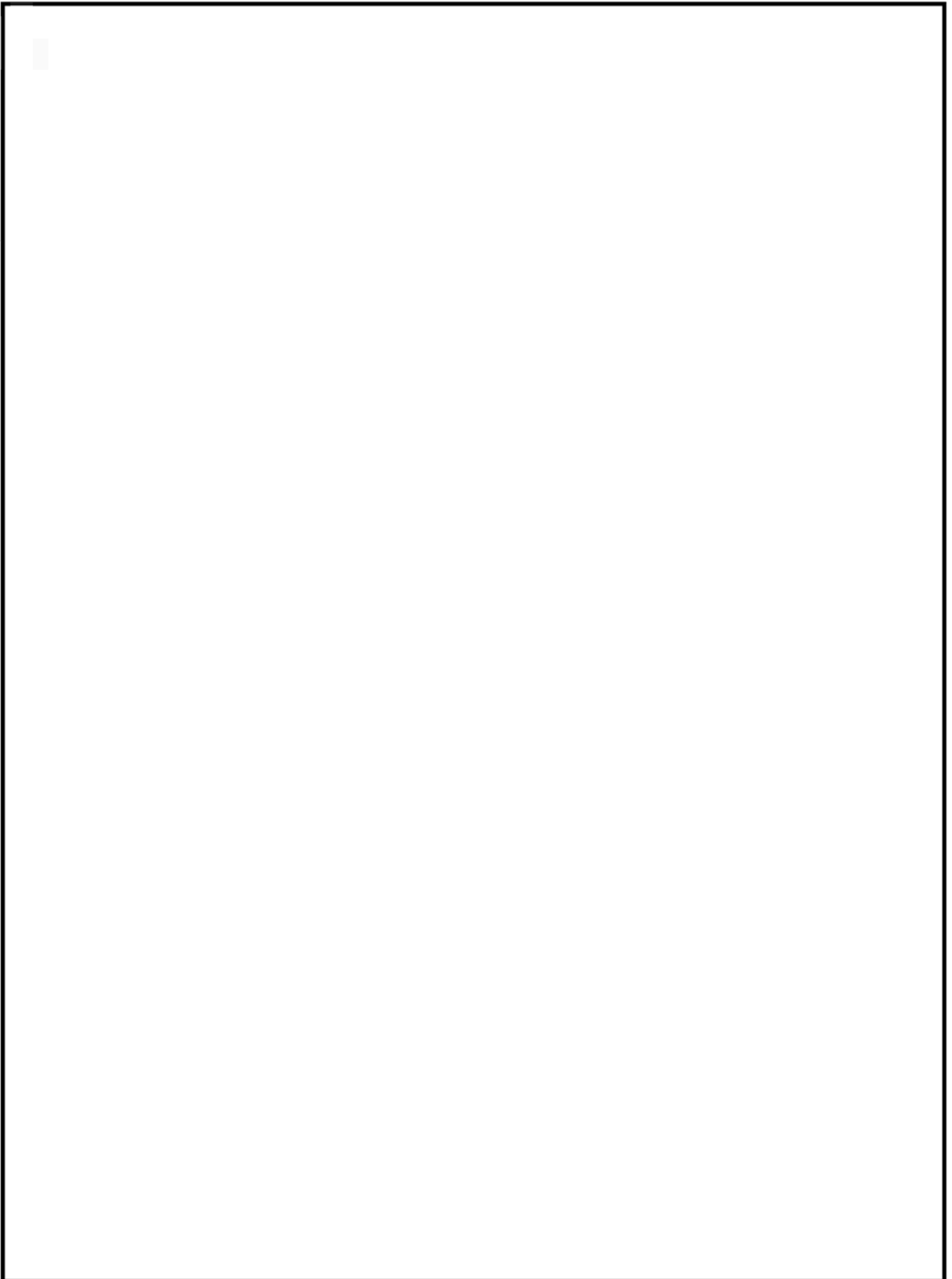
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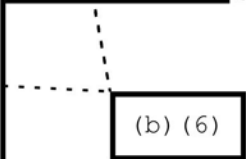
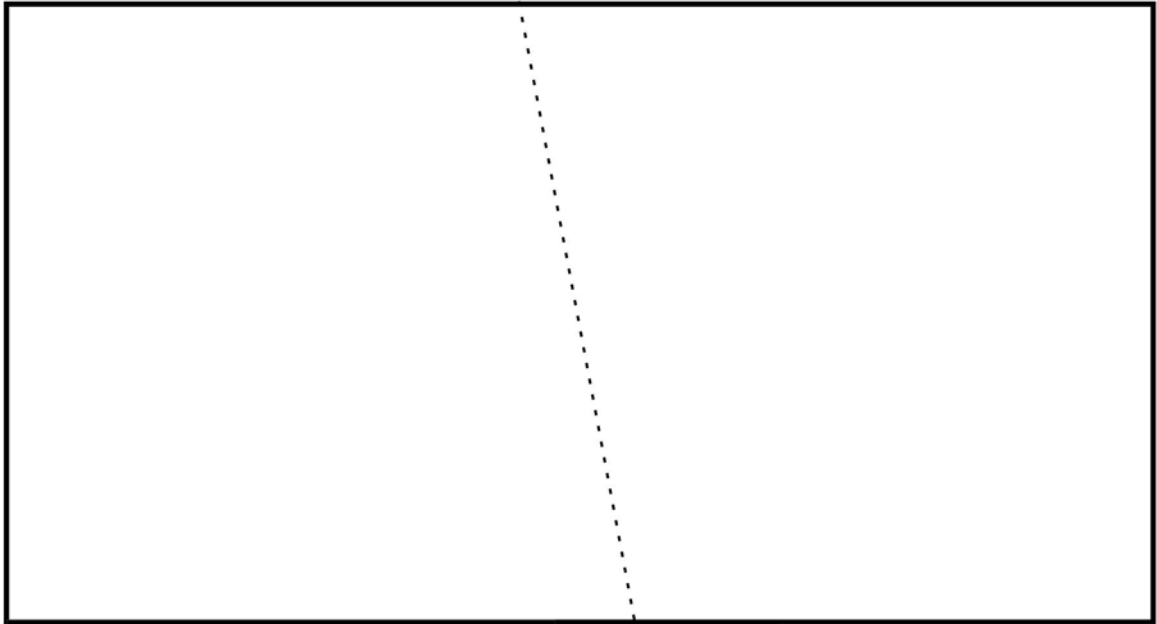
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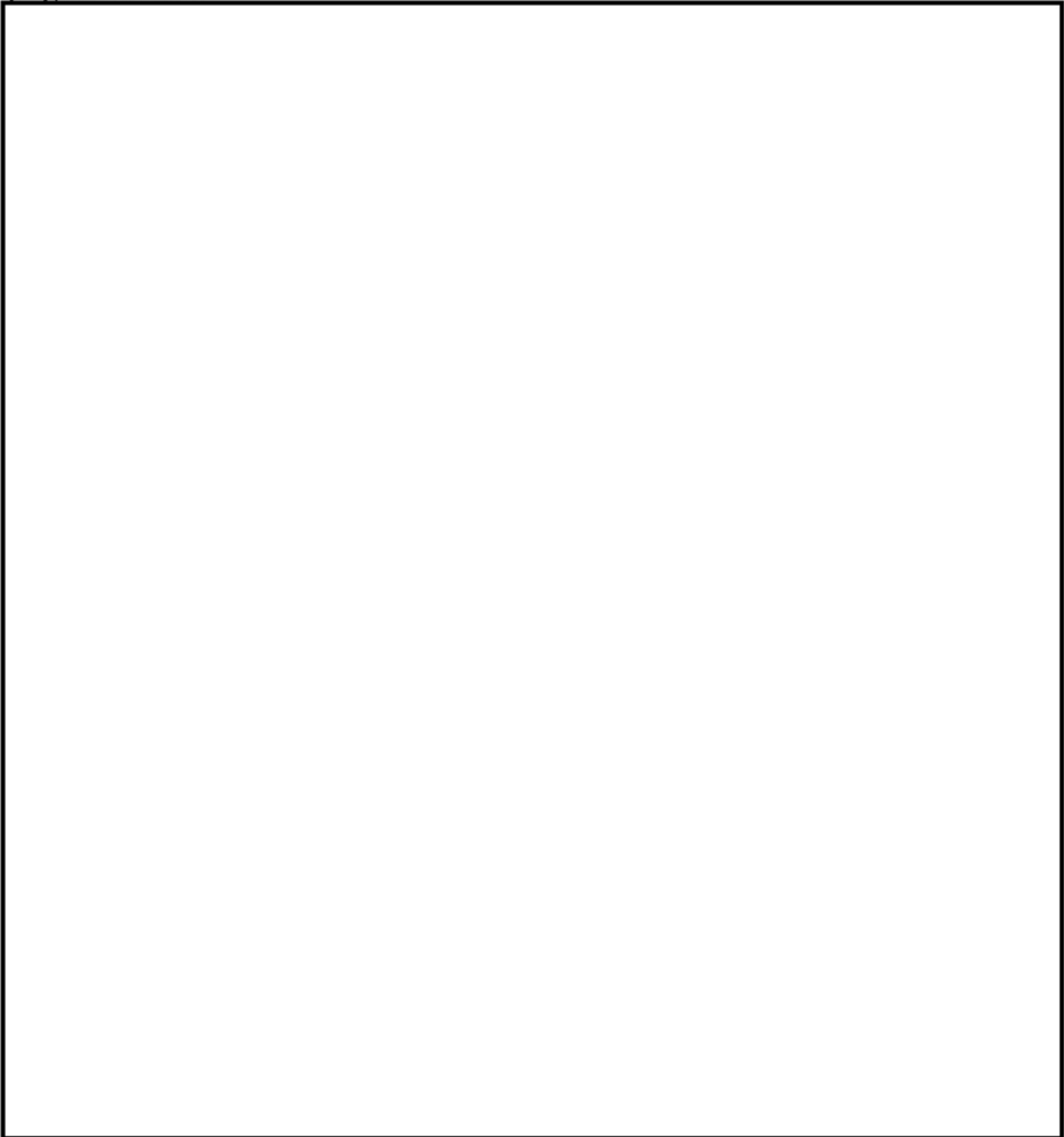
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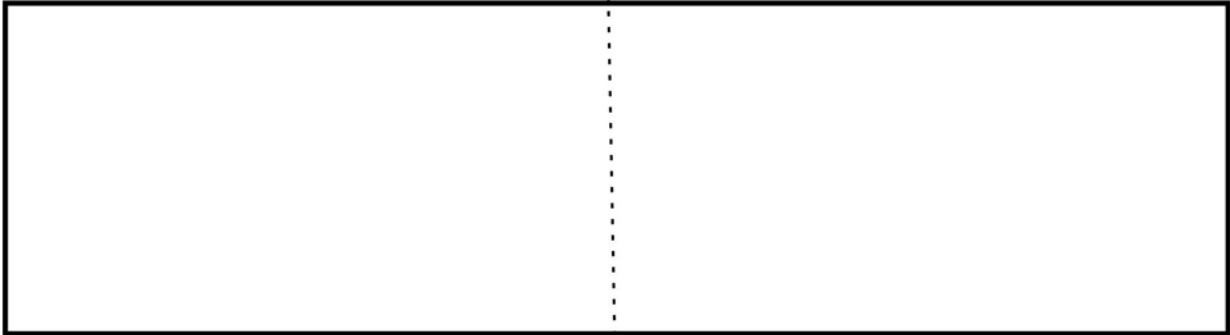
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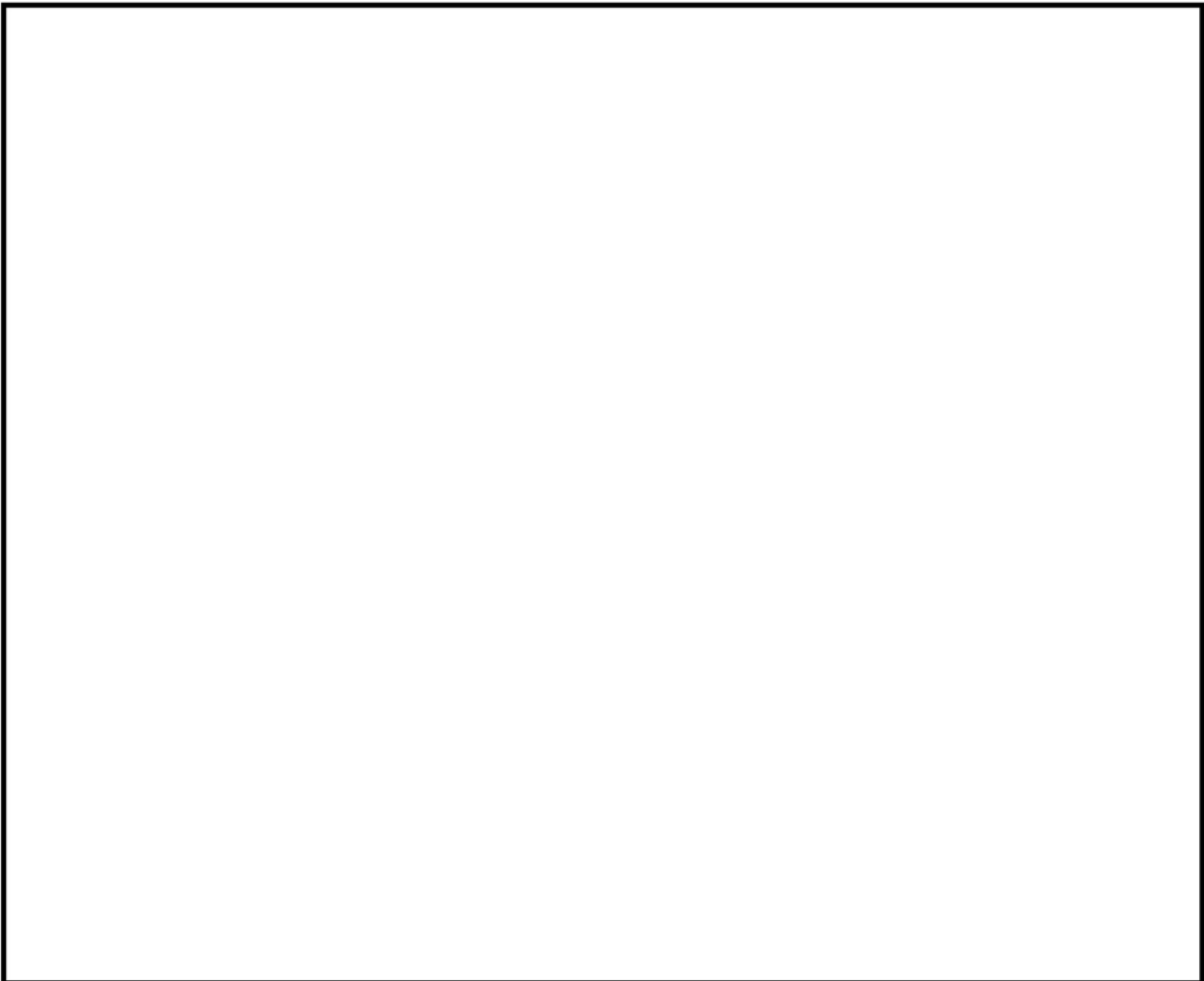


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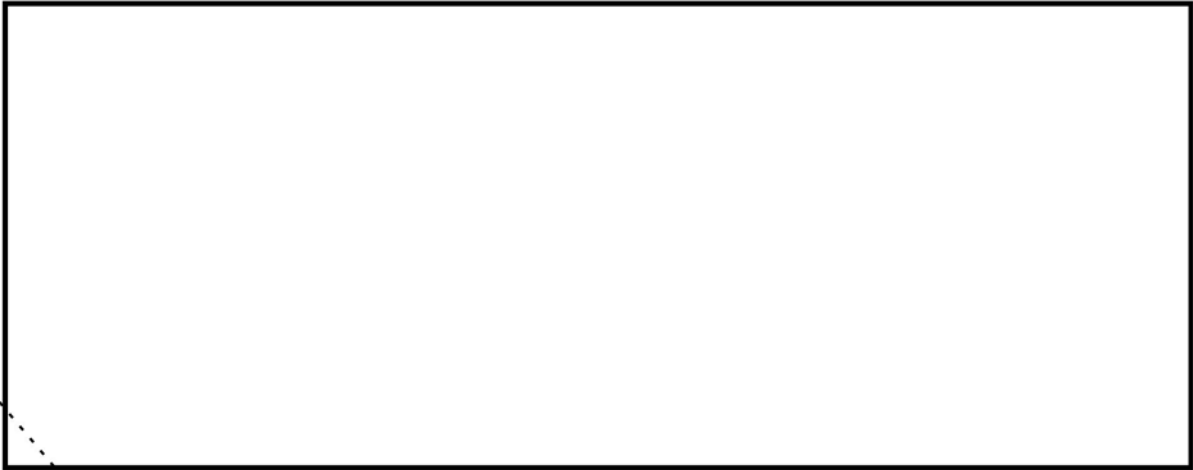
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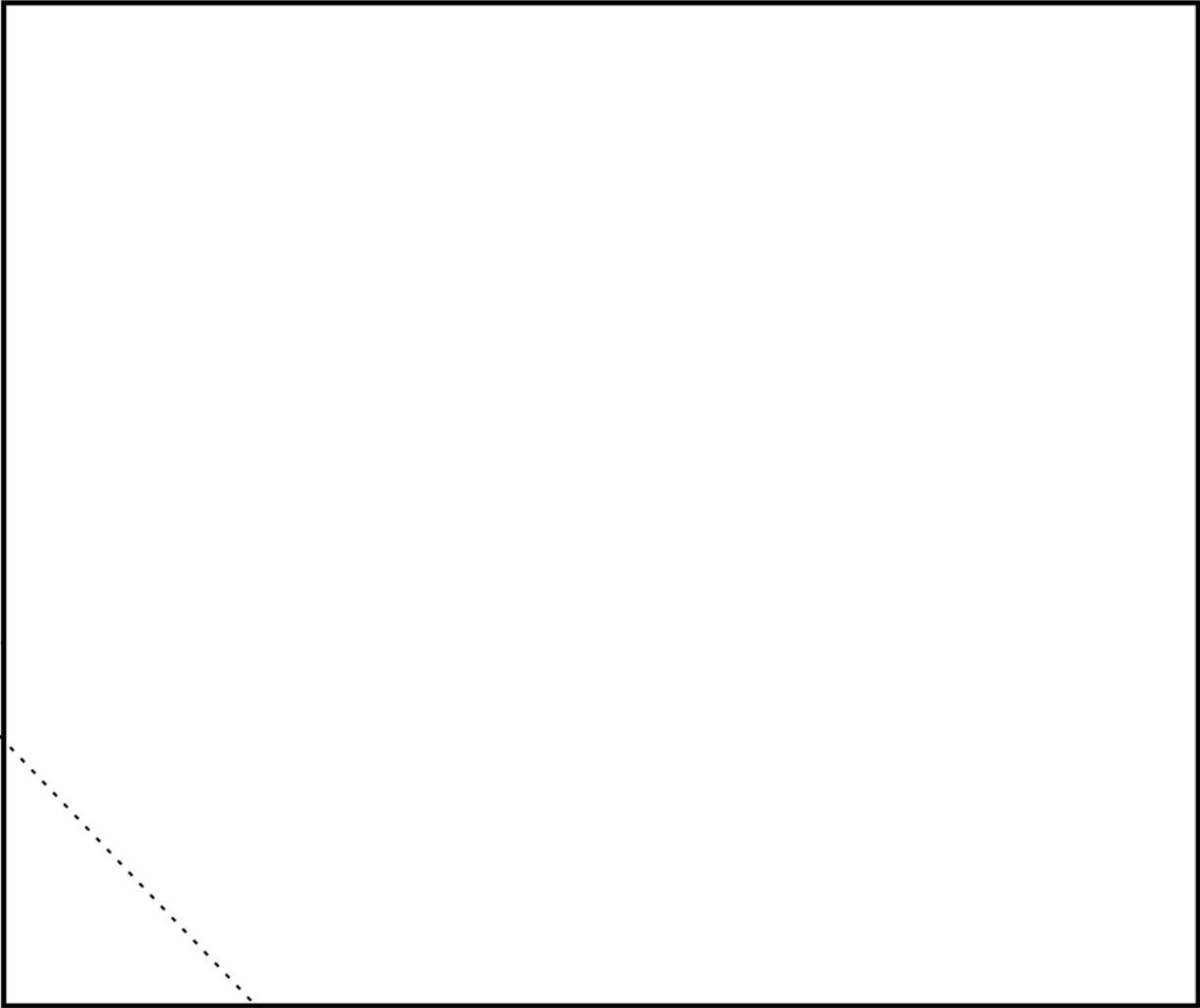
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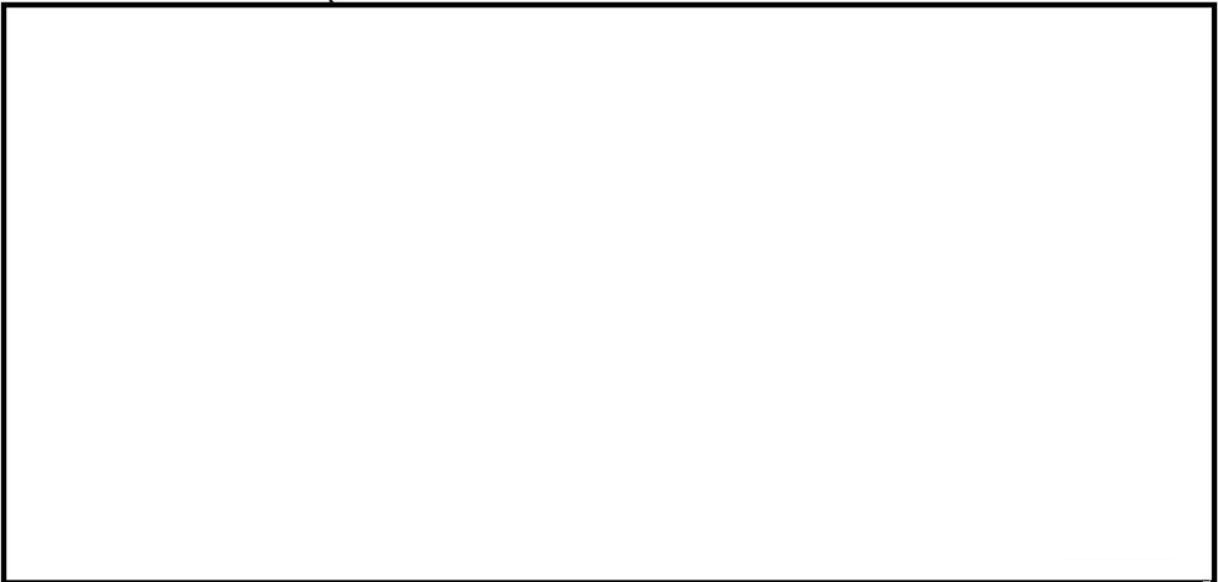
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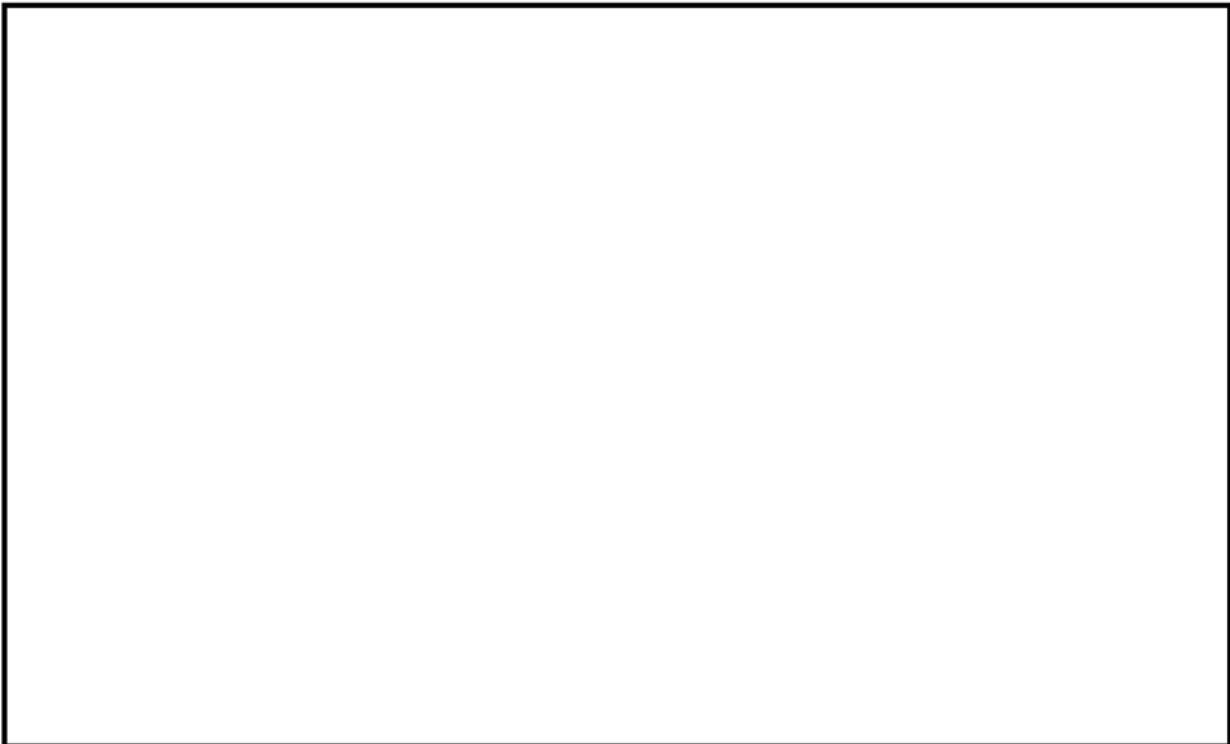
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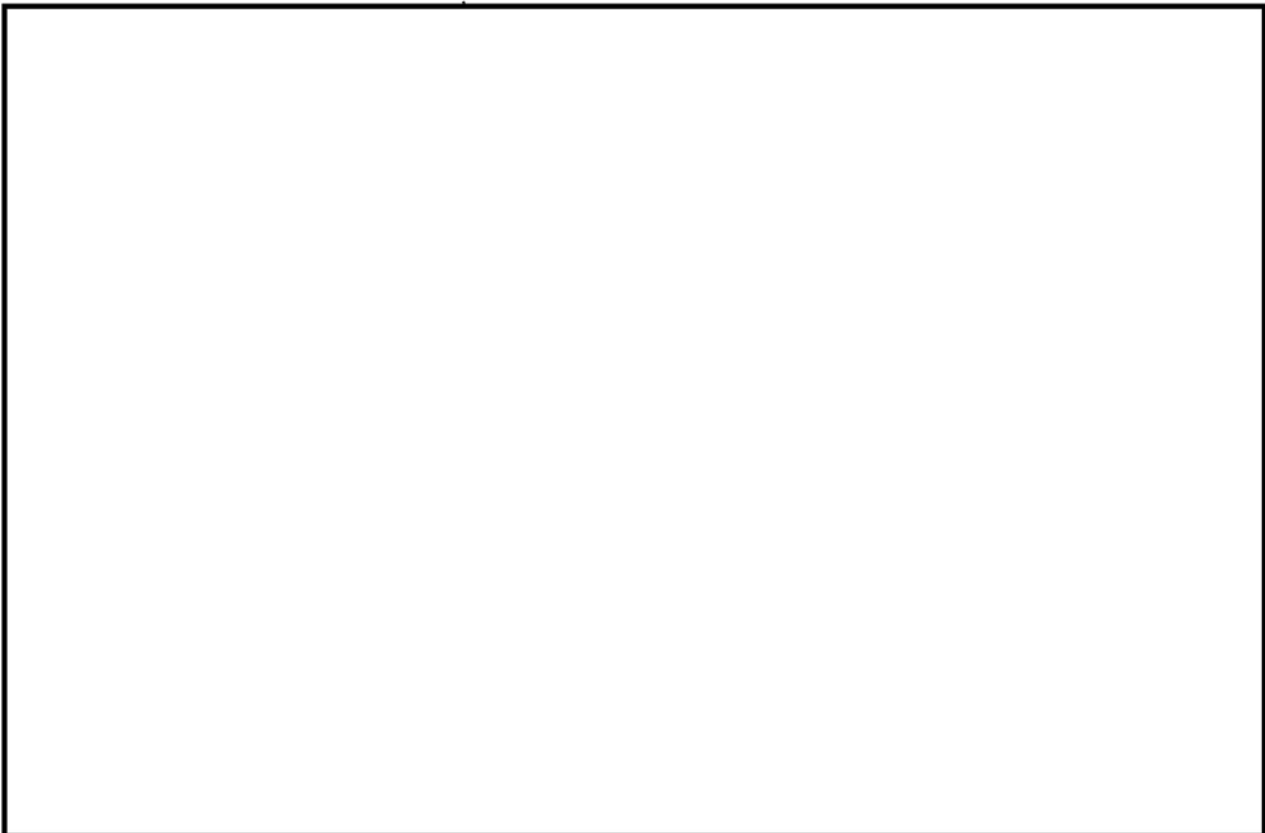
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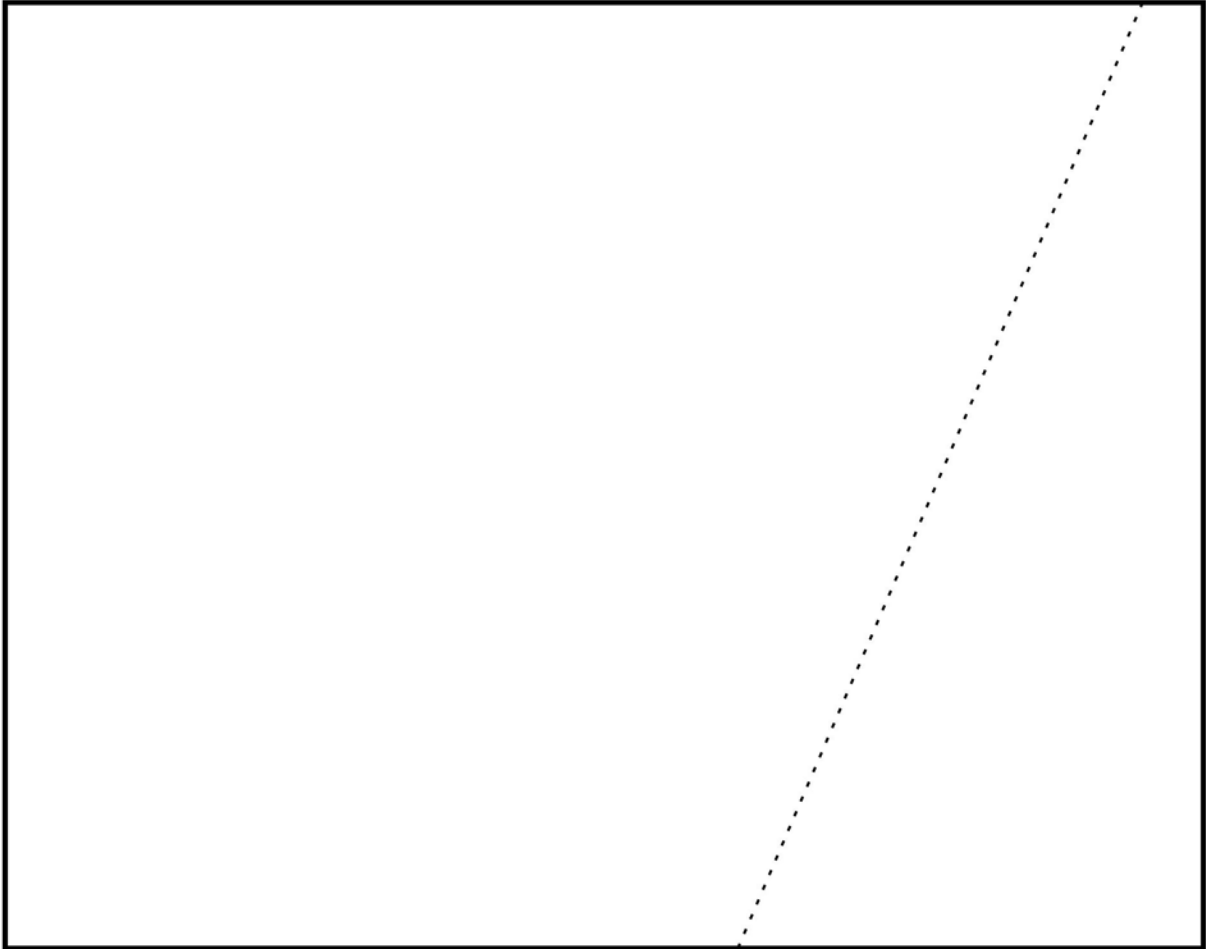
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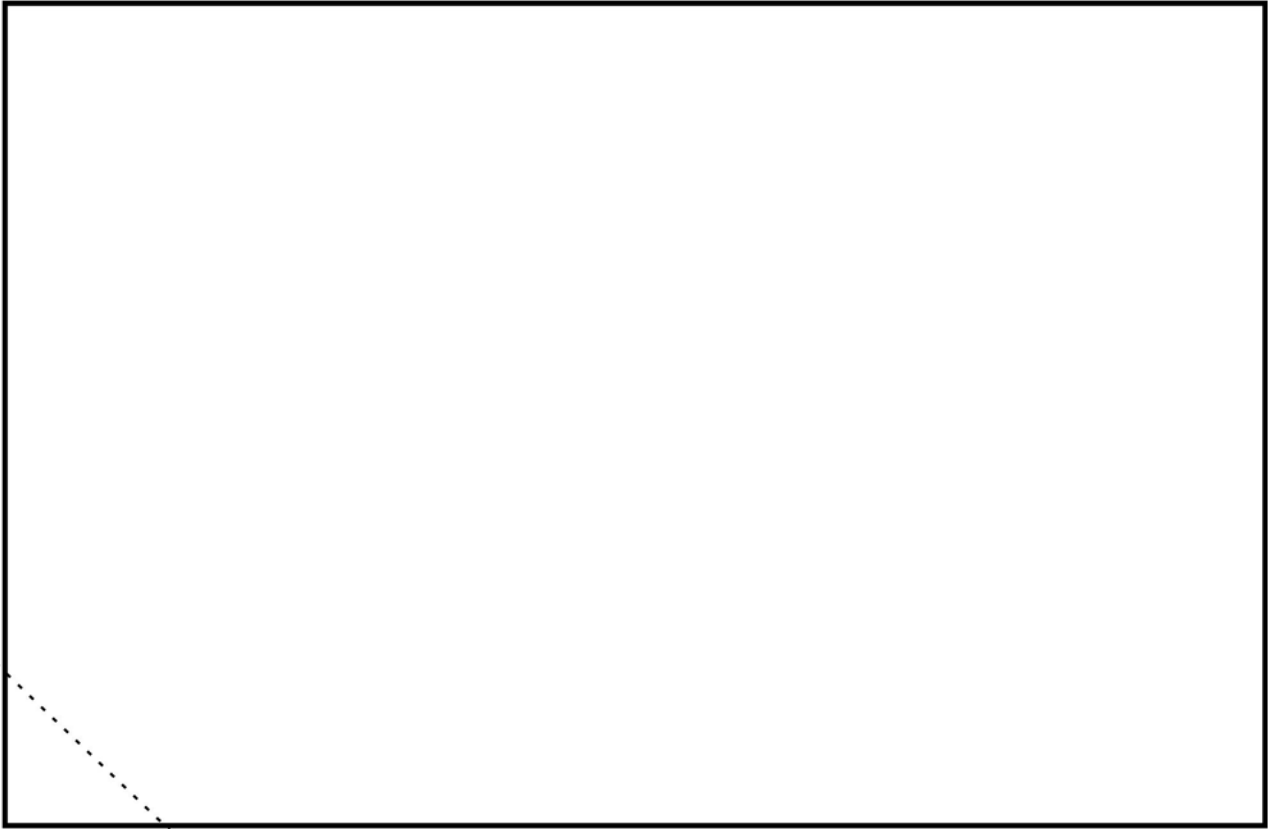
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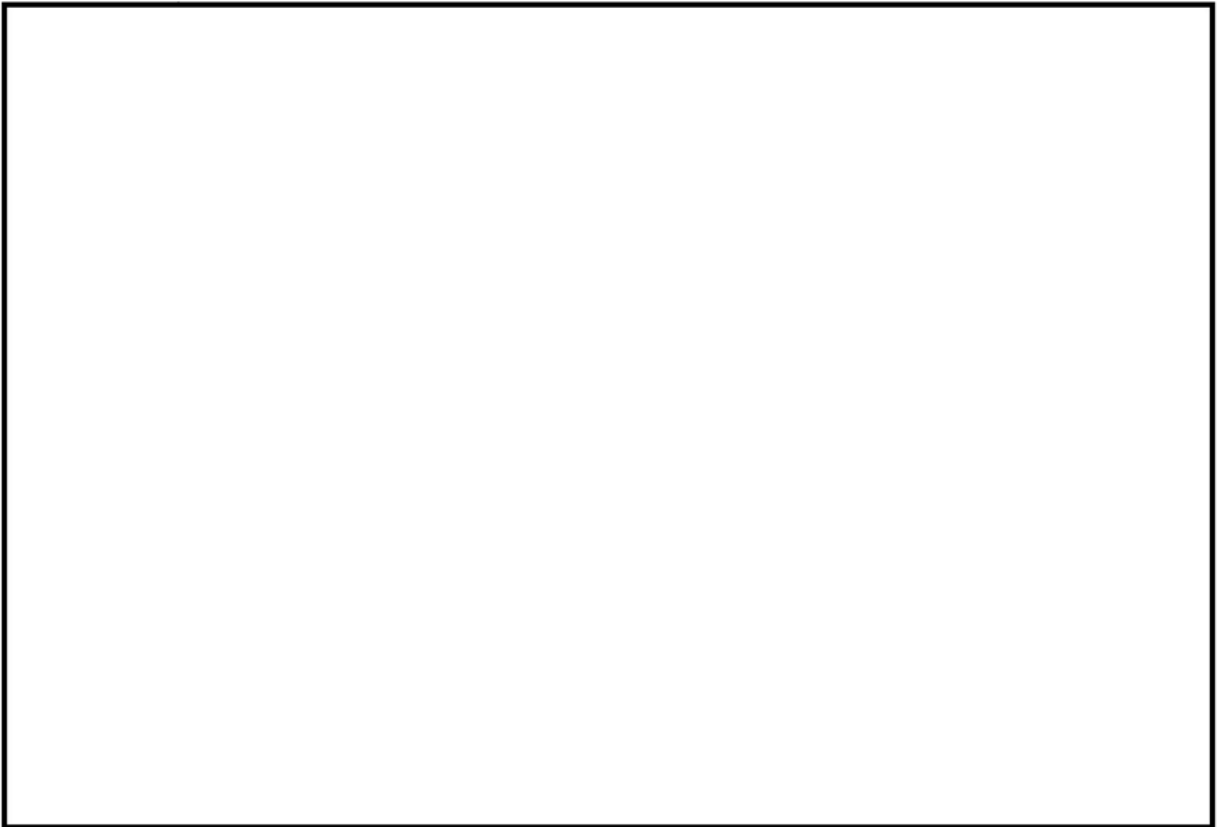
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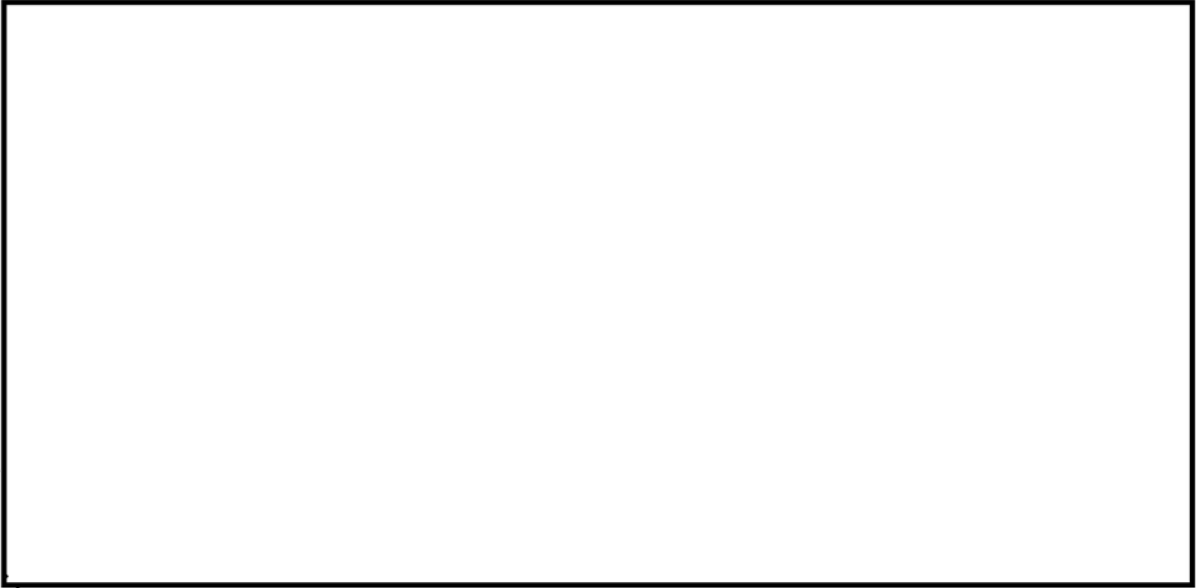
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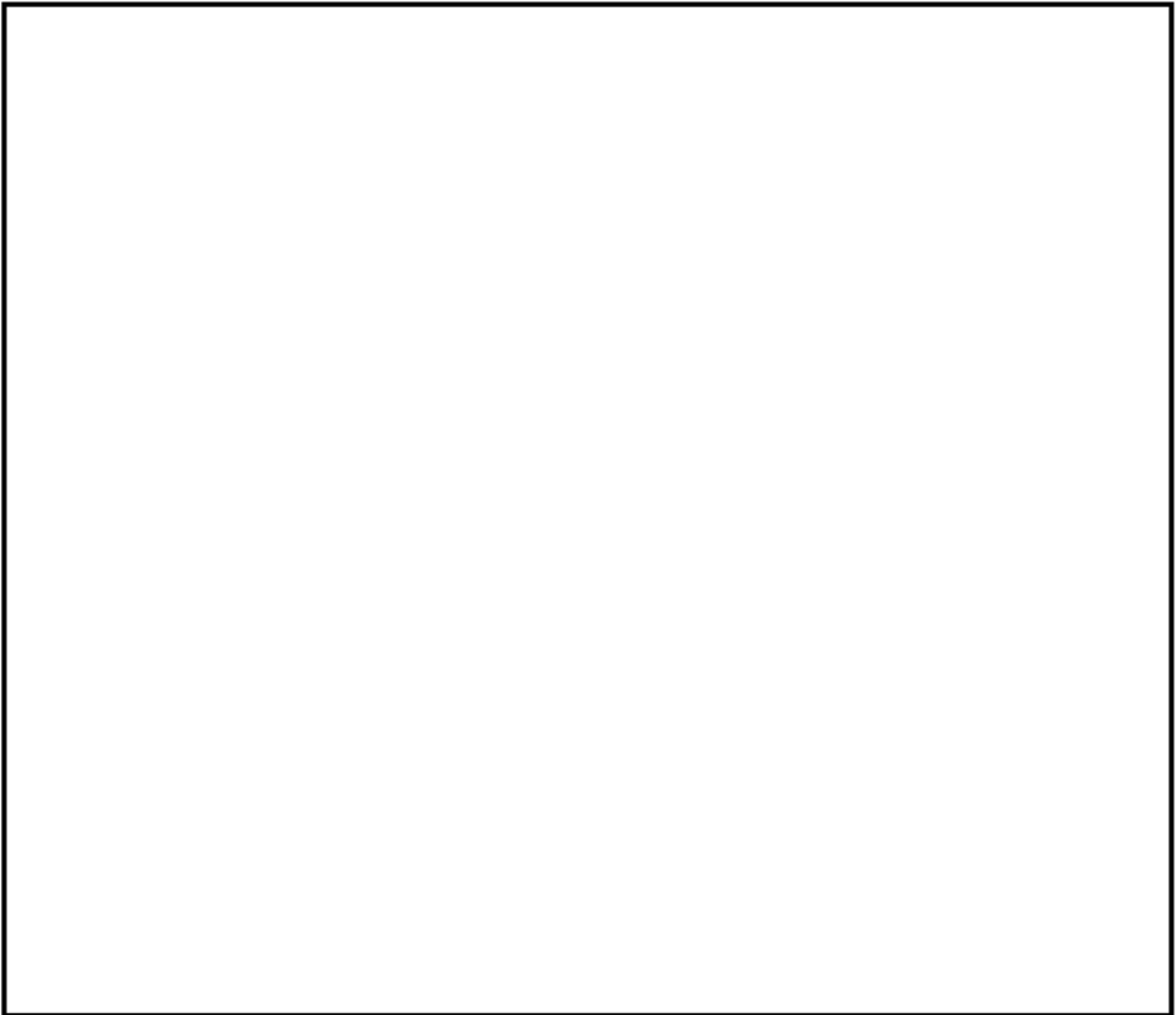
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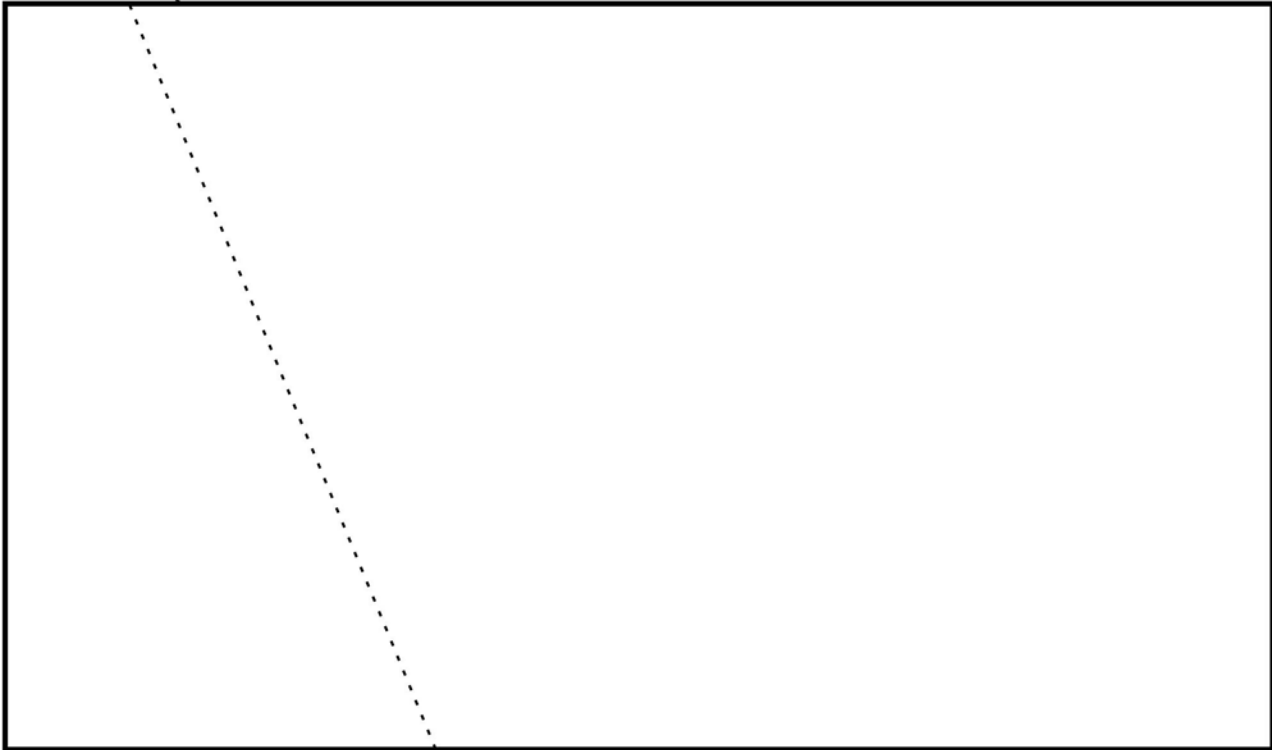


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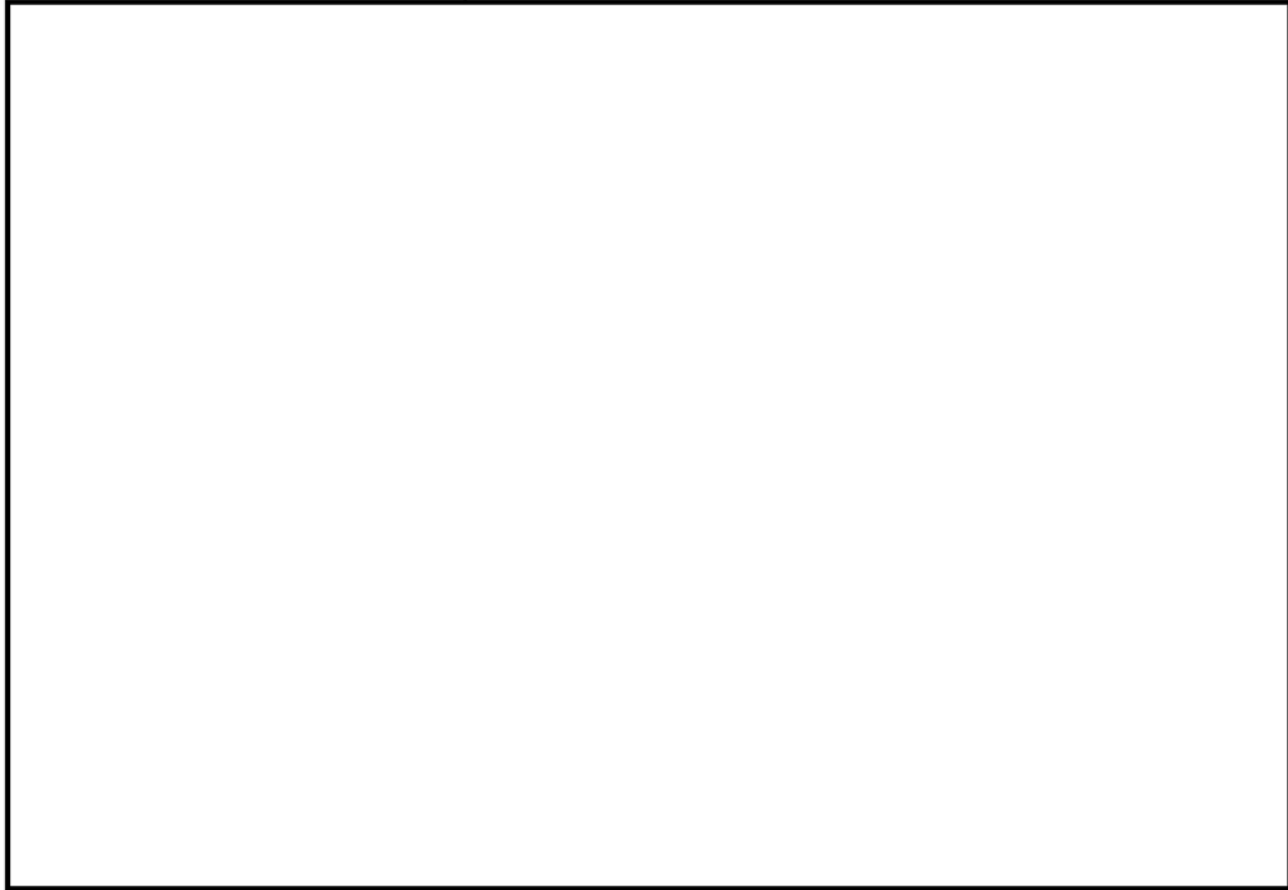
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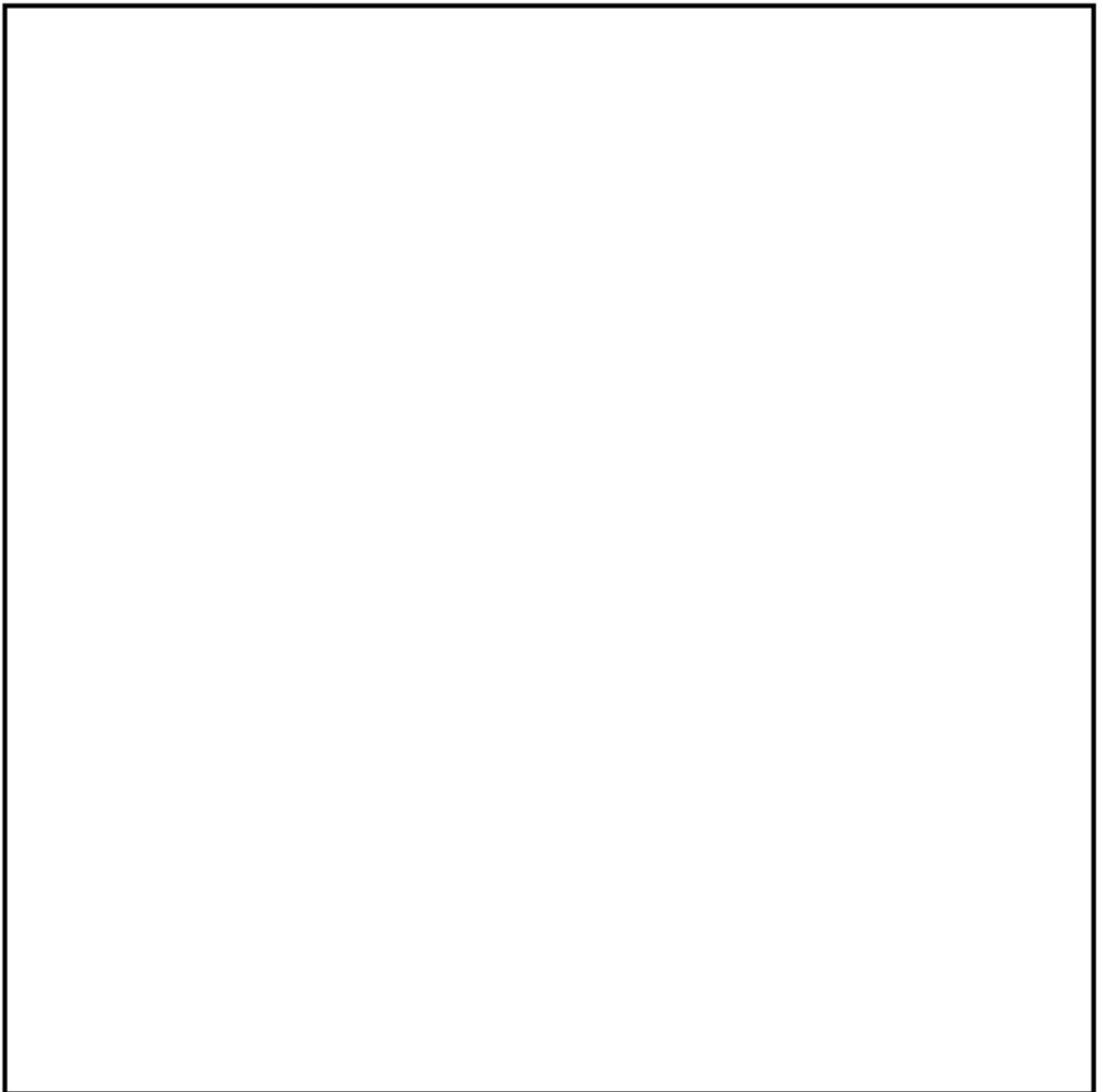
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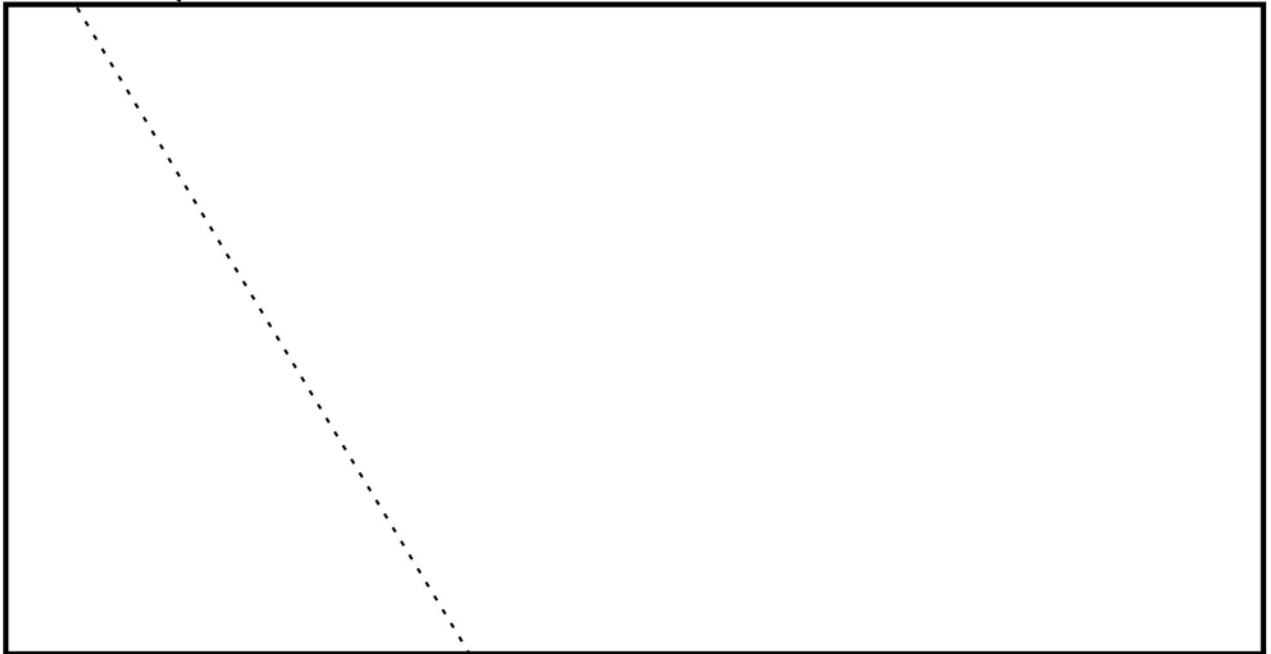
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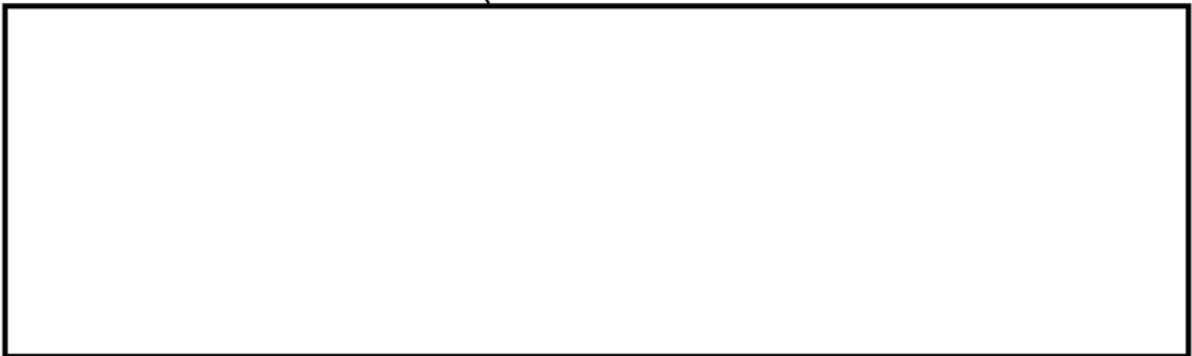


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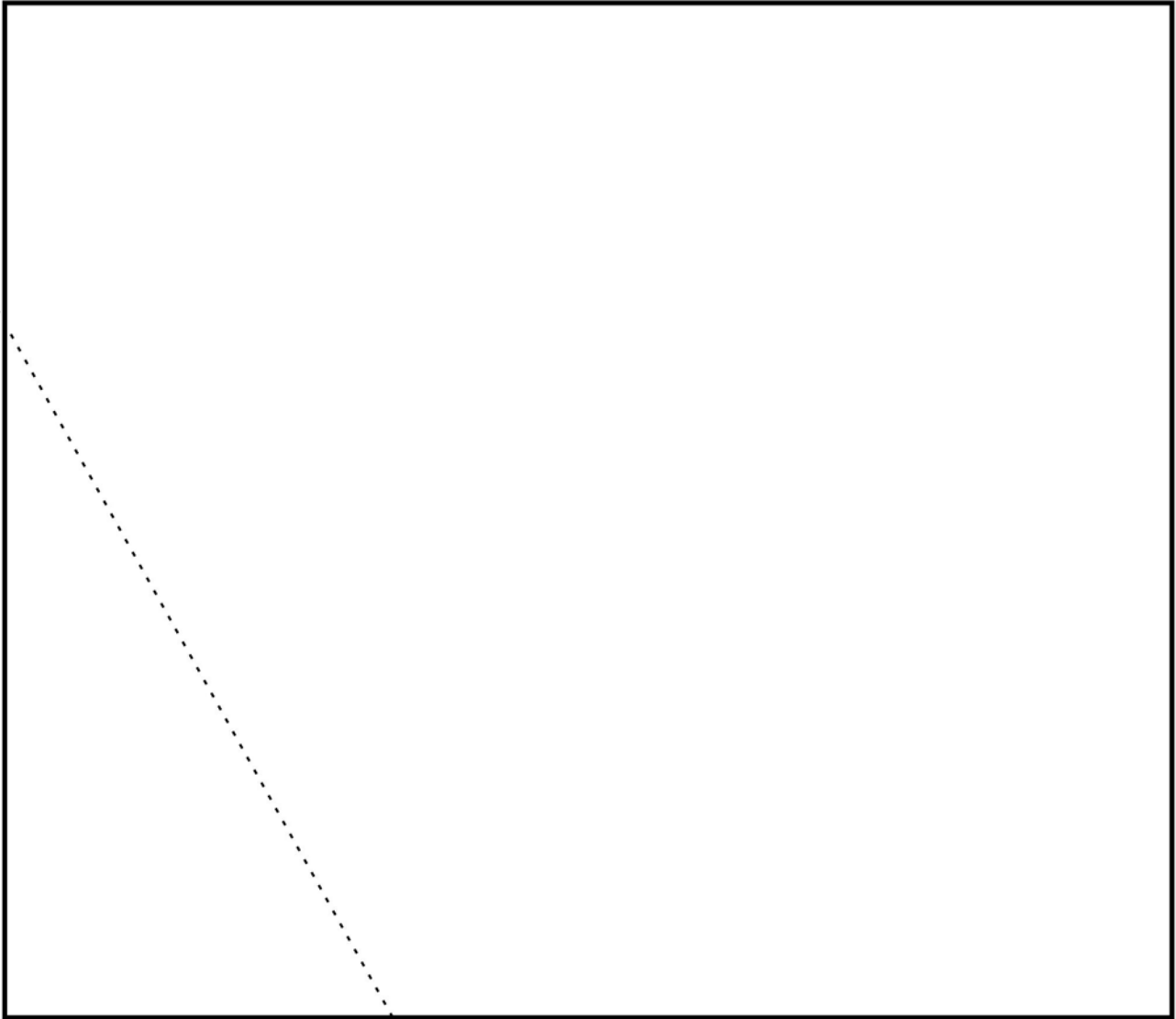


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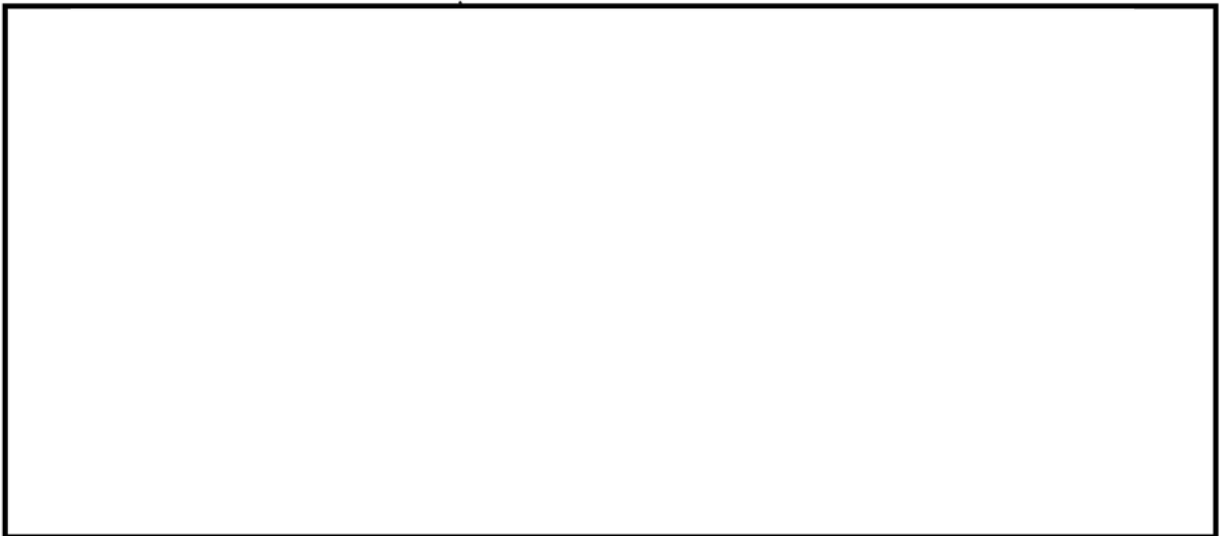
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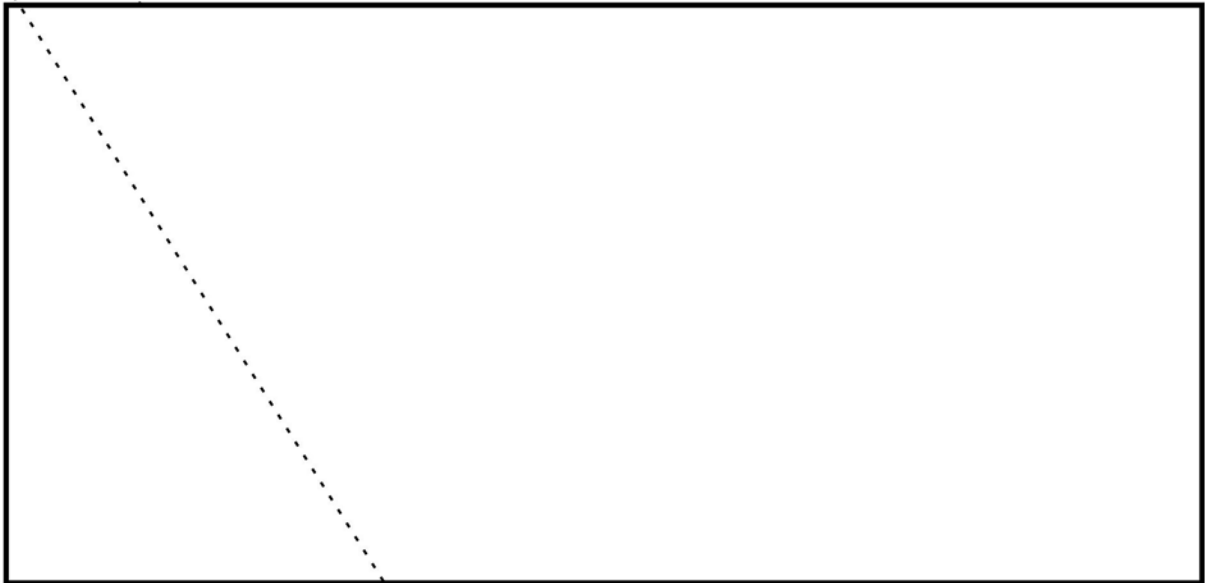


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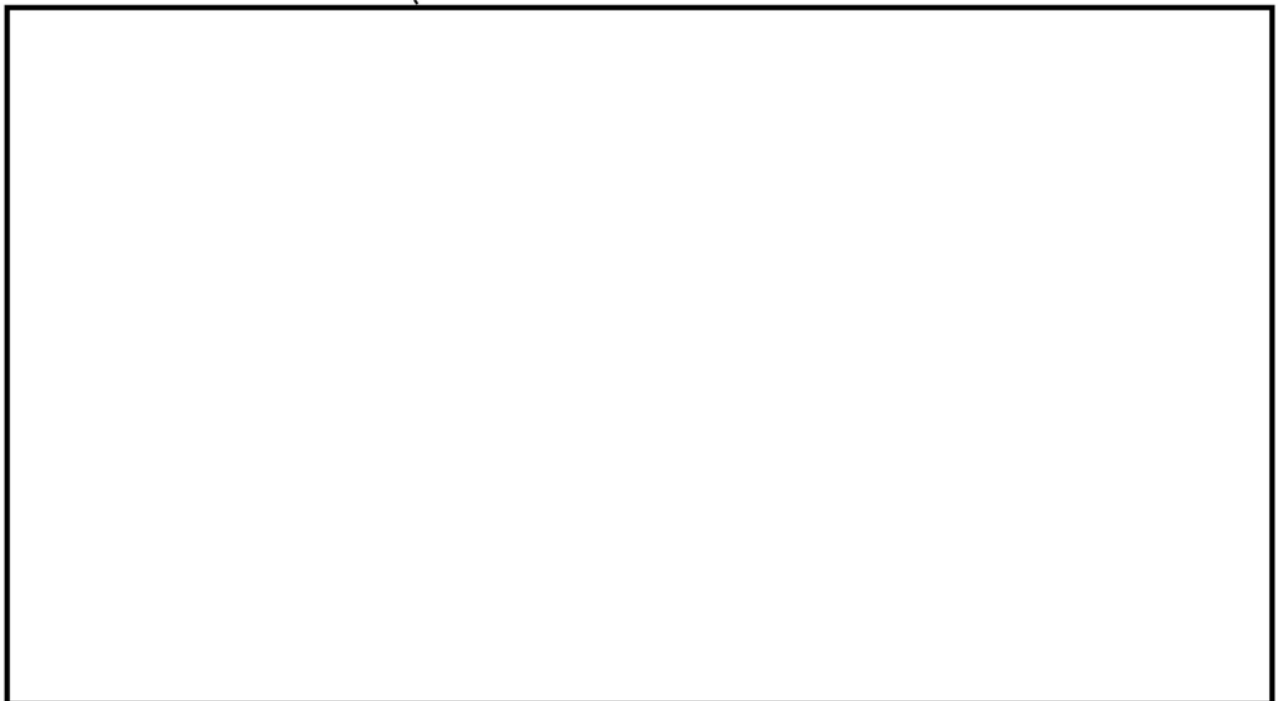
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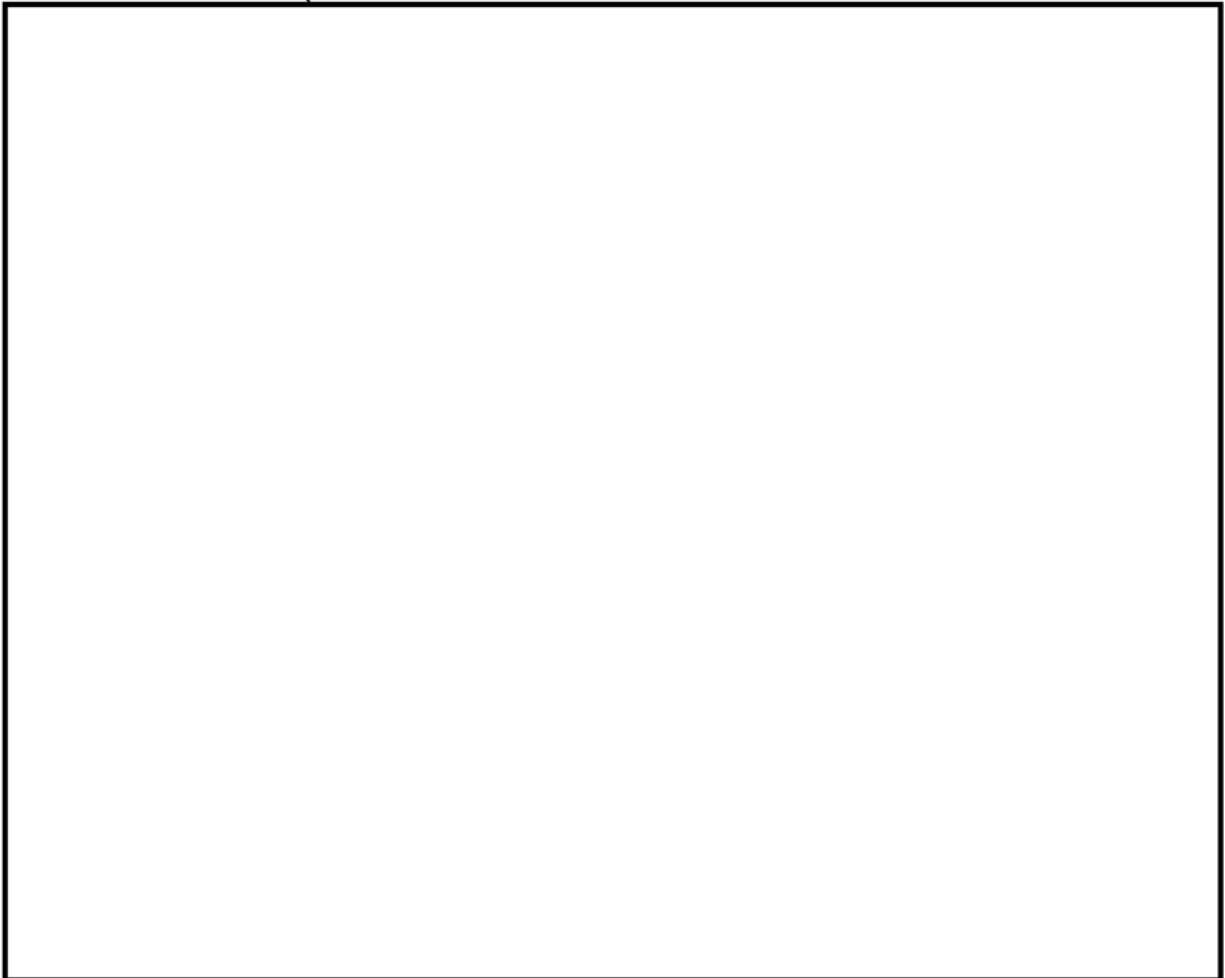
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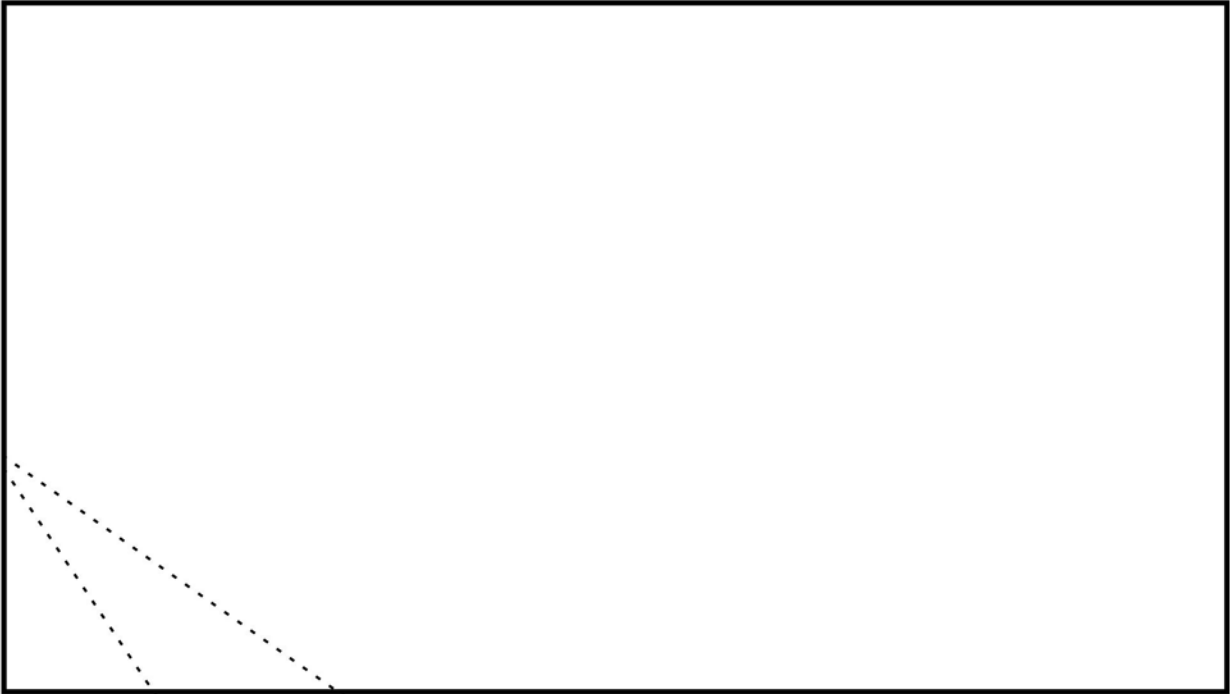
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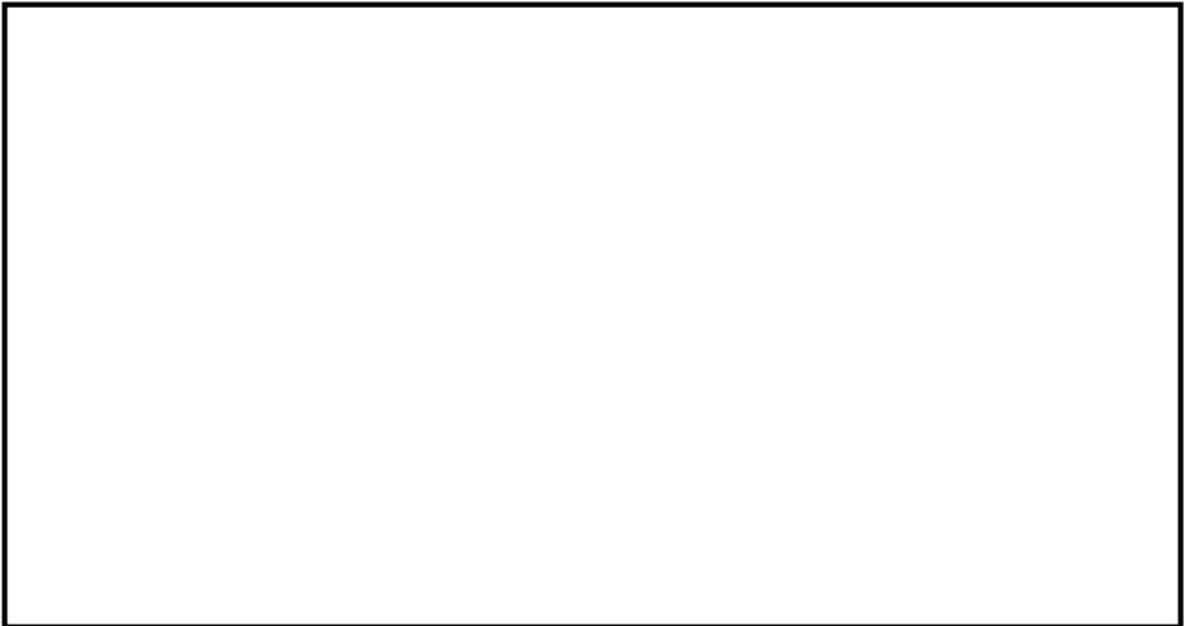


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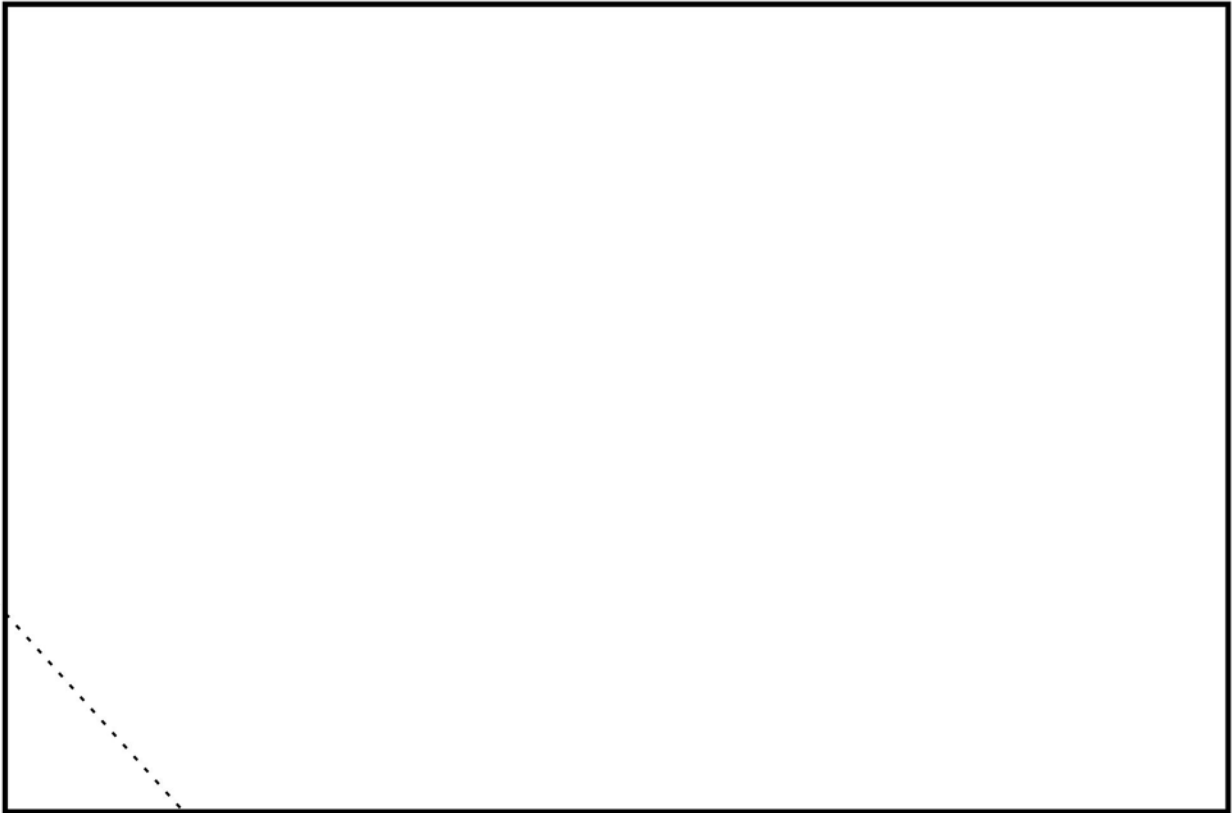


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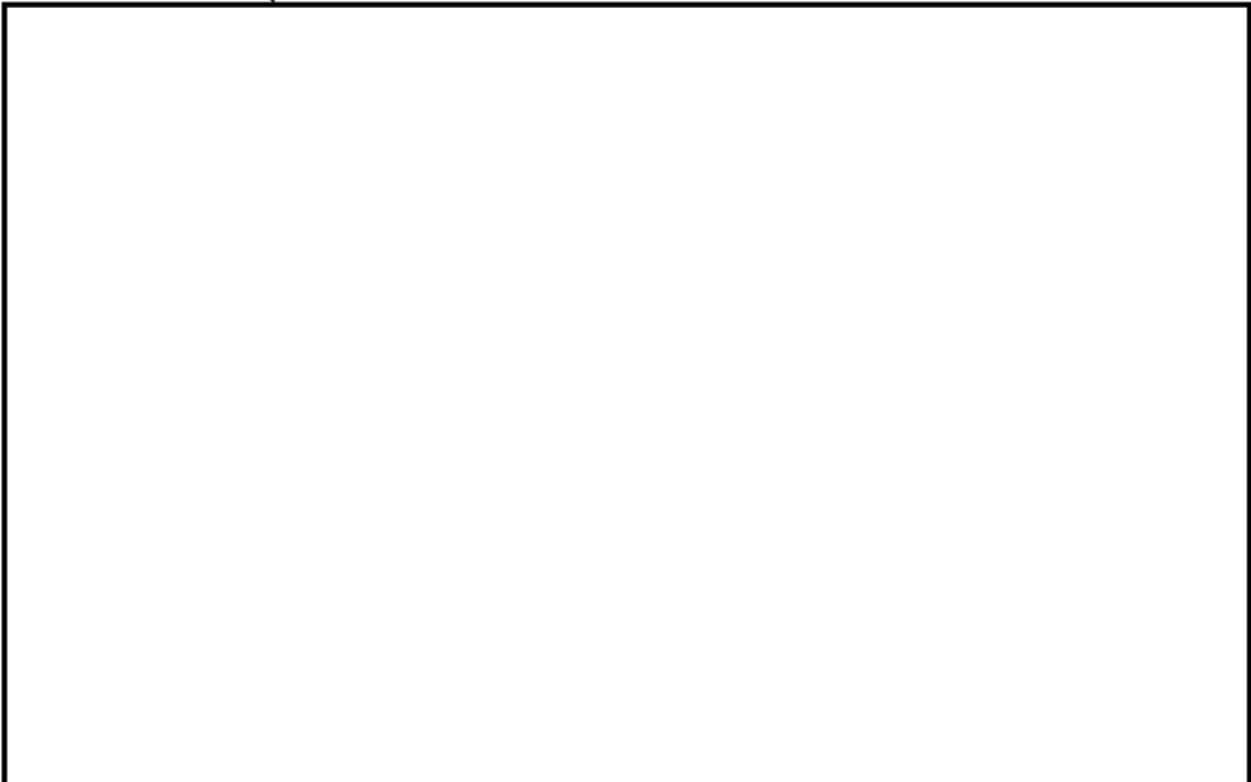
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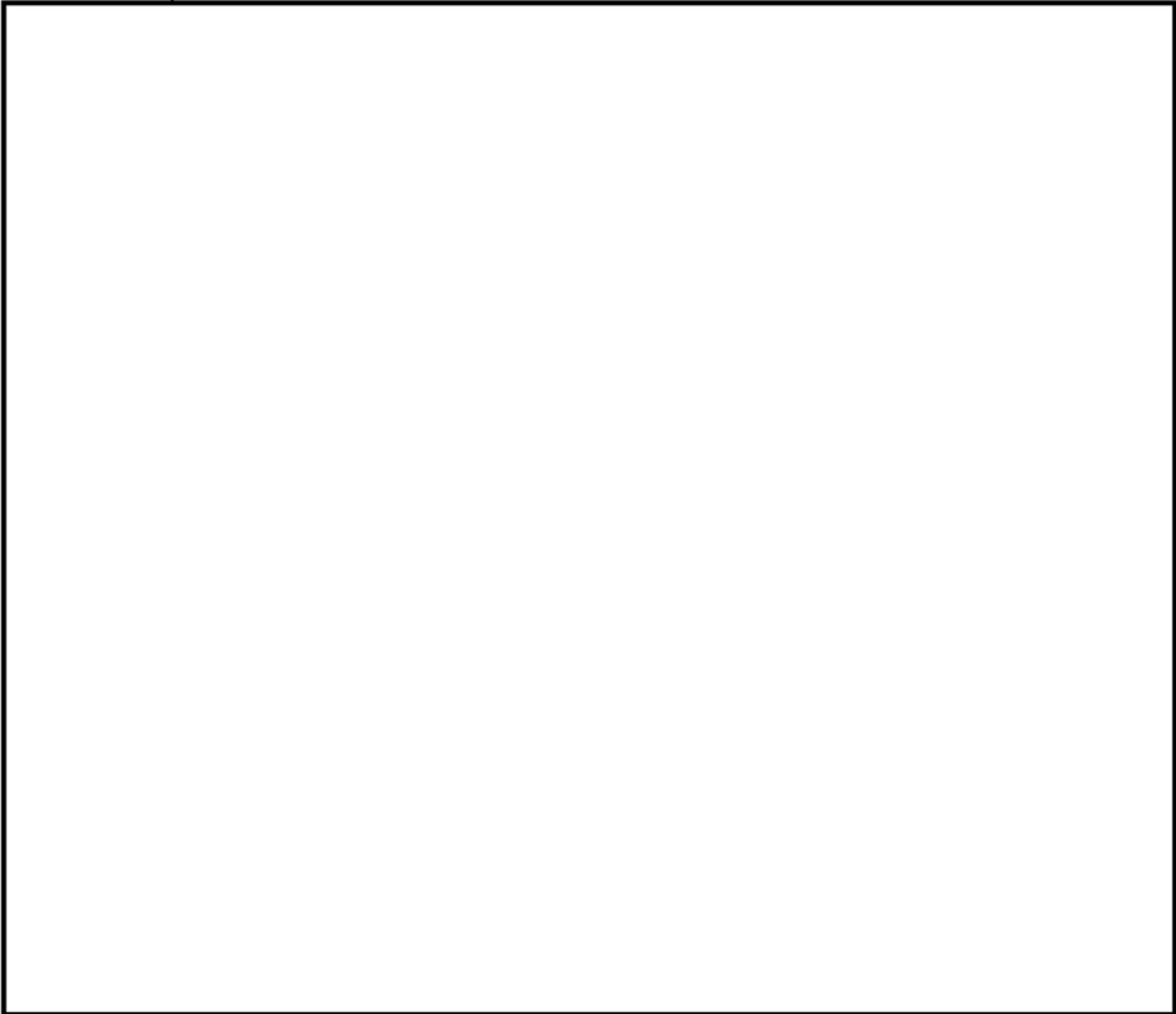
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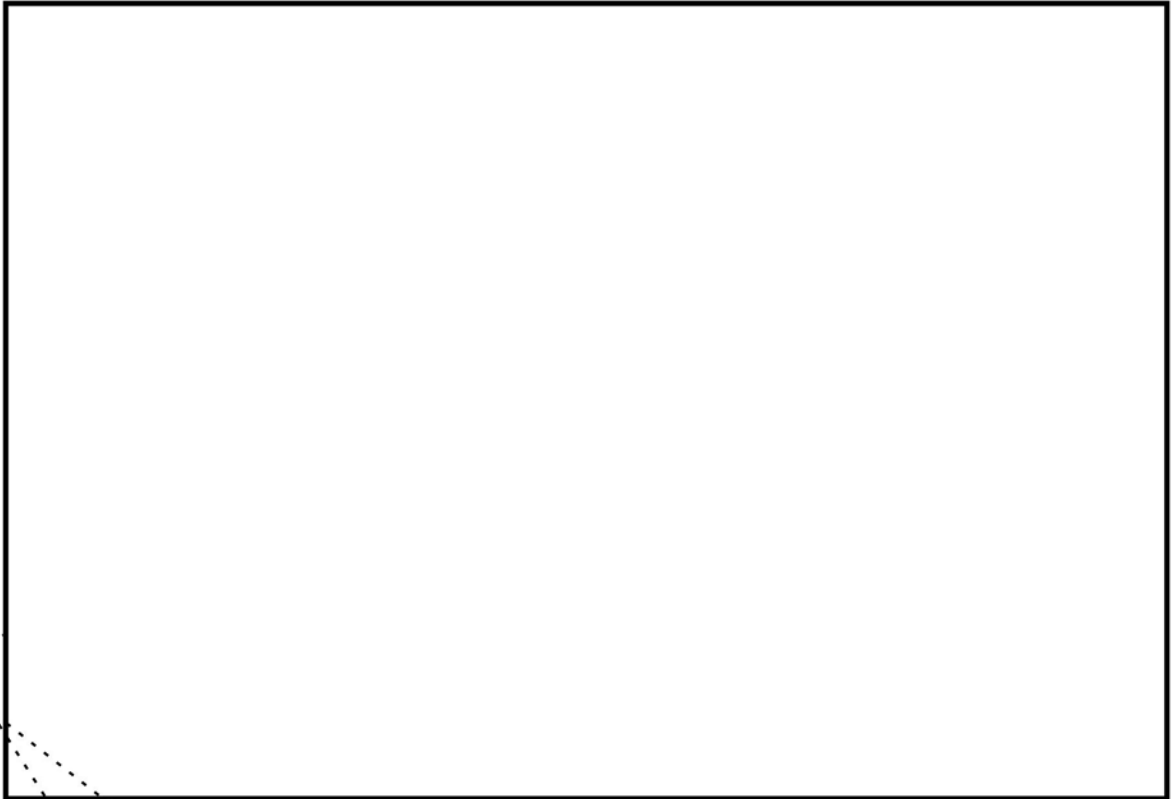
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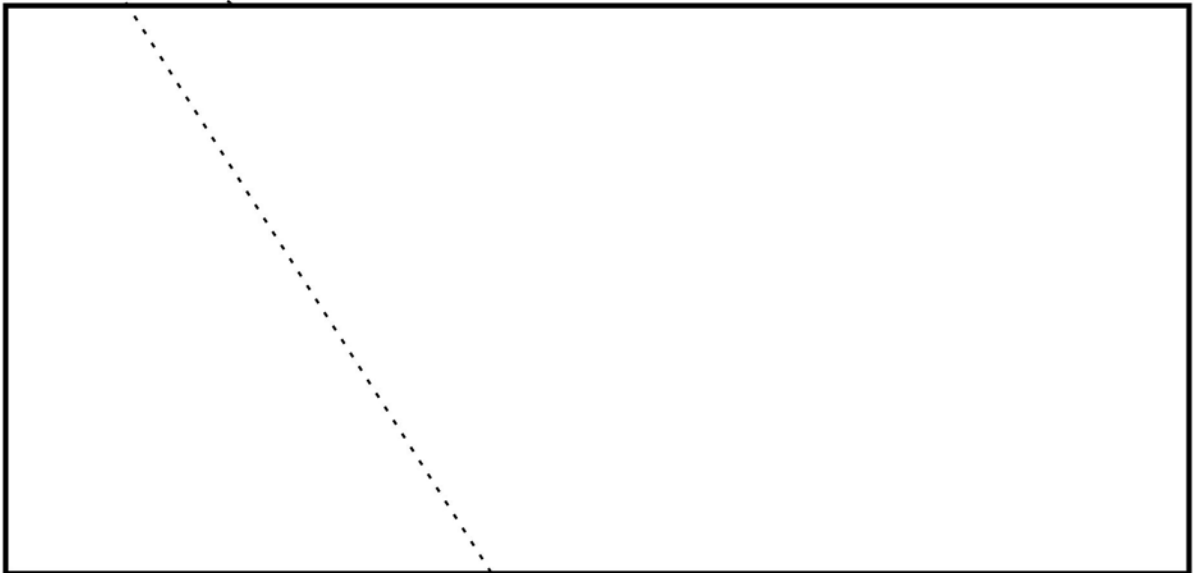
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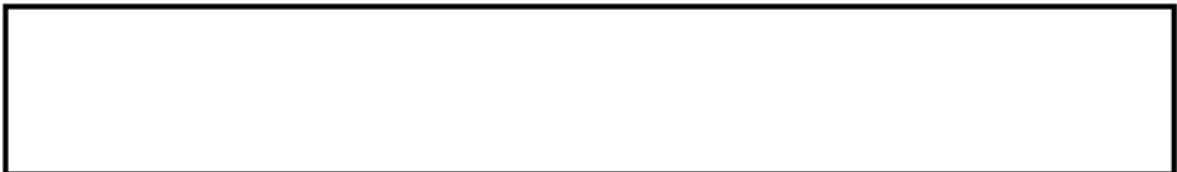


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06/18/2012 10:11:51



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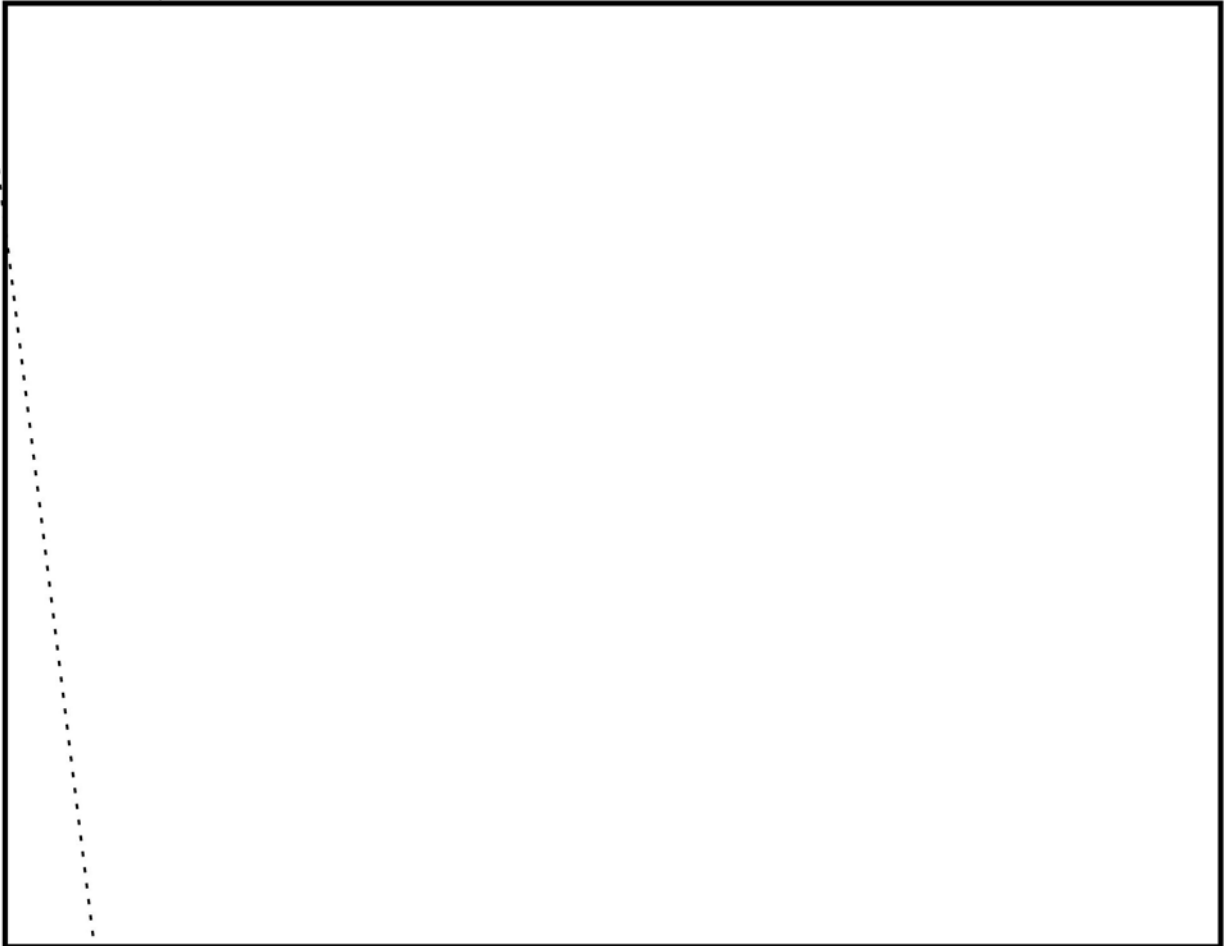
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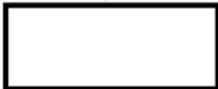
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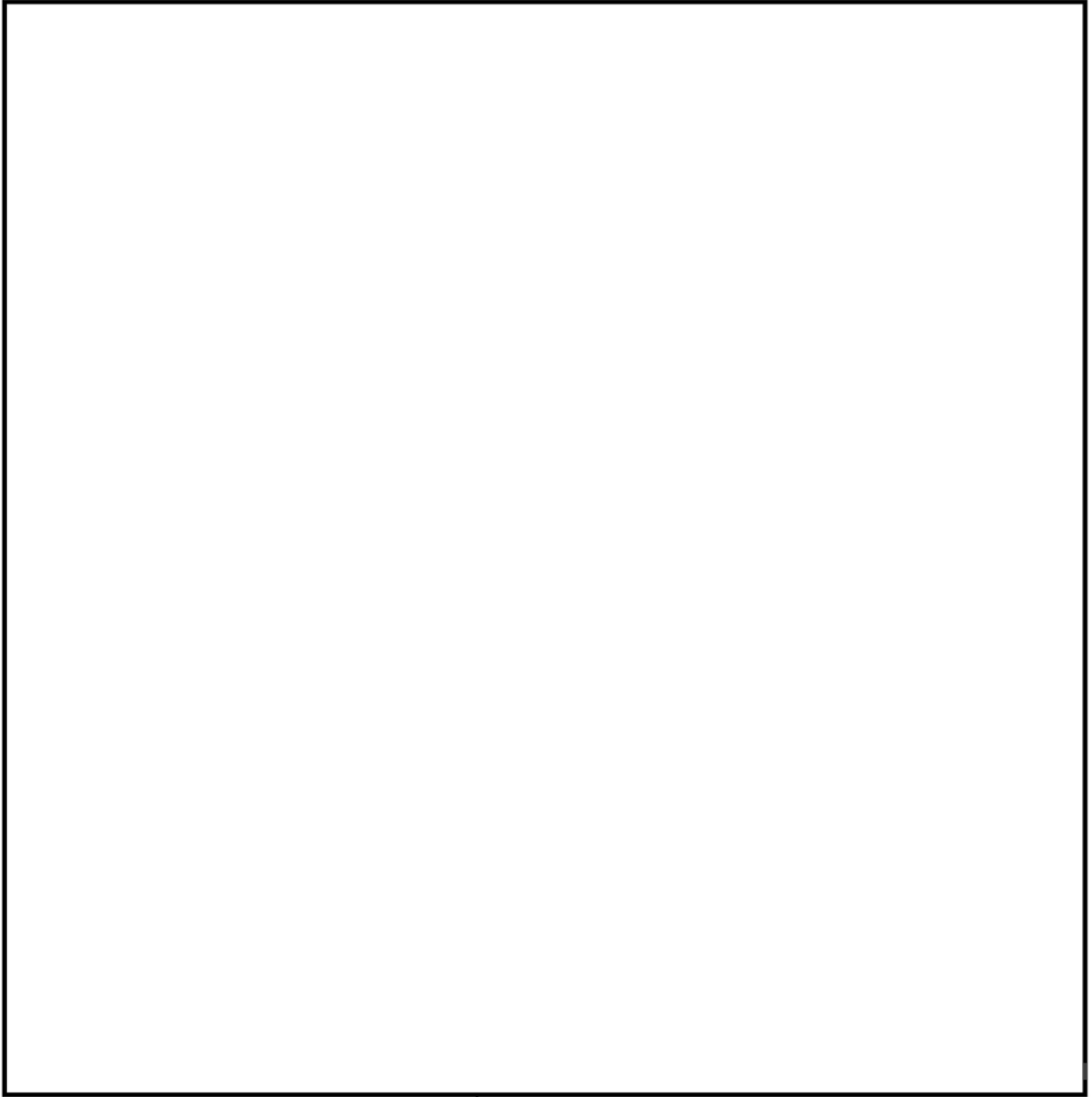
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