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21 November 2016

To: Chief, D14 [redacted]

From: Investigator [redacted]

Subject: Computer Misuse

File No: IV-16-0006

Precedence: Routine

Purpose: To provide a summary report of investigation and to refer this matter to the Chief, Maryland Procurement Office (B312); and the Associate Directorate for Security and Counterintelligence (ADS&CI) - Contractor Clearances (A5232) and Special Actions (A5242), for review and any action deemed appropriate.

Details:

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[redacted] (b) (6)

I. (U) Background:

(U//~~FOUO~~) On 23 November 2015, the NSA/CSS Office of the Inspector General (OIG) received a referral from ADS&CI containing a network activity report identifying possible misuse of the unclassified NSA/CSS Information System (IS) by contractor affiliate, [redacted] during the period 25 September 2015 - 13 October 2015. The referral alleged, among other things, that [redacted] was engaging in sexually-explicit email conversations using the NSA/CSS Unclassified IS. [redacted] is an NSA/CSS contractor affiliate employed by [redacted] as a [redacted] (formerly [redacted]). He has worked on the [redacted] contract [redacted] since 24 November 2014. On 8 December 2015, the OIG initiated an investigation into [redacted] suspected misuse of the unclassified NSA/CSS IS.

II. (U) Allegation:

(U//~~FOUO~~) Did [redacted] an NSA/CSS contractor affiliate supporting [redacted] (formerly [redacted]) misuse the unclassified NSA/CSS IS by engaging in non-contract-related, [redacted]

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personal use during the period 25 September 2015 – 13 October 2015, in violation of NSA/CSS Policy 6-4?

### III. (U) Applicable Standard(s):

(U//~~FOUO~~) NSA/CSS Policy 6-4, *Contractor Use of NSA/CSS Information Systems and Resources*, dated 22 October 2013, revised 18 May 2015

### IV. (U) Investigative Activity:

#### A. (U//~~FOUO~~) Analysis of Routine Monitoring of [REDACTED] Unclassified NSA/CSS IS Activity:

(U//~~FOUO~~) On 23 November 2015, the OIG received a referral from ADS&CI indicating that during routine monitoring of the unclassified NSA/CSS IS, the user account bearing [REDACTED] NSA/CSS Standard Identification (SID), [REDACTED], was detected conducting excessive non-contract and explicit conversations during the period 25 September 2015 – 13 October 2015. Further analysis of the network activity report (see Appendix) revealed that [REDACTED] accessed his personal email account via an unclassified NSA/CSS workstation and conducted sexually-explicit email and chat conversations with an unknown person or persons; and requested, received, and viewed nude photographs. [REDACTED] conversations were graphic in nature [REDACTED]

[REDACTED] was also detected chatting with friends about other topics such as fantasy football, *Craigslist*, and the Detroit Redwings. During the analysis period (25 September 2015 – 13 October 2015), it was determined that approximately 83% of [REDACTED] unclassified activity was non-work-related, consisting mainly of the aforementioned activity.

#### B. (U) Interview(s):

(U//~~FOUO~~) On 31 August 2016, [REDACTED] was interviewed and provided the following sworn testimony:

(U//~~FOUO~~) [REDACTED] is a contractor affiliate with [REDACTED] and supports [REDACTED]. He has been employed by [REDACTED] for approximately 18 months, though he has worked at NSA for approximately 6 years as both a High School Work Study and as a contractor affiliate. His SID is [REDACTED]

(U//~~FOUO~~) [REDACTED] does not recall being briefed regarding proper use of Agency ISs. He is aware that his use of NSA/CSS ISs constitutes consent to monitoring. He understands that monitoring of Agency ISs means that traffic on both the unclassified and classified networks are monitored.

(U//~~FOUO~~) [REDACTED] uses the unclassified IS for both work and non-work-related purposes. His non-work-related use includes reading technology blogs and articles on *Reddit.com*, conversing/chatting with his fiancé and friends via *Google Hangouts*, listening to

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music on *Spotify* or *YouTube*, browsing news and sports websites such as *CNN.com* and *ESPN.com*, occasionally shopping on *Amazon.com*, conducting activities related to his fantasy football team on *NFL.com* and *Draft Kings.com* during the 2015 NFL football season, and checking his personal email. He generally uses the unclassified IS to conduct these activities on a daily basis, some more than others.

(U//~~FOUO~~) [redacted] admitted conducting sexually-explicit conversations using the unclassified IS. His most recent conversation of this nature was conducted on or about 17 August 2016. Over the course of the last year, he has conducted sexually-explicit chat with about three individuals, including the one person whom he knows personally. These people are not affiliated with the Agency. He coordinated meeting times after work for the purpose of engaging in sexual activity, though he has never left work during the day for the purpose of meeting these women to do so. These women were not prostitutes, nor were they underage.

(U//~~FOUO~~) He has requested and received, via *Google Hangouts*, nude photographs from those with whom he has conducted sexually-explicit conversations. He viewed the nude photographs in *Google Hangouts* via the small chat window. He claims to have received a large volume of unsolicited nude photographs which he suggests became a problem for him. The last nude photograph he received was on or about 17 August 2016.

(U//~~FOUO~~) [redacted] stated that he billed the government for the time he spent conducting personal, non-contract-related activities. He did not properly account for the time conducting personal activities on his timesheet. He did not conduct these conversations every day. He acknowledged that these activities were not urgent matters and he could have conducted them outside of the workplace.

V. (U) Analysis:

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(U//~~FOUO~~) [redacted] is a contractor affiliate employed by [redacted] and works as a [redacted] in [redacted]. He has supported the [redacted] contract since 24 November 2014. As [redacted] stated, and the network activity report reflected, he had access to the unclassified IS and occasionally used that access to conduct work-related research. In this capacity, [redacted] is considered an authorized user of the NSA/CSS unclassified IS. As such, NSA/CSS Policy 6-4, *Contractor Use of NSA/CSS Information Systems and Resources* (dated 22 October 2013, revised 18 May 2015) applied to his use of the unclassified NSA/CSS IS during the period of suspected misuse.

(U//~~FOUO~~) The network activity report detailing [redacted] activity on the unclassified NSA/CSS IS confirmed that he used the unclassified IS to conduct personal, non-contract-related activities. Specifically, during the period 25 September 2015 – 13 October 2015, [redacted] used the unclassified IS to: conduct sexually-explicit chat and email conversations; request and view nude and sexually-explicit photographs; manage his fantasy football team and conduct personal chat conversations related to fantasy football; and engage in other non-contract-related personal use of the unclassified IS such as accessing and reviewing his personal email account, and generally browsing news, sports, entertainment, and shopping websites on the internet. [redacted]

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[redacted] admitted during his interview with the OIG that he did in fact engage in these activities while using the unclassified NSA/CSS IS and that he had done so continuously from 25 September 2015 through on or about 17 August 2016.

(U//~~FOUO~~) NSA/CSS Policy 6-4 specifically limits contractor use of NSA/CSS ISs to the performance of tasks authorized by contract, approved by the Contracting Officer, and permitted by the policy itself.<sup>1</sup> Further, NSA/CSS Policy 6-4 expressly prohibits contractors from engaging in personal use of the unclassified IS, "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 physician's 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."<sup>2</sup>

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(U//~~FOUO~~) [redacted] admitted that throughout the period 25 September 2015 through on or about 17 August 2016, he used the unclassified IS to: conduct sexually-explicit chat and email conversations; request and view nude and sexually-explicit photographs; manage his fantasy football team and conduct personal chat conversations related to fantasy football; and engage in other non-contract-related personal use of the unclassified IS such as accessing and reviewing his personal email account, and generally browsing news, sports, entertainment, and shopping websites on the internet. Contractor use of NSA/CSS ISs is subject to three conditions, i.e. the use must be: 1) limited to the performance of tasks authorized by the contract, 2) approved by the Contracting Officer, and 3) permitted by NSA/CSS Policy 6-4 itself. It is unlikely that the activities conducted by [redacted] were either authorized by the [redacted] contract or approved by the Contracting Officer. Assuming, arguendo, that these personal activities could have been authorized by the contract and approved by the Contracting Officer, they were not, however, authorized by NSA/CSS Policy 6-4. NSA/CSS Policy 6-4 authorizes personal use of NSA/CSS ISs to the extent that the use is for brief, infrequent communications to deal with urgent matters, i.e. those matters defined by Paragraph 9a-9e. The activities conducted by [redacted] are clearly personal in nature and, thus, inconsistent with NSA/CSS Policy 6-4's limited exception to the personal use prohibition. Specifically, [redacted] activities cannot

<sup>1</sup> See NSA/CSS Policy 6-4, Paragraph 1, dated 22 October 2013 (revised 18 May 2015 and 21 April 2016);

<sup>2</sup> See NSA/CSS Policy 6-4, Paragraph 9, dated 22 October 2013 (revised 18 May 2015 and 21 April 2016);

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reasonably be characterized as unavoidable personal matters requiring his immediate attention; rather, they were activities conducted for the benefit of his personal gratification and entertainment that should have been conducted on his personal time, outside of NSA/CSS spaces. Therefore, by engaging in such non-contract-related, personal use of the unclassified NSA/CSS IS, [REDACTED] misused the unclassified IS in violation of NSA/CSS Policy 6-4, Paragraph 9.

(U//FOUO) Furthermore, [REDACTED] admitted that he billed the time he spent conducting these personal, non-contract-related activities to the [REDACTED] contract. In and of itself, any billing of a contract for a contractor's unauthorized use of the unclassified IS, however slight, is a violation of NSA/CSS Policy 6-4. In [REDACTED] case, the network activity report revealed that 83% of his unclassified activity during the analysis period (25 September 2015 – 13 October 2015) was spent on personal, non-contract-related activity. However, he also admitted that the sexually-explicit conversations continued through on or about 17 August 2016 when he officially ended his relationship with the person to whom he was speaking. Despite this revelation, he contends that he did not engage in sexually-explicit conversations on a daily basis. While that may or may not be an accurate representation, he also admitted that he conducted other non-contract-related activities on a daily basis, such as chatting with friends and browsing news and sports websites, in an effort to keep his mind busy and to stay focused. Thus, while the frequency in which [REDACTED] conducted sexually-explicit conversations throughout the period of misuse is unknown, it is nevertheless reasonable to conclude that [REDACTED] conducted some manner of non-contract-related activity on a daily basis for various periods of time throughout his workday. Moreover, if the time [REDACTED] spent conducting personal, non-contract-related activity over the course of the entire period of misuse is similar to that identified in the network activity report, the total amount billed could possibly be significant. Nevertheless, though the total amount of time billed to the government cannot be determined, it is clear that [REDACTED] did in fact bill time spent engaged in personal, non-contract-related use of the unclassified IS to the [REDACTED] contract, in violation of NSA/CSS Policy 6-4.

(U//FOUO) The OIG finds that a preponderance of the evidence supports the conclusion that, during the period 25 September 2015 – 17 August 2016, [REDACTED] misused the unclassified NSA/CSS IS by conducting sexually-explicit chat and email conversations, requesting and viewing nude and sexually-explicit photographs, accessing and reviewing his personal email account, watching non-work-related videos, and generally browsing the internet for content unrelated to his duties; and, billing the time spent engaged in this activity to the [REDACTED] contract [REDACTED] in violation of NSA/CSS Policy 6-4, Paragraph 9.

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#### VI. (U) Response to Tentative Conclusion:

(U//FOUO) The tentative conclusion was provided to [REDACTED] on 3 November 2016. On 17 November 2016, [REDACTED] responded to the tentative conclusion by stating that the following:

Although the claims included below are extremely serious, I just want to state that my work on this contract is and has always been highly regarded. I now fully understand

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the policy 6-4 and 6-6 and how it specifically relates to contractor use, and fully intend to use the unclassified system within policy.

(U//~~FOUO~~) [redacted] response to the tentative conclusion provided no new information or mitigation on which to base further analysis or investigation; therefore, our preliminary conclusion became final.

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#### VII. (U) Conclusion(s):

(U//~~FOUO~~) **Substantiated.** The preponderance of the evidence supports the conclusion that, during the period 25 September 2015 – 17 August 2016, [redacted] misused the unclassified NSA/CSS IS by conducting sexually-explicit chat and email conversations, requesting and viewing nude and sexually-explicit photographs, accessing and reviewing his personal email account, watching non-work-related videos, and generally browsing the internet for content unrelated to his duties; and, billing the time spent engaged in this activity to the [redacted] contract [redacted] in violation of NSA/CSS Policy 6-4, Paragraph 9.

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\* (U//~~FOUO~~) This report is property of NSA and may not be disseminated further without specific approval of the NSA OIG and the Office of the General Counsel (OGC). Furthermore, the information in this report cannot be used in affidavits, court proceedings, subpoenas, or for other legal or judicial purposes without prior OIG and OGC approval.

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**(U) APPENDIX**

(U)  Unclassified Personal Communications

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*Edits were made by the OIG for readability purposes:*

13 October 2015 (1019 - 1848 hours):



9 October 2015 (1243 – 1657 hours):



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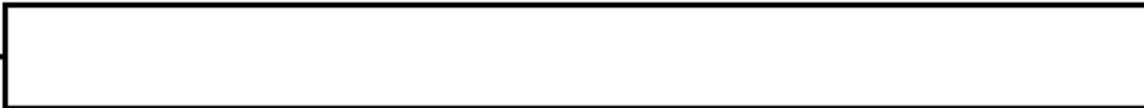
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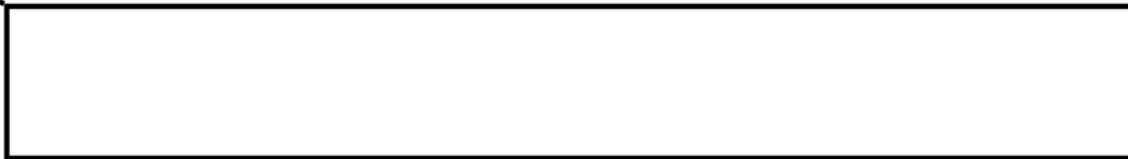


8 October 2015 (1450 hours):

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7 October 2015 (1123 - 1343 hours)



6 October 2015 (1508 - 1603 hours):



5 October 2015 (1724 hours):

