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**NATIONAL SECURITY AGENCY/CENTRAL SECURITY
SERVICE**



INSPECTOR GENERAL

SUMMARY REPORT

18 August 2016

IV-16-0013

Alleged Misuse of Government Resources

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Approved for Release by NSA on 03-01-2021, FOIA Case # 85643 (litigation)

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(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.

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(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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NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
OFFICE OF THE INSPECTOR GENERAL
9800 Savage Road, Suite 6247
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18 August 2016

To: Chief, D14

From: Investigator [redacted]

Subject: Computer Misuse

File No: IV-16-0013

Precedence: Routine

Purpose: To provide a summary report of investigation and to refer this matter to the Chief, Maryland Procurement Office (B3P); and the Associate Directorate for Security and Counterintelligence - Contractor Clearances (Q232) and Special Actions (Q242), for review and any action deemed appropriate.

Details:

[redacted] (b) (3) - P.L. 86-36

[redacted] (b) (3) - P.L. 86-36
(b) (6)

I. (U) Background:

(U//~~FOUO~~) On 23 September 2015, the NSA/CSS Office of the Inspector General (OIG) received a referral from [redacted] indicating possible misuse of the unclassified NSA/CSS Information System (IS) by contractor affiliate, [redacted] is employed by [redacted] and works on the [redacted] contract [redacted]. On 8 February 2016, 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, misuse the unclassified NSA/CSS IS during the period 15 August 2015 - 2 December 2015, by engaging in non-contract-related activity, including use to further a personal business, in violation of NSA/CSS Policy 6-4?

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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 September 2015, the OIG was notified by [redacted] (NISIRT) that during routine monitoring of the unclassified NSA/CSS IS, the user account bearing [redacted] NSA/CSS Standard Identification (SID) [redacted] was detected performing administrator-type functions on several [redacted] websites using *Word Press*. The OIG contacted the Associate Directorate for Security and Counterintelligence and requested a review of [redacted] unclassified activity for a 30-day period. On 11 January 2016, one network activity report was forwarded to the OIG detailing [redacted] activity on the unclassified IS during the period 15 August 2015 – 2 December 2015.

(U//~~FOUO~~) The network activity report (Appendix A) detailing [redacted] unclassified activity confirmed that he regularly logged into the website [redacted] as an administrator to edit the website and to add customer comments. In addition, he was detected visiting a number of other [redacted] websites such as [redacted] and [redacted] and creating advertisements for [redacted] on Craigslist.

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(U//~~FOUO~~) The network activity report also revealed that the majority of [redacted] activity on the unclassified IS during the analysis period consisted of browsing news, sports, automobile and other websites. During the month of October 2015 (22 business days), [redacted] spent approximately six hours per day on the unclassified IS conducting non-work-related activity such as that described above.

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B. (U) Interview(s):

(U//~~FOUO~~) On 21 June 2016, contractor affiliate [redacted] [redacted] Network Engineer, was interviewed and provided the following sworn testimony:

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(U//~~FOUO~~) [redacted] is a contractor with [redacted] and has worked on his current contract since December 2008. He has been a contractor affiliate with NSA since 2003 and has no prior military or civilian employment history with NSA. [redacted] supports [redacted] as a Network Engineer and has worked in that organization for two and a half years. His duties include monitoring, troubleshooting and installing networks in the Information Assurance Directorate (IAD). He works Monday through Friday, from 0600 hours to 1400 hours. His SID is [redacted]

[redacted]

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(U//FOUO) [redacted] believes it is likely that he has been briefed by both his company and the Agency regarding the proper use of the unclassified IS. He also believes that it is likely that he has received training from the Agency on such use as well. [redacted] is aware that his use of classified and unclassified NSA/CSS ISs constitutes consent to monitoring. He understands this includes monitoring of his activity on the unclassified IS. While he does not know the exact NSA/CSS policies governing contractor use of NSA/CSS ISs, he is sure such policies exist.¹

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(U//FOUO) [redacted] uses the unclassified IS for work-related purposes to [redacted] for IAD. He has never read the [redacted] contract on which he works, so he does not know whether the contract specifically states the type of activity that is permitted on the unclassified IS. He does not know whether the contract permits the use of the unclassified IS for personal, non-contract-related activity; however, he believes that it either prohibits or limits personal use by [redacted] employees.

(U//FOUO) In the last two years, [redacted] has used the unclassified IS for personal use to read the news, check his personal email, to occasionally shop, and for entertainment-related purposes. Fifty percent of his duties take place on the unclassified IS, so he is on the unclassified IS quite a bit. He estimates that he possibly spends up to two and a half hours per day conducting personal activity on the unclassified IS. He most frequently visits www.reddit.com for news. The last time he used the unclassified IS for personal use was 20 June 2016.

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(U//FOUO) [redacted] runs one [redacted] website called [redacted] but it is not an actual [redacted] business. He has been running the website since January 2015. The website is a referral service that forwards leads to [redacted] [redacted] utilizes email to contact potential clients ([redacted] contractors/businesses) to gauge their interest in becoming a member of the [redacted]. He developed the website using *WordPress*², which he describes as plug and play software that allows a user to have a web site up and running in about five minutes. He does not advertise for his business. Instead, he contacts [redacted] companies via email to determine their interest in becoming a member of the [redacted]. His business makes money by charging a fee for referring clients to [redacted] contractors.

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(U//FOUO) [redacted] admitted that he owns several other [redacted] websites/businesses, including: [redacted] and that he has accessed and updated those websites using the unclassified IS, but not to the extent that he has with [redacted]. Those websites are similar to [redacted] in that once they are operational, they require little effort to maintain other than soliciting [redacted] contractors.

(U//FOUO) He occasionally works on these websites during the duty day, but indicated that is not a daily occurrence. He most recently worked on his website, while at work, on Tuesday, 14 June 2016. The only reason to access the website during the duty day would be to add a new [redacted] contractor. The process for adding a [redacted] contractor to the website includes

¹ The subject was provided pages 2-4 of NSA/CSS Policy 6-4, and pages 6-7 of NSA/CSS Policy 6-6 for review.

² "WordPress" refers to *WordPress.com*, an online publishing platform that provides users a tool to create websites or blogs. See, www.wordpress.com/about/;

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identifying a particular contractor using a Google search, then simply adding that contractor's business name and contact information to his website. He emails [redacted] contractors directly, but he does not do so on a daily basis. It usually takes about five to ten minutes at a time to email a contractor. He stated that he does not spend a considerable amount of time on activity related to [redacted]. He considers that activity to be infrequent. The estimate of nearly six hours per day during the month of October 2015 spent on personal, non-work-related activity seems high, and, any activity directly related to the business in that calculation would be minimal at best. He considers any activity related to the business to be a very small portion of his total non-work-related activity. He believes that most of his time conducting non-work-related activity is associated, not with [redacted] but most likely with general internet usage such as browsing news websites and checking/sending email. Since much of his duty requires him to be on the unclassified IS anyway, it is not uncommon for him to also browse the internet. [A printed copy of the following web page was presented to [redacted] to review: [redacted] [redacted] confirmed that the web page presented to him (Appendix B) was a page from his website, [redacted] and that the email address that appears on the third page of the printed copy, [redacted] was in fact his email address. (b) (6)

(U//FOUO) [redacted] stated that he spends five to ten minutes, two to three times per week on activities related to [redacted]. He would consider this time as "non-work" time. He does not take a lunch, and works from 0600 hours to 1400 hours straight. [redacted] agreed that this time was not deducted from his timesheet and that he did bill the government for that time. However, he contends that because he did not spend significant amounts of time engaged in non-work-related activity, the total amount of time billed to the government was minimal. He indicated that activity related to his website is not an urgent matter and could wait until he left work for the day. (b) (3) - P.L. 86-36
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V. (U) Analysis:

(U//FOUO) [redacted] is employed by [redacted] and is an NSA/CSS contractor affiliate working as a Network Engineer in [redacted]. As [redacted] stated, his duties involve [redacted] in IAD. In this capacity, [redacted] requires access to NSA/CSS ISs to perform his duties and is considered an authorized user³ 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 from 15 August 2015 – 14 June 2016. 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.⁴ 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: (b) (3) - P.L. 86-36
(b) (6)

³ See NSA/CSS Policy 6-6, Purpose and Scope;

⁴ See NSA/CSS Policy 6-4, Paragraph 1, dated 22 October 2013 (revised 18 May 2015);

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- 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."⁵

(U//~~FOUO~~) The network activity report revealed that during the period 15 August 2015 – 2 December 2015, [redacted] used the unclassified NSA/CSS IS to access websites associated with his personal businesses for the purpose of updating their content; and to generally browse various other internet websites. In addition, he created advertisements related to his businesses on Craigslist and solicited business contacts using his business email address

[redacted] confirmed that he is the proprietor of at least four businesses, including the [redacted] which provide leads to customers seeking the services of [redacted] contractors. Moreover, he admitted that he used the unclassified IS on various occasions from 15 August 2015 through 14 June 2016 to access his personal business websites for the purpose of updating their content. Such personal business activities are inconsistent with NSA/CSS Policy 6-4's limited exception to the personal use prohibition. Specifically, [redacted] activities were directly associated with the furtherance of his personal business, which are outside the scope and purpose of the contract that he supports [redacted] Additionally, and as [redacted] himself acknowledged, activities related to his personal businesses were not unavoidable personal matters requiring his immediate attention; rather, they were activities that could have been conducted during his personal, off-duty time.

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Finally, [redacted] maintains that while he did in fact use the unclassified IS to conduct activity related to his personal businesses, the frequency in which he did so, was minimal and the amount of time he spent engaged in the activity was negligible. Notwithstanding his contentions, the frequency in which he accessed his business websites is immaterial. NSA/CSS Policy 6-4 does not provide a minimum threshold under which prohibited behavior is deemed permissible. Rather, the policy expressly prohibits all activity associated with a personal business regardless of the frequency in which such activity is performed. Similarly, the policy also does not establish a minimum threshold under which billing the contract for non-contract related use of the unclassified IS is acceptable. 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. During his interview with the OIG, [redacted] admitted that he did not account for the time he spent during the period 15 August 2015 – 14 June 2016 engaged in personal use of the unclassified IS. In

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⁵ See Ibid at Paragraph 9;

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addition, he estimated that he spends up to two and half hours per day conducting personal activity on the unclassified IS. Further, the network activity report revealed that during the month of October 2015 [redacted] spent approximately six hours per day performing non-contract-related activity, which included activity related to his personal businesses and other activity such as checking his personal email and browsing news, sports, automobile and other websites on the internet. Though the total amount of time that [redacted] billed the government is unknown, it is clear that he did in fact bill time spent engaged in personal use of the unclassified IS to the contract in violation of NSA/CSS Policy 6-4.

(U//~~FOUO~~) The OIG finds that a preponderance of the evidence exists to support the conclusion that, during the period 15 August 2015 – 14 June 2016, [redacted] used the unclassified NSA/CSS IS to conduct personal business activities outside the scope and purpose of the contract he supports. Additionally, the evidence shows that he conducted other non-contract-related, personal activities such as accessing and reviewing his personal email account, and browsing news, sports, automobile and other websites on the internet. These activities are in violation of NSA/CSS Policy 6-4, Paragraph 9. Finally, the time spent by [redacted] conducting these activities was likely billed to the contract, which is also 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 27 July 2016. On 9 August 2016, [redacted] responded to the tentative conclusion by stating the following:

“I have been with NSA for over 13 years. Regrettably, I have stepped out of bounds with regards to Policy 6-4 within the last year, of which I am deeply regretful. I kindly ask for leniency.”

(U//~~FOUO~~) [redacted] response provided no new information or mitigation that would impact our analysis, therefore, our preliminary conclusion became final.

VII. (U) Conclusion(s):

(U//~~FOUO~~) **Substantiated.** (U//~~FOUO~~) The OIG finds that a preponderance of the evidence exists to support the conclusion that, during the period 15 August 2015 – 14 June 2016, [redacted] misused the unclassified NSA/CSS IS by conducting activities associated with a personal business outside the scope and purpose of the contract he supports; conducting other non-contract related, personal activities such as accessing and reviewing his personal email account, and browsing news, sports, automobile and other websites on the internet; and, billing the time spent engaged in such activity to the contract, in violation of NSA/CSS Policy 6-4, Paragraph 9.

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(U) APPENDIX A

(U) Network Activity Report

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Edits were made by the OIG for purposes of readability:

20 August 2015 (0718 – 0726 hours):

[Redacted]

21 August 2015 (0705 - 0711 hours):

[Redacted]

1 September 2015 (1223 hours):

[Redacted]

2 September 2015 (0623 hours):

[Redacted]

4 September 2015 (0626 -1235 hours):

[Redacted]

4 September 2015 (1235 hours):

[Redacted]

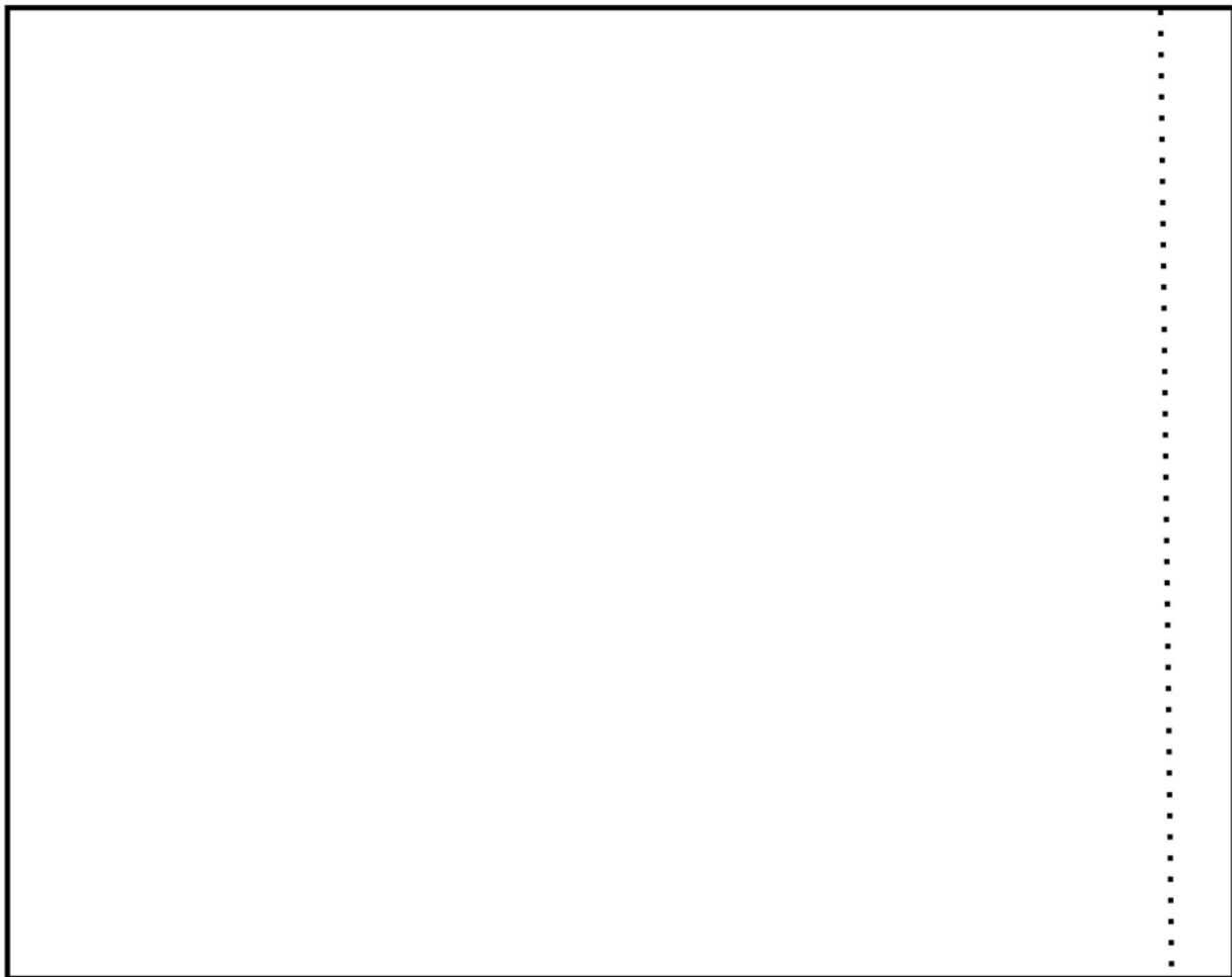
8 September 2015 (0940 – 1106 hours):

[Redacted]

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9 September 2015 (0942 - 1344 hours):



10 September 2015 (0628 - 1351 hours):

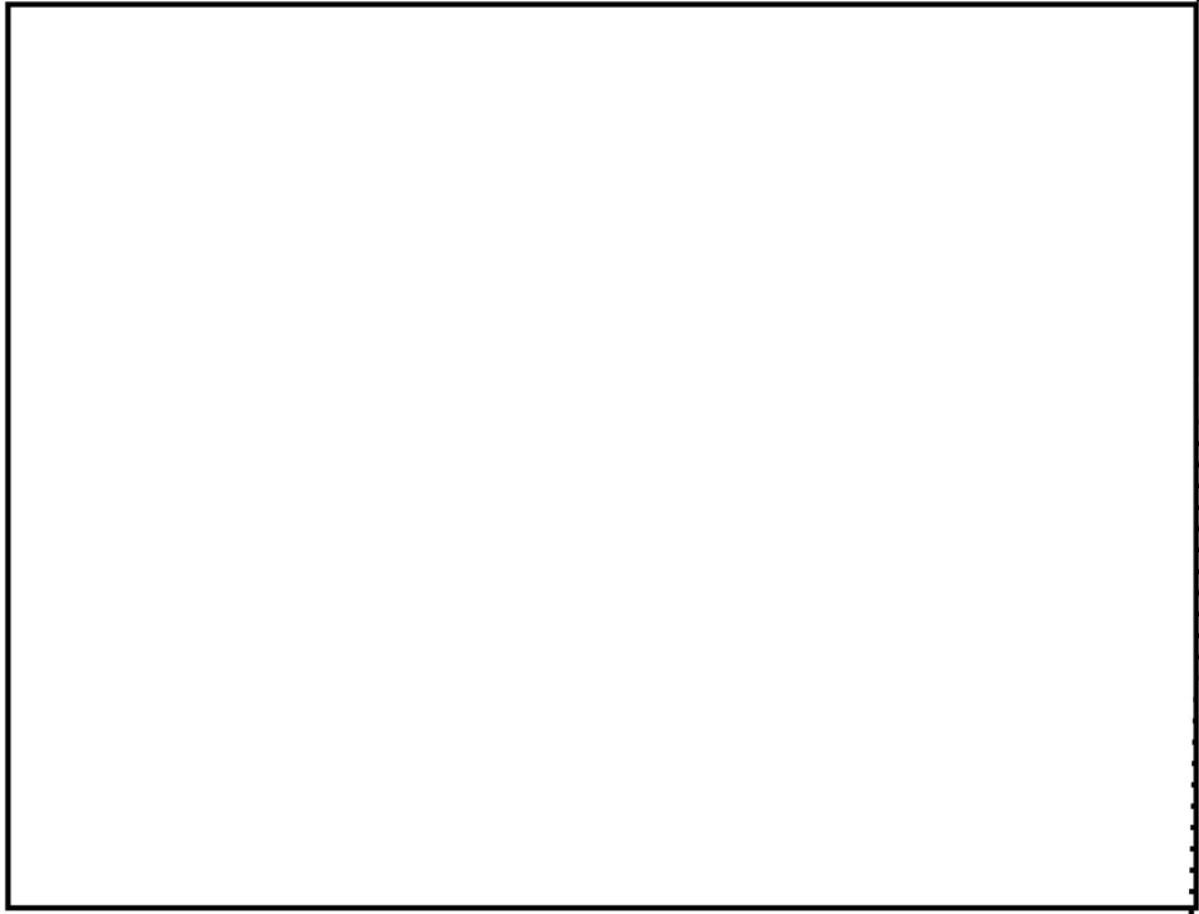


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14 September 2015 (0842 – 0937 hours):

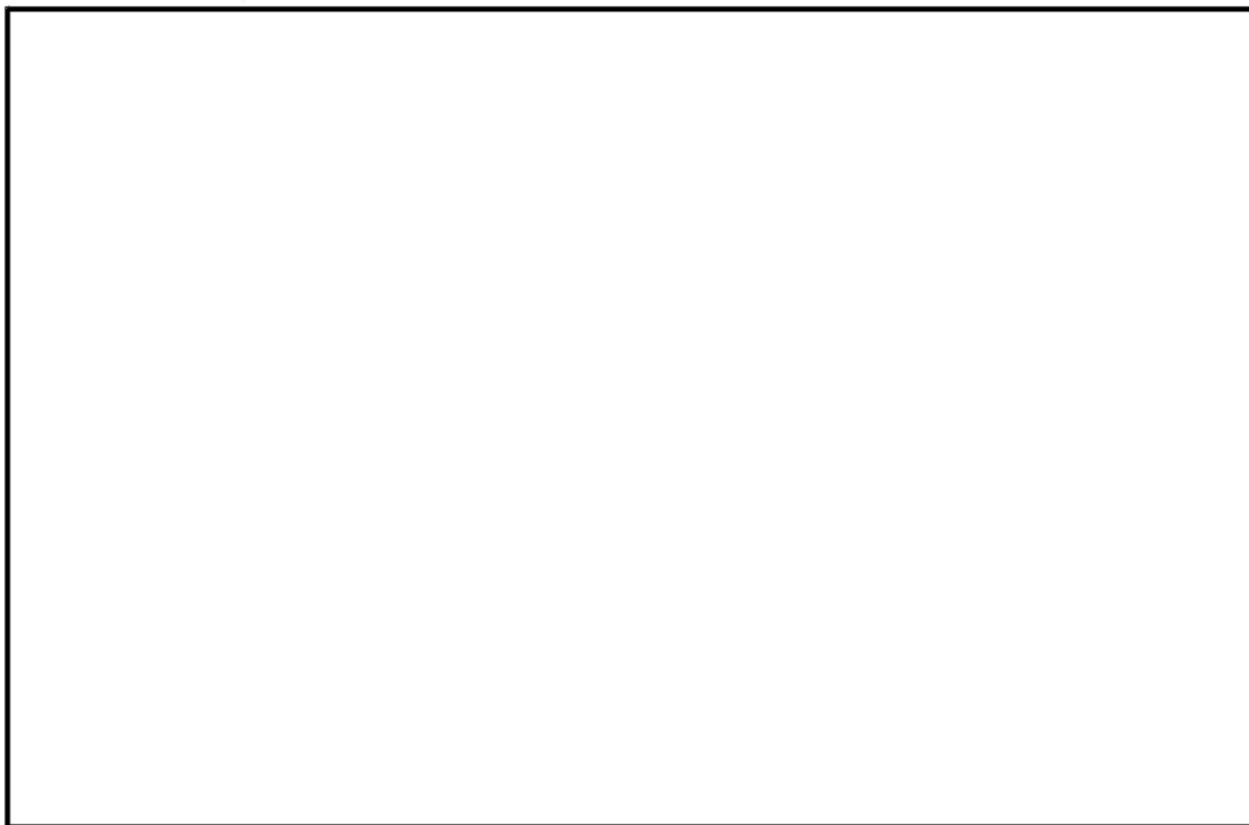


3 November 2015 (1639 - 1640 hours):



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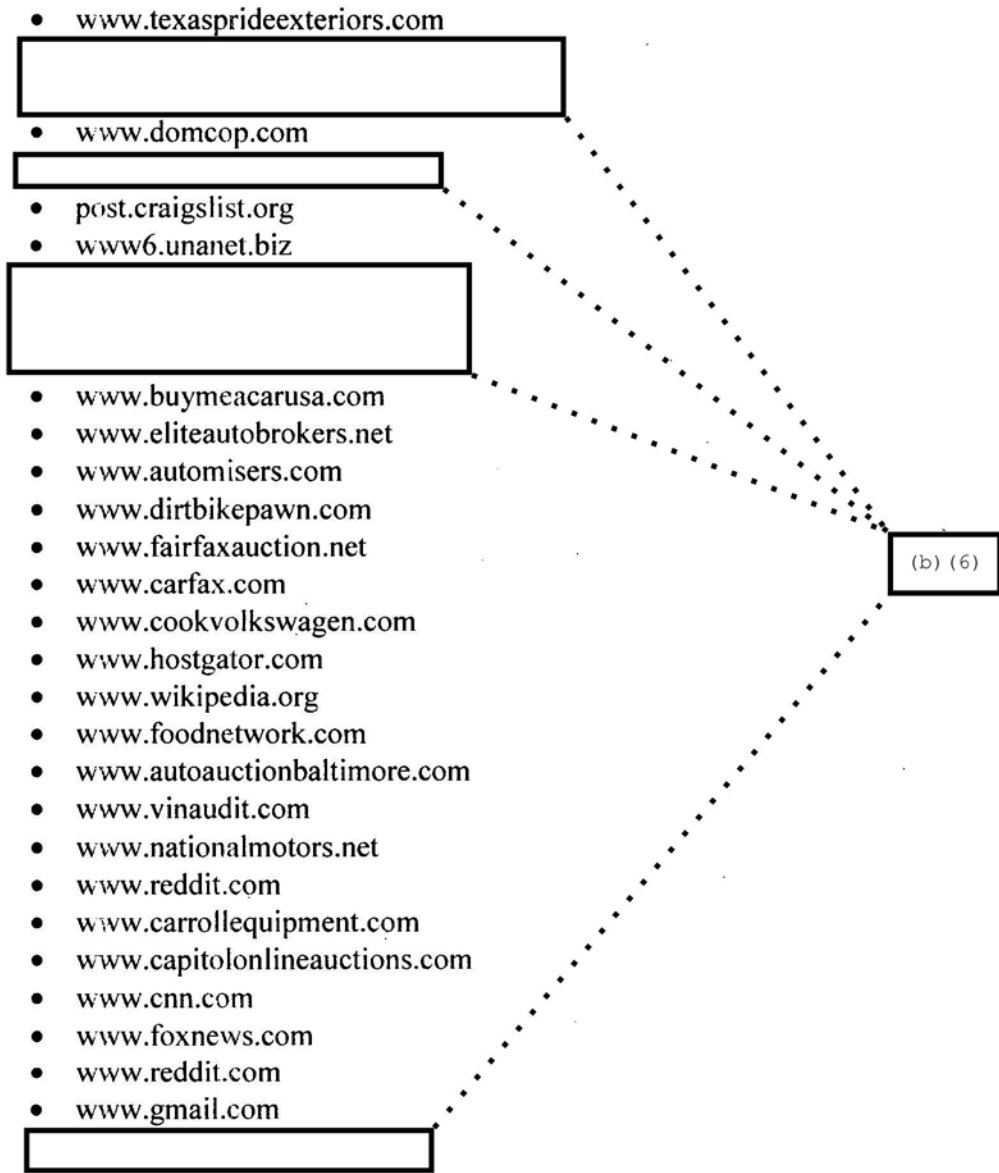
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Sampling of Websites Visited

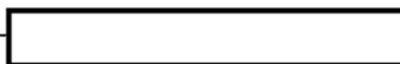


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(U) APPENDIX B

(U) Webpage -



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