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**NATIONAL SECURITY AGENCY/CENTRAL SECURITY
SERVICE**



INSPECTOR GENERAL

REPORT OF INVESTIGATION

23 October 2013

IV-13-0026

Misuse of Government Resources

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

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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 9 November 2012 the Inspector General (IG) received a referral from the NSA/CSS Information Systems Incident Response Team (NISIRT) identifying potential computer misuse by an NSA civilian, [redacted] On 15 November 2012 the IG initiated an investigation of [redacted] use of NSA/CSS Information System (IS).

(U//~~FOUO~~) The preponderance of the evidence collected during the investigation substantiates that in June 2012, [redacted] misused his unclassified NSA/CSS IS to type sexually explicit emails in his personal [redacted] account. Additionally, from June to August 2013, [redacted] daily personal use of his unclassified IS from one to three hours each day exceeded the limited personal use permitted by DoD Joint Ethics Regulation (JER) 5500-7-R. [redacted] use of the IS to create sexually explicit emails did not serve a legitimate public purpose, reflected adversely on the DoD and NSA, and displayed a lack of good judgment and common sense, violations of DoD JER 5500-7-R and NSA/CSS Policy 6-6.

(U//~~FOUO~~) A copy of the NSA/CSS OIG report will be forwarded to the Employee Relations and Special Actions, ADS&CI for review and any action deemed appropriate. An information copy will be provided to the Office of General Counsel (Administrative Law).

[redacted]
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II. (U) BACKGROUND

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(U) Introduction

(U//~~FOUO~~) [redacted] civilian employee (employee id number [redacted]) assigned to the [redacted]

[redacted] He entered on duty at the NSA/CSS in [redacted]

(U//~~FOUO~~) The NISIRT reviewed [redacted] unclassified U.S. Government account from 31 May through 14 June 2012. The NISIRT detected possible misuse on the unclassified account on 5, 6, 8, 13, and 14 June 2012. The NISIRT provided their activity report to the Office of the Inspector General (OIG) on 9 November 2012.

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(U) Applicable Authorities

(U//~~FOUO~~) DoD Joint Ethics Regulation (JER) 5500.7-R Subpart 2-301: Use of Federal Government Resources.

(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.

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III. (U) FINDINGS

(U//~~FOUO~~) Did [redacted] misuse his unclassified NSA/CSS IS in violation of the JER 5500-7-R, subpart 2-301 and NSA/CSS Policy 6-6?

(U//~~FOUO~~) CONCLUSION: **Substantiated.** The preponderance of the evidence supports the conclusion that in June 2012, [redacted] misused his unclassified NSA/CSS IS to type sexually explicit emails in his personal [redacted] account. From June to August 2013, [redacted] exceeded the limited personal use of his unclassified IS. His activity consisted of 1 to 3 hours of personal activity per day. These activities violate DoD Joint Ethics Regulation (JER) 5500-7-R and 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] was observed typing sexually explicit emails from his personal [redacted] account. The full NISIRT report can be found at Appendix B.

(U) Testimonial Evidence

(U) On 27 August 2013, [redacted] was interviewed and provided the following sworn testimony:

(U) [redacted] admitted that since June 2013, he spent excessive time (1 to 3 hours each day) using his unclassified IS for non-work related matters. [redacted] throughout the day via email. His supervisor was aware of the [redacted]

(U) Prior to June 2013, his personal use on the unclassified network was restricted to lunch and breaks which lasted no more than one hour per day. [redacted] admitted that during the summer of 2012 he engaged in typing sexually explicit emails from his personal [redacted] account. He would get "caught up in the conversation." These conversations were with former [redacted]

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(U) Analysis and Conclusions

(U//~~FOUO~~) The JER states that Government resources are not to be used for activities that would reflect adversely on DoD or the DoD Component. [REDACTED] admitted to typing inappropriate, sexually explicit emails. This activity reflected adversely on both the DoD and NSA.

(U//~~FOUO~~) The JER states the use of Government resources must be reasonable in duration and frequency and also serve a legitimate public interest. By his own admission, [REDACTED] personal use of the NSA/CSS ISs was not reasonable in duration and frequency as the activity extended from 1 to 3 hours per day from June to August 2013. NSA civilians are allowed limited personal use; however, his activity exceeded a reasonable duration. Additionally, [REDACTED] personal use of the government provided IS served no legitimate public interest.

(U//~~FOUO~~) Additionally, in June 2012, [REDACTED] creation of sexually explicit emails using his unclassified IS clearly demonstrated a lack of good judgment and common sense, a violation of NSA Policy 6-6.

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IV. (U) RESPONSE TO TENTATIVE CONCLUSION

(U//~~FOUO~~) [redacted] was provided the tentative conclusions on 21 October 2013.

[redacted] responded to the tentative conclusion stating:

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I concur with the conclusion.

(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 in June 2012, [redacted] misused his NSA/CSS IS to type sexually explicit emails in his personal [redacted] account. Additionally, from June to August 2013, [redacted] use of the unclassified IS for personal reasons exceeded the limited use permitted by policy. His activity consisted of 1 to 3 hours of personal activity per day. These activities violated the DoD Joint Ethics Regulation (JER) 5500-7-R and NSA/CSS Policy 6-6.

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VI. (U) DISTRIBUTION OF RESULTS

(U//~~FOUO~~) A copy of the NSA/CSS OIG report will be forwarded to the Employee Relations and Special Actions, ADS&CI for review and any action deemed appropriate. An information copy will be provided to the Office of General Counsel (Administrative Law).

[Redacted Signature]

Senior Investigator

Concurred by:

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[Redacted Signature]

Deputy Assistant Inspector General
For Investigations

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Appendix A

(U) Applicable Authorities

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(U//~~FOUO~~) DoD Joint Ethics Regulation (JER) 5500.7-R: Subpart 2-301: Use of Federal Government Resources.

a. **Communication Systems.** Federal Government communication systems and equipment (including Government owned telephones, facsimile machines, electronic mail, internet systems, and commercial systems when use is paid for by the Federal Government) shall be for official use and authorized purposes only.

(1) Official use includes emergency communications and communications that the DoD Component determines are necessary in the interest of the Federal Government. Official use may include, when approved by theater commanders in the interest of morale and welfare, communications by military members and other DoD employees who are deployed for extended periods away from home on official DoD business.

(2) Authorized purposes include brief communications made by DoD employees while they are traveling on Government business to notify family members of official transportation or schedule changes. They also include personal communications from the DoD employee's usual work place that are most reasonably made while at the work place (such as checking in with spouse or minor children; scheduling doctor and auto or home repair appointments; brief internet searches; e-mailing directions to visiting relatives) when the Agency Designee permits categories of communications, determining that such communications:

(a) Do not adversely affect the performance of official duties by the DoD employee or the DoD employee's organization;

(b) Are of reasonable duration and frequency, and whenever possible, made during the DoD employee's personal time such as after duty hours or lunch periods;

(c) Serve a legitimate public interest (such as keeping DoD employees at their desks rather than requiring the use of commercial systems; educating the DoD employee on the use of the communications system; improving the morale of DoD employees stationed for extended periods away from home; enhancing the professional skills of the DoD employee; job-searching in response to Federal Government downsizing);

(d) Do not put Federal Government communications systems to uses that would reflect adversely on DoD or the DoD Component (such as uses involving pornography; chain letters; unofficial advertising, soliciting or selling except on authorized bulletin boards established for such use; violations of statute or regulation; inappropriately handled classified information; and other uses that are incompatible with public service); ...

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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. Below is a list of search terms observed.

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[Redacted]

06/05/2012 10:14:25

[Redacted]

06/05/2012 10:26:54

[Redacted]

06/05/2012 13:41:53

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06/06/2012 11:53:22

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[Redacted]

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