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**NATIONAL SECURITY AGENCY/CENTRAL SECURITY
SERVICE**



**INSPECTOR GENERAL
REPORT OF INVESTIGATION**

18 April 2013

IV-13-0037

Computer Misuse

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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

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(U//FOUO) On 21 November, 2012, the IG received a referral from the NSA/CSS Information Systems Incident Response Team (NISIRT), identifying potential computer misuse by an NSA contractor. On 11 January, 2013, the IG opened an investigation on [redacted] contractor alleging the misuse of an NSA Information System (IS) and U.S. Government resources in November 2012. The preponderance of the evidence collected during the investigation substantiated that [redacted] misused his IS and U.S. Government resources to conduct non-work related instant messaging (IM) in violation of NSA/CSS Policies 6-4 and 6-12. Based on NISIRT estimates, [redacted] engaged in as much as 4 - 8 hours of non-work related instant messaging each day during the sampled period, 1-20 November 2012.

Personnel Privileged Information
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II. (U) BACKGROUND

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(U) Introduction

(U//FOUO) [redacted] is a contractor affiliate with [redacted] assigned to the [redacted]

(U//FOUO) The NISIRT detected misuse on [redacted] classified account between 1 and 20 November 2012. They assigned tracking number [redacted] to this violation and provided the activity report to the Office of the Inspector General on 21 November 2012.

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(U) Applicable Authorities

(U//FOUO) NSA/CSS Policy 6-4, "CONTRACTOR USE OF GOVERNMENT INFORMATION SYSTEMS," dated 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.

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(U//~~FOUO~~) NSA/CSS Policy 6-12, "COLLABORATIVE COMMUNICATIONS ON CLASSIFIED NSA/CSS INFORMATION SYSTEMS", dated 28 June 2012:

(U) Users shall use collaboration tools and collaboration services on classified NSA/CSS ISs for work-related purposes. ... Users of such collaboration tools and collaboration services shall protect the information on the IS, including following requirements for classification and dissemination. Additionally, users shall follow applicable laws and policies, including export controls, pertaining to the information being shared via collaboration tools and collaboration services. Information posted using collaboration tools is generally considered to reflect the view of the Agency, as well as the professional opinion of the person posting. As such, NSA/CSS may be held accountable for information posted on any Agency system. Contractors also shall follow NSA/CSS Policy 6-4, "Contractor Use of NSA/CSS Information Systems". Accordingly, posted material is subject to review, and violations of policy may result in user administrative and/or disciplinary action.

13. (U) Users of NSA/CSS collaboration tools and collaboration services shall:

a. (U) Engage in the use of collaboration tools and services for work-related purposes and exercise discretion in posting information that will support or enhance productivity. Be mindful that all posted materials are NSA/CSS records and may be subject to disclosure under FOIA;

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III. (U) FINDINGS

(U//~~FOUO~~) Did [redacted] a [redacted] misuse his Agency IS and U.S. Government resources in violation of NSA/CSS Policies 6-4 and 6-12?

(U//~~FOUO~~) CONCLUSION: **Substantiated.** The preponderance of the evidence substantiates the conclusion that [redacted] misused his Agency sponsored IS and U.S. Government resources. [redacted] used Government resources, between 1-20 November 2010, to conduct non-work related instant messaging in violation of the NSA/CSS Policies 6-4 and 6-12.

(U) Evidence: NISIRT Analysis

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(U//~~FOUO~~) A NISIRT Network Analyst provided the OIG with an analysis of [redacted] activities on the classified network using Government resources. This user was identified as one of the top ten chat users on numerous days. Although some of his chat entries were work related, most entries were determined not to be work related.

Date	Est Time (hr:mins)
20121101	5:50
20121102	Over 8 hrs
20121105	5:42
20121106	5:54
20121107	Over 8 hrs
20121108	5:22
20121109	4:58
20121113	Over 8 hrs
20121114	Over 8 hrs
20121115	4:54
20121116	6:10
20121119	6:26
20121120	4:54

(U) Analysis and Conclusions

(U//~~FOUO~~) On 4 March 2013, the OIG interviewed [redacted]. He admitted to extensively and inappropriately using a chat program on the classified network.

[redacted] said he was aware his computer activity was subject to monitoring, but believed the focus of the monitoring of IM was to identify inappropriate content, not excessive volume of traffic. [redacted] claimed that as a former military affiliate, he was permitted liberal use of IM and stated he was not aware of IS restrictions applicable to contractors.

(U//~~FOUO~~) [redacted] was informed that NISIRT estimated he had spent as much as 4 to 7 hours per day conducting non-work related IM. [redacted] claimed his job required him to perform numerous work related queries and while he waited for the results of the queries, he moved back and forth between non-work related chat and his work. [redacted] stated that the time he spent messaging "looks bad" and that he was "very embarrassed" by his excessive and inappropriate use.

(U//~~FOUO~~) After the interview [redacted] was provided information in an email regarding the current policy and guidance. He was directed to respond to the OIG acknowledging the immediate requirement to comply with the policies. On 4 March 2013 [redacted] responded, stating "I have read the attached policies and will adhere to them in future use of the unclassified network."

(U//~~FOUO~~) Contract employee use of Agency IS for personal use is extremely limited. Not only does [redacted] use fail to comply with the de minimus use permitted in NSA/CSS Policy 6-4, but the excessive time he engaged in non work related IM demonstrates an egregious misuse of his Agency provided IS.

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IV. (U) RESPONSE TO TENTATIVE CONCLUSION

(U//~~FOUO~~) [redacted] was provided the tentative conclusions on 4 March 2013. [redacted] responded to the tentative conclusion stating "I agree, however I would like to add that I have never missed a deadline or deliverable due to chat use. All future use of chat will be in accordance to NSA/CSS Policies. Thank you."

(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 his Agency sponsored classified IS and U.S. Government resources in violation of the NSA/CSS Policies 6-4 and 6-12.

[redacted]
.....
[redacted]
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VI. (U) DISTRIBUTION OF RESULTS

(U//~~FOUO~~) A copy of this report of investigation will be provided to: the Maryland Procurement Office and Special Actions, ADS&CI for review and any action deemed appropriate.



Deputy Assistant Inspector General
for
Investigations

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