OFFICE OF THE INSPECTOR GENERAL
NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE

Date: 31 January 2013

To: Chief, D14

From: Investigator

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

Subject: Misuse of Government Resources

File No: IV-12-0115

Precedence: Routine

Purpose: To provide a summary report of investigation and to refer this matter to the Employee Relations (ER) and Special Actions in the Associate Directorate for Security and Counterintelligence (ADS&CI) for review and any action deemed appropriate.

Details:

I. (U) **Background:**

(U//~~FOUO~~) is a civilian in the , NISIRT detected misuse on unclassified account between 12 through 26 July 2012.

(U//~~FOUO~~) The NSA/CSS Information Security Incident Response Team (NISIRT) assigned tracking number to this violation. NISIRT provided the activity report to the Office of the Inspector General on 27 July 2012.

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II. (U) **Issue(s):**

(U//~~FOUO~~) Did misuse his Agency sponsored unclassified accounts and U.S. Government resources?

III. (U) Applicable Standard(s):

(U//~~FOUO~~) 5 C.F.R. Part 2635-Standards of Ethical Conduct for Employees of the Executive Branch

Subpart A-General Provisions. §2635.101 Basic obligation of public service

Public service is a public trust. Each employee has a responsibility to the United States Government and its citizens to place loyalty to the Constitution, laws and ethical principles above private gain....

General principles. The following general principles apply to every employee and may form the basis for the standards contained in this part....
Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws and ethical principles above private gain....

...(5) Employees shall put forth honest effort in the performance of their duties.

...(7) Employees shall not use public office for private gain....

(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.

(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:

....

(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)....

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

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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IV. (U) Investigative Activity:

A. (U//~~FOUO~~) NISIRT Forensic Analysis

(U//~~FOUO~~) A NISIRT Network Analyst provided the OIG with an analysis of [redacted] activities on the unclassified network using Government resources. Although time was not provided, the analyst noted that it was excessive. [redacted] is conducting his private business from Government resources. Stored in his Government account are photos of [redacted] There are 148 image files, most of which are names associated with [redacted] There are also 170 excel files, most of which appear to be associated with this [redacted] Finally, there are between 50 and 70 different [redacted] tied to folder names on the workstation.

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B. (U) Interview of [redacted]

(U//~~FOUO~~) On 23 January 2013, the OIG interviewed [redacted] He admitted to typing emails and storing images relating to his wife's business. [redacted] will transfer the images to his home account and delete them off the Government workstation. It was explained to [redacted] that Government resources may not be used for private gain. [redacted] was unaware that this activity was against policy and he will cease this activity.

(U//~~FOUO~~) After the interview, [redacted] was provided information in an email regarding the current policy and guidance. He was asked to respond to the OIG with regard to his intent to follow the policies in the future. On 25 January 2013, [redacted] responded, stating "I have read the attached policies and will adhere to them in future use of the unclassified network."

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V. (U) **Analysis and Conclusion:**

(U//~~FOUO~~) Forensic evidence indicates [redacted] misused his Agency sponsored Unclassified account and U.S. Government resources. [redacted] failed to exercise good judgment and used Agency systems in a manner that would reflect negatively on the Agency. His actions were in violation of the NSA/CSS Policies 6-6 and 6-4.

VI. (U) **Recommendation(s)**:

(U//~~FOUO~~) In accordance with the above, this case should be closed and this summary memorandum provided to the ER and Special Actions, ADS&CI, for review and any action deemed appropriate.

cc:
IV-12-0115
OGC

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