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**NATIONAL SECURITY AGENCY/CENTRAL SECURITY
SERVICE**



INSPECTOR GENERAL

REPORT OF INVESTIGATION

27 March 2014

IV-13-0082

Misuse of Government Resources

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

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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 15 April 2013 the Inspector General (IG) received a referral from the NSA/CSS Information Systems Incident Response Team (NISIRT) identifying potential computer misuse by an NSA/CSS contractor [REDACTED]. On 9 August 2013 the IG initiated an investigation of [REDACTED] use of the classified NSA/CSS Information System (IS).

(U//~~FOUO~~) The OIG obtained pertinent NISIRT records relating to his use of Government resources. The OIG attempted to contact [REDACTED] without success. As a result, this report is issued without [REDACTED] being notified of the investigation, having an opportunity to be interviewed or having the opportunity to respond to the tentative conclusions.

(U//~~FOUO~~) The preponderance of the evidence collected during the investigation substantiates that [REDACTED] misused his classified NSA/CSS IS. [REDACTED] used Government resources to engage in non-work related chat. [REDACTED] also used sexually explicit language in his non-work related chat. Both of these activities are in violation of NSA/CSS Policies 6-4 and 6-12. Based on NISIRT estimates, [REDACTED] engaged in over 5 hours of non-work related instant messaging during the 10 days sampled; 27 March to 5 April 2013.

(U//~~FOUO~~) A summary of the findings will be forwarded to the Maryland Procurement Office; Contractor Clearances, Associate Directorate for Security and Counterintelligence (ADS&CI); and Special Actions, ADS&CI for review and any action deemed appropriate.

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II. (U) BACKGROUND

(U) Introduction

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(U//~~FOUO~~) [redacted] was a contractor affiliate with [redacted] assigned to the [redacted] [redacted] was working under contract number [redacted]

(U//~~FOUO~~) In November 2013, the OIG attempted to contact [redacted] to schedule an interview regarding the misuse allegation. On 26 November 2013, the OIG requested and obtained a point of contact for [redacted] from ADS&CI, contractor clearances. The OIG contacted [redacted] Staff Security Officer, numerous times from January through March 2014 to request [redacted] current contact information. On 18 March 2014, [redacted] responded that she did not have any contact information for [redacted]. The OIG also contacted [redacted] contract lead in [redacted] [redacted] requesting [redacted] contact information. The OIG's repeated attempts were unsuccessful; and this report is being issued without [redacted] being notified of the investigation, having the opportunity to be interviewed or having the opportunity to respond to the tentative conclusions.

(U//~~FOUO~~) The NISIRT reviewed [redacted] classified U.S. Government account for the period from 27 March to 05 April 2013. The NISIRT provided their activity report to the Office of the Inspector General on 15 April 2013.

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(U) Applicable Authorities

(U//~~FOUO~~) NSA/CSS Policy 6-4, "CONTRACTOR USE OF NSA/CSS INFORMATION SYSTEMS," issued 22 October 2013.

(U//~~FOUO~~) NSA/CSS Policy 6-12, "COLLABORATIVE COMMUNICATION ON CLASSIFIED NSA/CSS INFORMATION SYSTEMS" revised date 14 February 2014.

(U) See Appendix A for the full text of the applicable authorities.

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III. (U) FINDINGS

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(U//~~FOUO~~) Did [redacted] a former [redacted] contractor, misuse his classified NSA/CSS IS in violation of NSA/CSS Policies 6-4 and 6-12?

(U//~~FOUO~~) **CONCLUSION: Substantiated.** The preponderance of the evidence supports the conclusion that [redacted] misused his classified NSA/CSS IS. [redacted] used Government resources to engage in non-work related chat. [redacted] also used sexually explicit language in his non-work related chat. Both of these activities are in violation of NSA/CSS Policies 6-4 and 6-12. Based on NISIRT estimates, [redacted] engaged in over 5 hours of non-work related instant messaging in the 10 days sampled; 27 March to 5 April 2013.

(U) Documentary Evidence

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(U) NISIRT Report

(U//~~FOUO~~) The NISIRT provided the OIG with an analysis of [redacted] activities on the classified NSA/CSS IS. [redacted] was observed chatting for extended periods of time regarding non work related material. Based on NISIRT estimates, [redacted] engaged in non work related chat for over 5 hours in the 10 day sampled; 27 March to 05 April 2013. A sample of the chat activity can be found at Appendix B.

(U) Analysis and Conclusions

(U//~~FOUO~~) Contractor's use of Agency IS for personal use is extremely limited. [redacted] personal use of the IS as documented in the NISIRT report was not authorized by contract and it clearly exceeded the brief, infrequent communications permitted by NSA/CSS Policy 6-4. In addition, [redacted] communications reflect poorly on NSA/CSS.

(U//~~FOUO~~) [redacted] use of the NSA/CSS IS also violated Policy 6-12. The policy states users of collaboration tools and services, including chat, should be for work related purposes only. Policy 6-12 states that "users shall conduct themselves in a professional manner, exhibit common courtesy, and use good judgment when posting." Any activity that includes profanity, obscenity, pornography or lewd writing, and anything that could reflect adversely on the Agency will not be tolerated. [redacted] used the classified NSA/CSS IS for personal, non-work related chat. [redacted] use of adult oriented language was extremely unprofessional, showed poor judgment and reflected poorly on the Agency.

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(U//~~FOUO~~) Our conclusion was based on a review of the NISIRT report and without an interview of [redacted] Due to the reasons stated previously in this report, the OIG did not conduct an interview of [redacted] and relied solely on the NISIRT report to arrive at the conclusion that [redacted] misused his classified NSA/CSS IS.

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IV. (U) RESPONSE TO TENTATIVE CONCLUSION(S)

(U//~~FOUO~~) [redacted] is no longer working in NSA spaces. The OIG was unsuccessful in attempts to obtain current contact information for [redacted]. As a result, [redacted] was not provided the tentative conclusions.

[redacted]
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V. (U) CONCLUSION

(U//~~FOUO~~) The preponderance of the evidence supports the conclusion that [redacted] misused his classified NSA/CSS IS. [redacted] used Government resources to engage in non-work related chat. [redacted] also used sexually explicit language in his non-work related chat. Both of these activities are in violation of NSA/CSS Policies 6-4 and 6-12. Based on NISIRT estimates, [redacted] engaged in over 5 hours of non-work related instant messaging in the 10 days sampled; 27 March to 5 April 2013.

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VI. (U) DISTRIBUTION OF RESULTS

(U//~~FOUO~~) A summary memorandum will be provided to the Maryland Procurement Office; Contractor Clearances, ADS&CI and Special Actions, ADS&CI for review and any action deemed appropriate

[Redacted Signature]

Senior Investigator

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Concurred by:

[Redacted Signature]

Deputy Assistant Inspector General
For Investigations

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APPENDIX A

(U) Applicable Authorities

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~~(U//FOUO)~~ NSA/CSS Policy 6-4, "CONTRACTOR USE OF NSA/CSS INFORMATION SYSTEMS," issued 22 October 2013:

1. (U) Contractors shall only use NSA/CSS ISs to perform tasks that are authorized by contract, approved by the Contracting Officer, and permitted by this policy.

...

8. (U) Contractors shall not use NSA/CSS ISs or telephone services for personal use 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 physicians 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.

....

~~(U//FOUO)~~ NSA/CSS Policy 6-12, "COLLABORATIVE COMMUNICATION ON CLASSIFIED NSA/CSS INFORMATION SYSTEMS" revised date 27 June 2013:

1. (U) Users shall use collaboration tools and collaboration services on classified NSA/CSS ISs for work-related purposes. ...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...

...

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;
- b. (U) Comply with the approved procedures (e.g., Rules of Engagements, Standard Operation Procedures) for appropriate use of the collaboration tool or collaboration service and preserve NSA/CSS records....

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Policy 6-12 Annex, Standard Operating Procedures

(U) This Annex provides foundational requirements for all collaboration tools and services on the classified NSA/CSS ISs, including how such tools and services are to be tested and maintained, and further describes the users' responsibilities in using such tools and services.

...

5. (U) Users shall conduct themselves in a professional manner, exhibit common courtesy, and use good judgment when posting. The following conduct will not be tolerated:
- a. (U) Profanity, obscenity, personal insults, character assassinations, etc;
 - b. (U) Harassment of any type by any user;
 - c. (U) Non-work-related musings, rants, songs, lyrics, poetry, jokes, cartoons, pictures, drawings, sayings, and games. Note that content used to advance connections with other users and enhance work-related collaboration is allowed (e.g., credentials, alma mater, outside interests, or similar information);...
 - o. (U) Pornography or lewd writing;
 - p. (U) Anything that could reflect adversely on the Agency,....

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APPENDIX B
(U) NISIRT Report

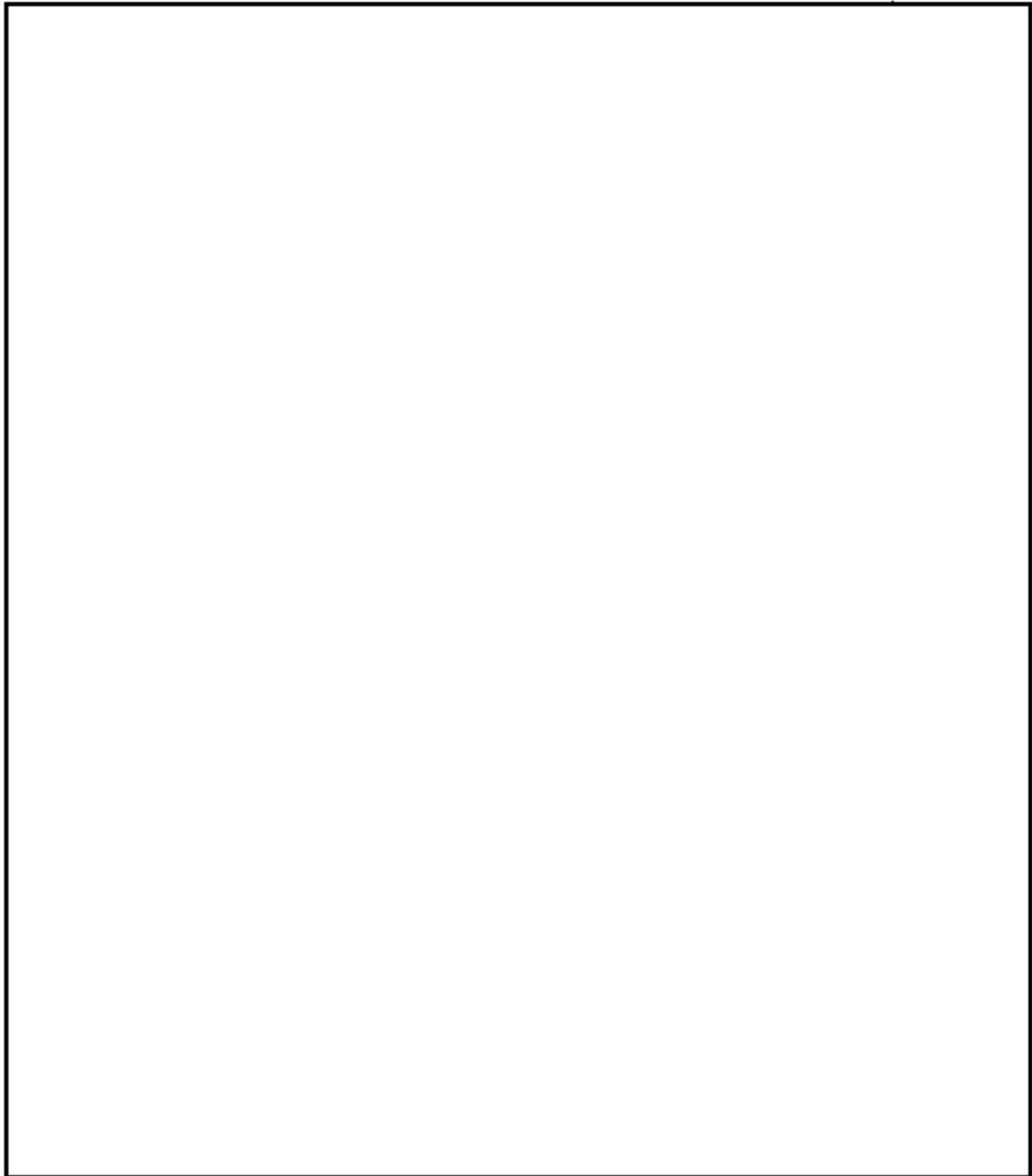
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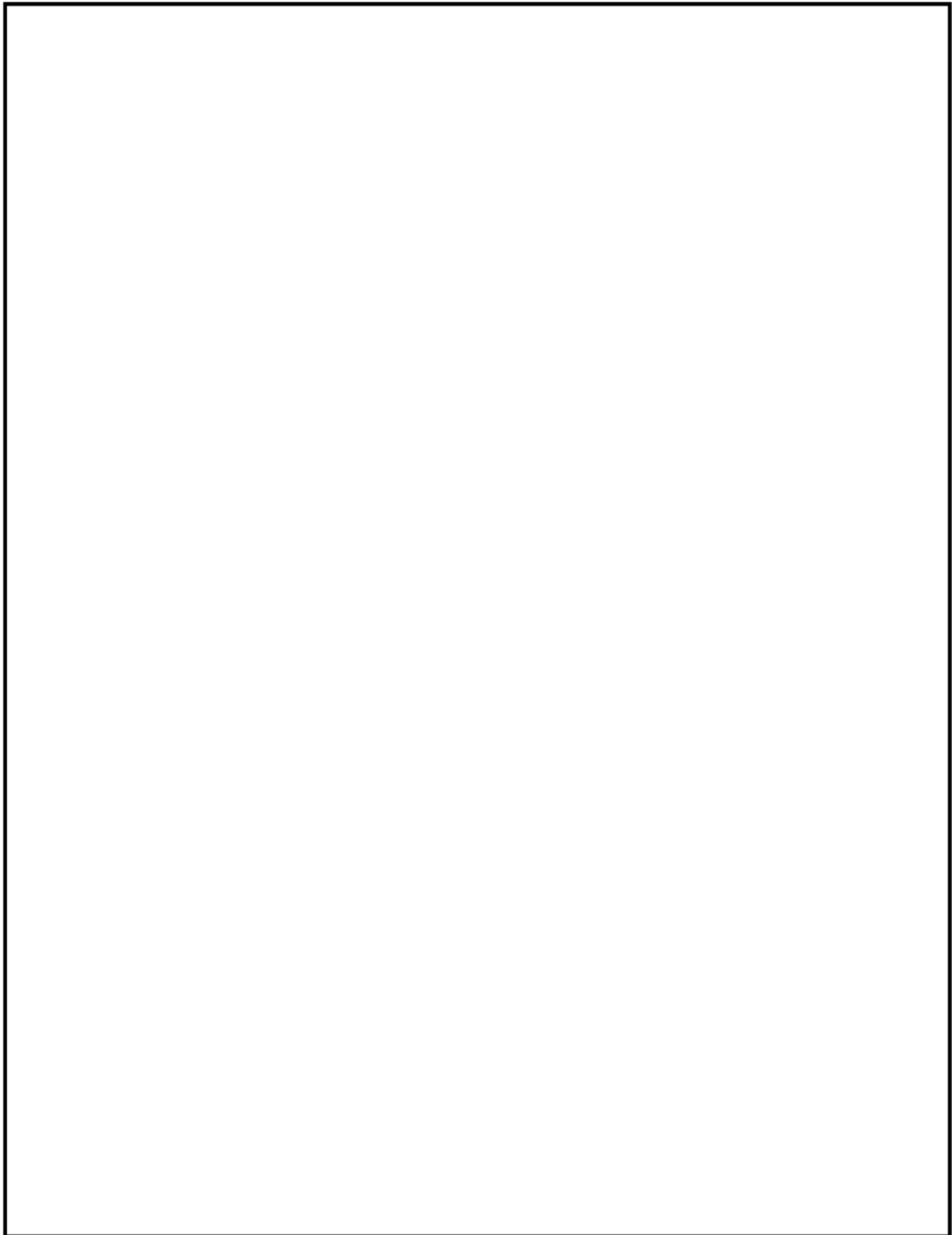
The NISIRT Report

Edits were made by the OIG for readability purposes. This is a sampling of the user's chat from 27 March through 5 April 2013.



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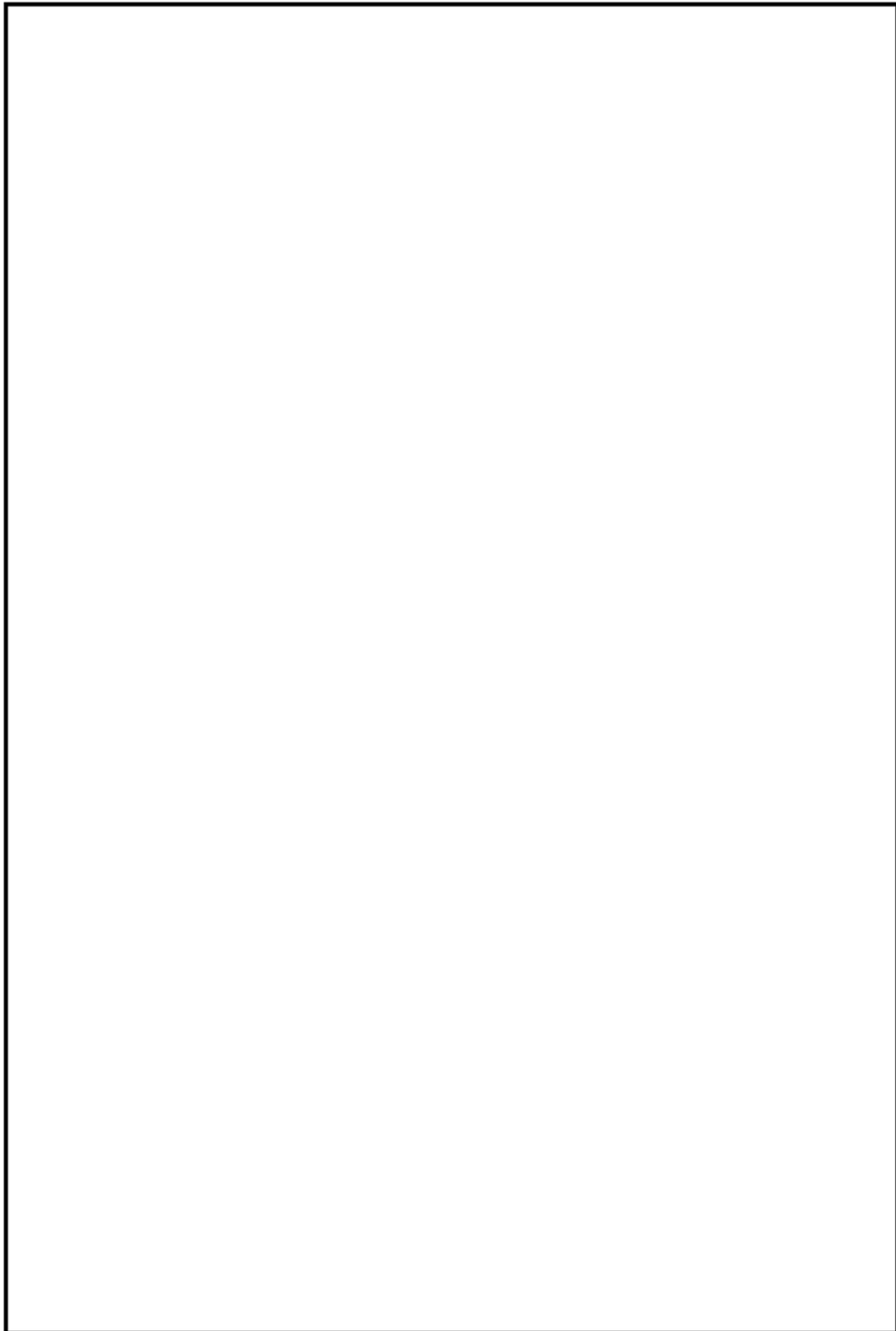
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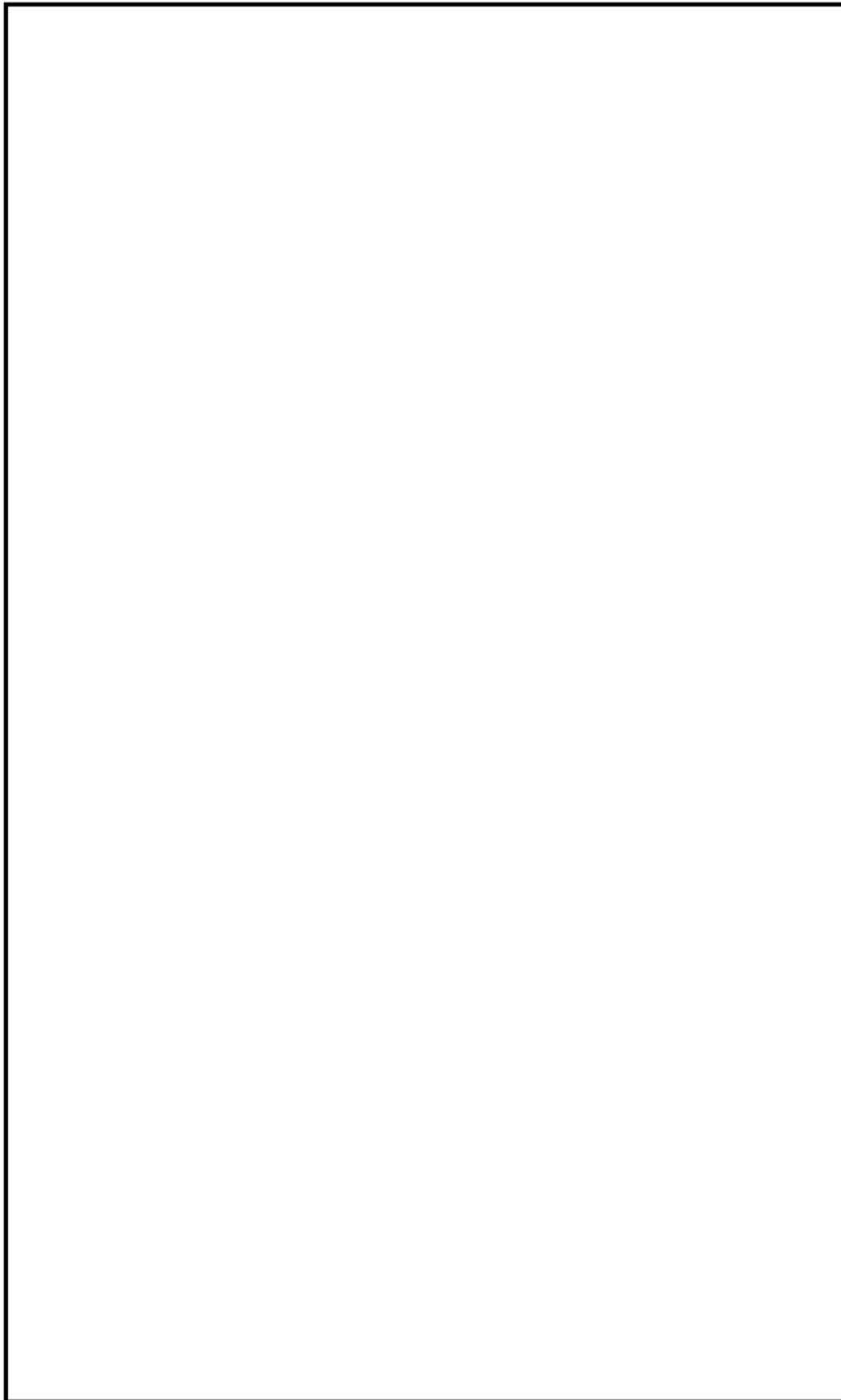
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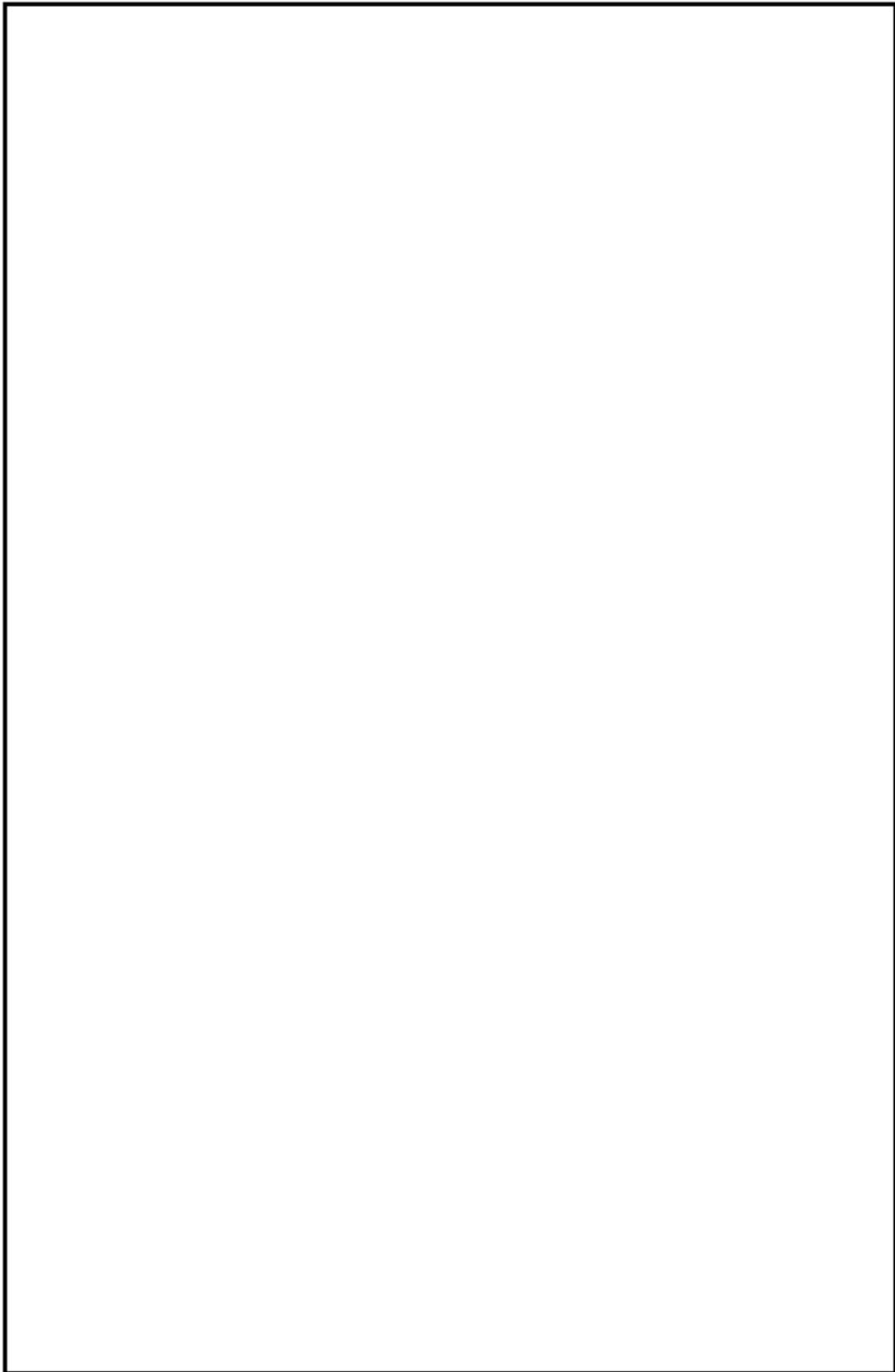
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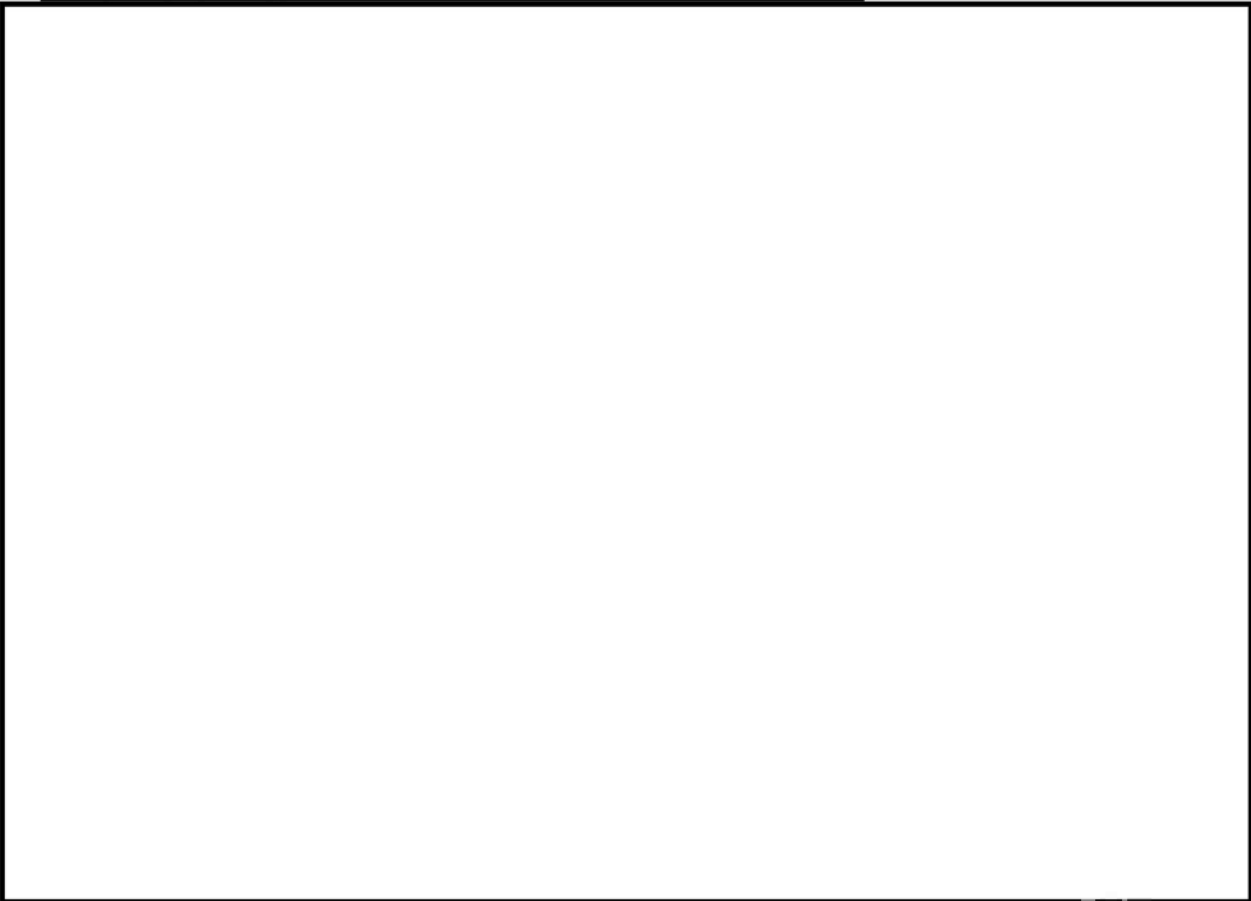
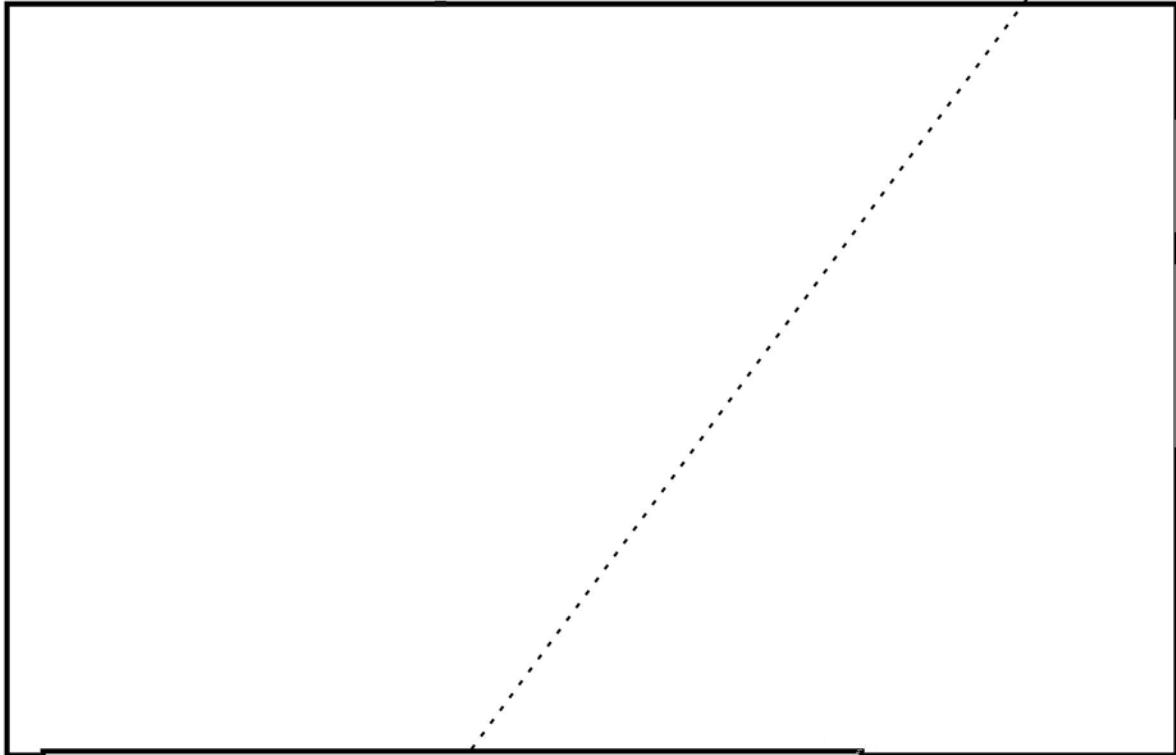


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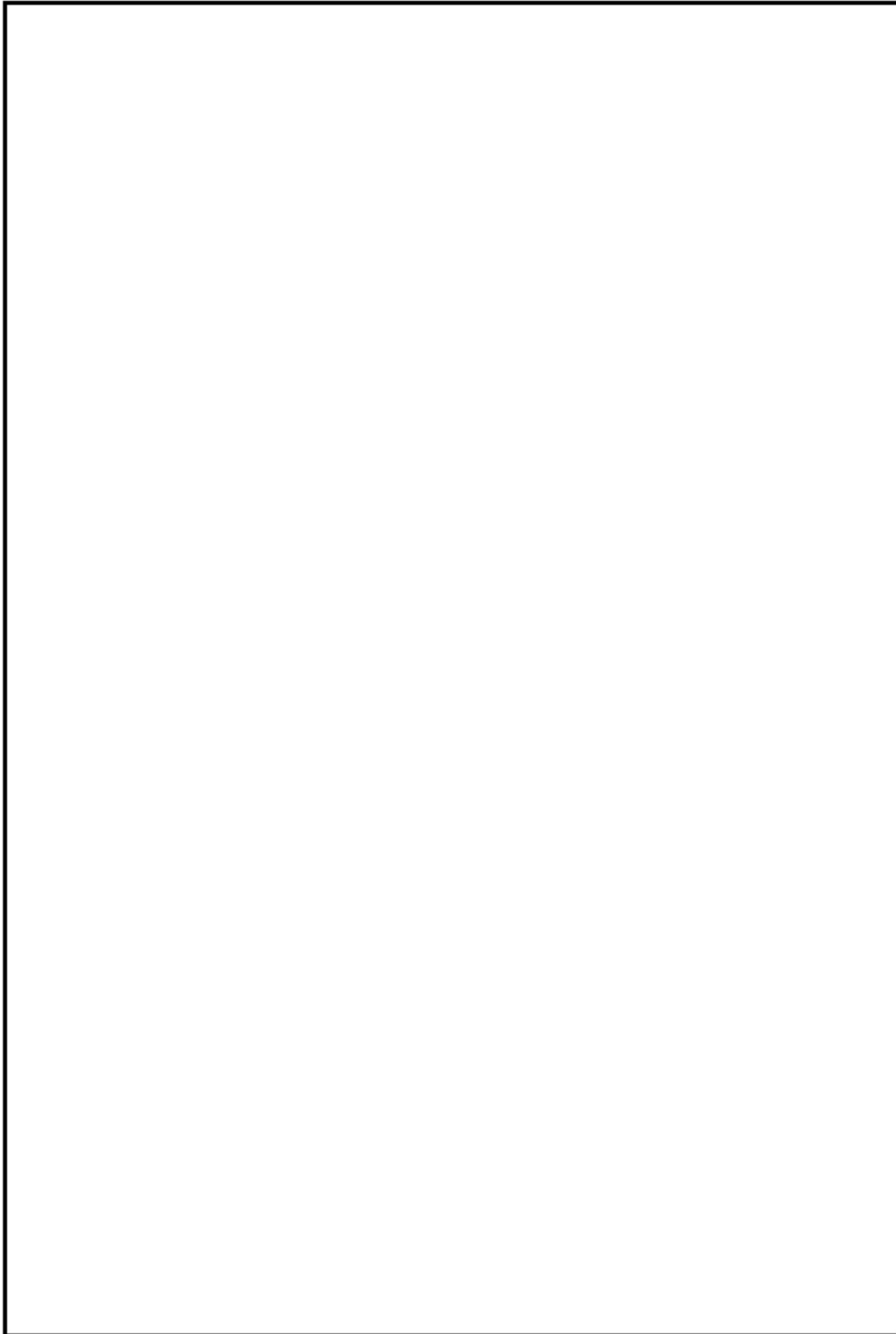
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NSA-05335

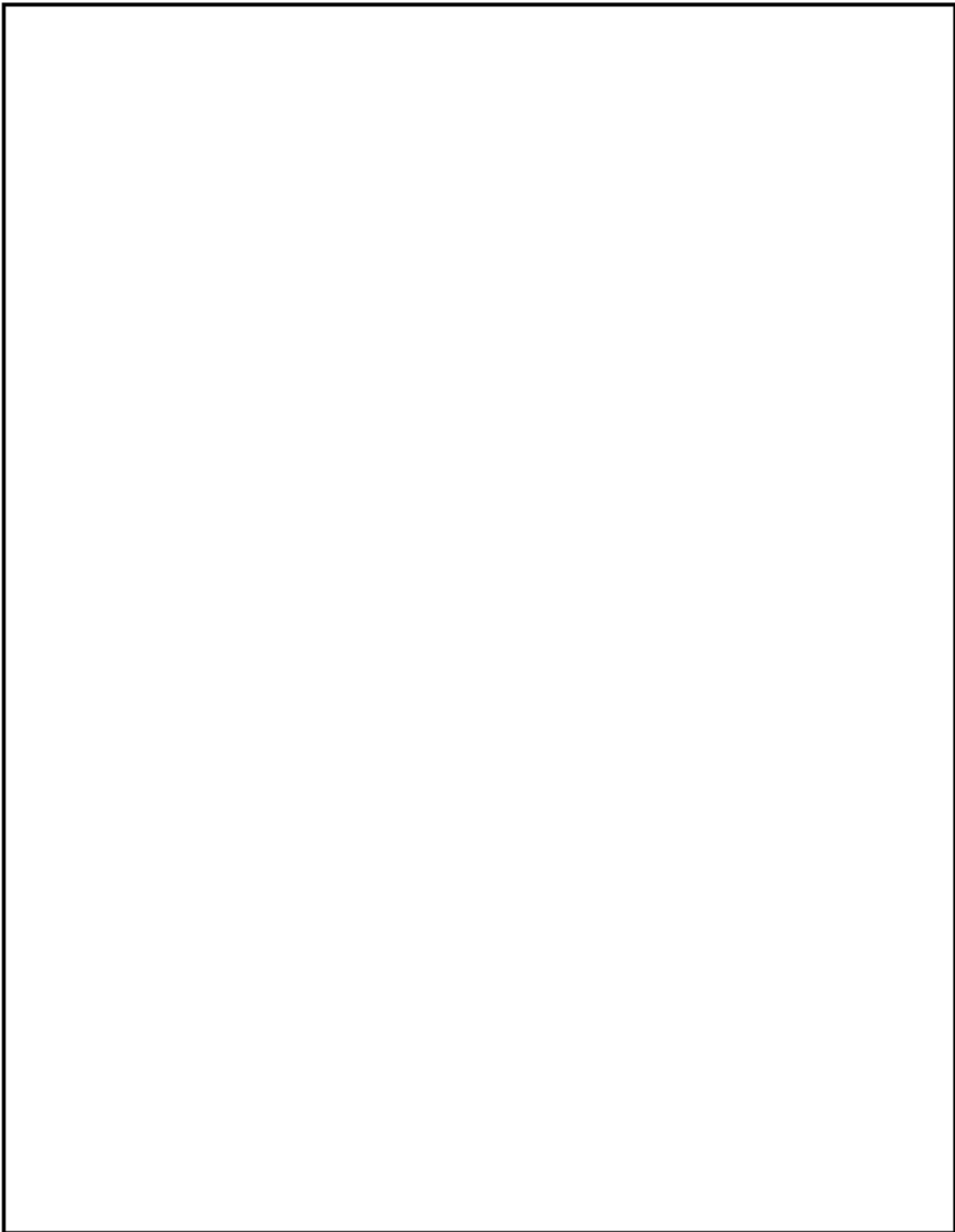
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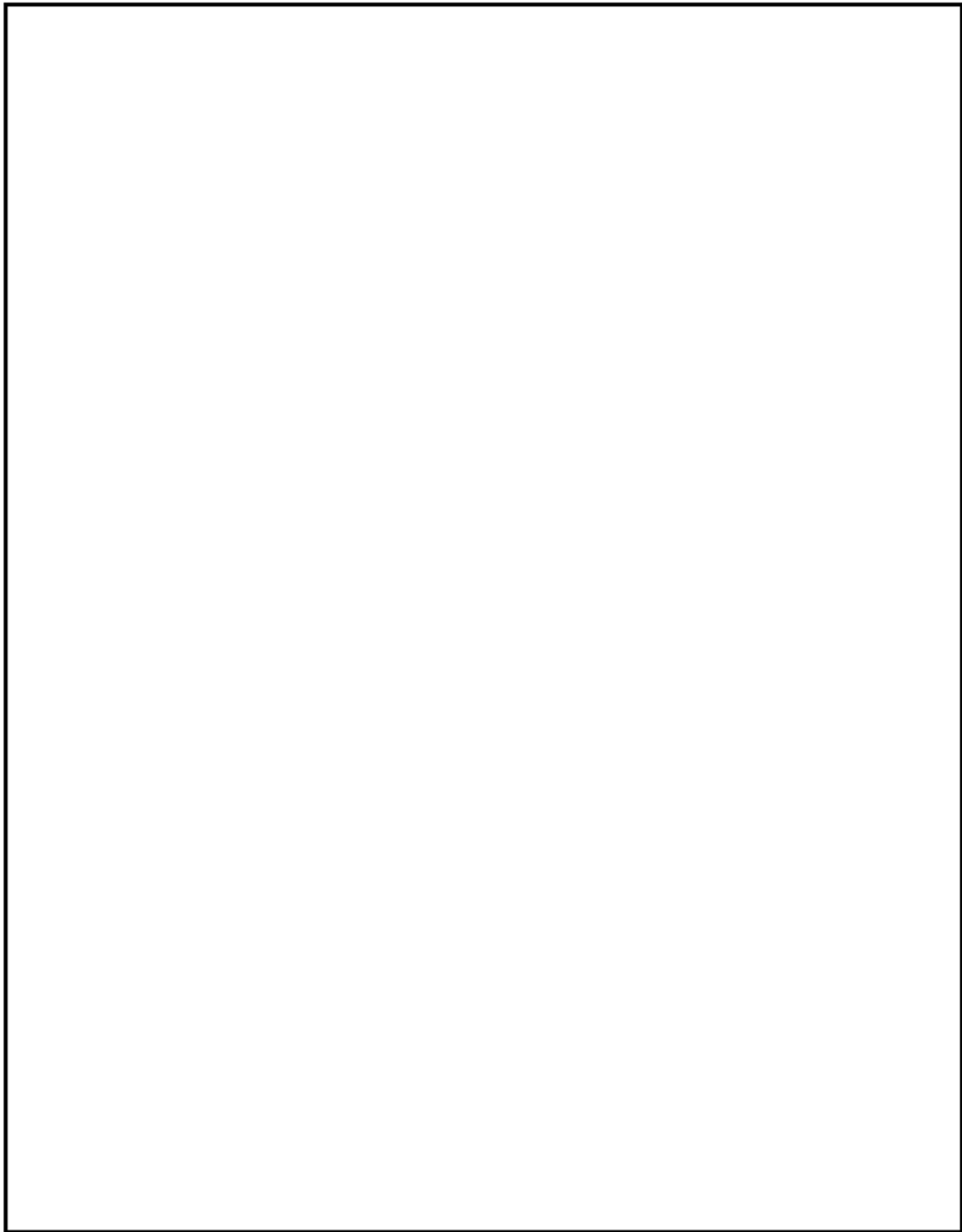


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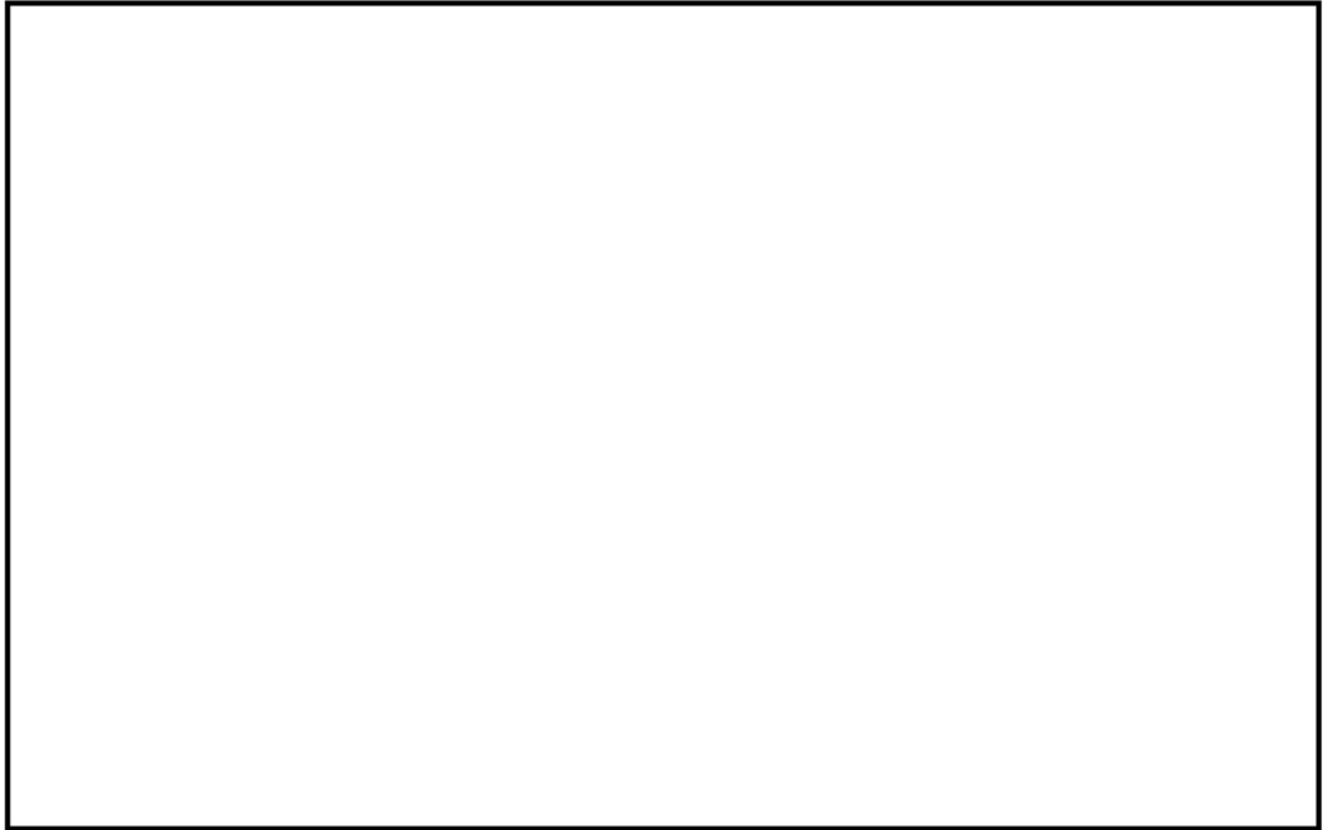
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