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**NATIONAL SECURITY AGENCY/CENTRAL SECURITY
SERVICE**



INSPECTOR GENERAL

REPORT OF INVESTIGATION

16 June 2014

IV-13-0086

Misuse of Government Resources

(U) This report might not be releasable under the Freedom of Information Act or other statutes and regulations. Consult the NSA/CSS Inspector General Chief of Staff before releasing or posting all or part of this report.

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Approved for Release by NSA on 11-30-2018, FOIA Case # 79204 (litigation)

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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(b) (3) - P.L. 86-36
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(U//~~FOUO~~) On 12 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 civilian, [REDACTED]. On 21 August 2013 the IG initiated an investigation of [REDACTED] use of NSA/CSS Information Systems (ISs).

(U//~~FOUO~~) The OIG substantiated two previous misuse of Government resources cases against [REDACTED]. In 2007, upon notification of her violation, [REDACTED] acknowledged that she reviewed the Agency policies and guidance would adhere to them in the future. In 2008, [REDACTED] was issued a written reprimand by Employee Relations for her misuse.

(U//~~FOUO~~) We obtained sworn testimony from [REDACTED]. We also obtained NISIRT records relating to her use of Government resources. The individual [REDACTED] was conversing with was investigated in a separate OIG investigation (IV-13-0085).

(U//~~FOUO~~) The preponderance of the evidence collected during the investigation substantiates that [REDACTED] misused her classified NSA/CSS IS. [REDACTED] used Government resources to engage in adult oriented conversations in violation of 5 CFR §2635.101, 5 CFR §2635.704, and the JER 5500.7-R.

(U//~~FOUO~~) A copy of this report of investigation will be provided to Employee Relations. A summary memorandum will be provided to the Special Actions, ADS&CI and the Office of General Counsel (D23) for review and appropriate action.

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II. (U) BACKGROUND

(b) (6)

(U) Introduction

(U//~~FOUO~~) [redacted] employee ID [redacted] is a [redacted] civilian employee assigned to the [redacted]

(U//~~FOUO~~) The NISIRT reviewed [redacted] classified U.S. Government account for the period from 5 to 12 April 2013. The NISIRT provided their activity report to the Office of the Inspector General on 12 April 2013.

(U) Prior OIG cases of computer misuse

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(U//~~FOUO~~) In 2007, an OIG inquiry substantiated an allegation of misuse of Government resources against [redacted]. The OIG determined that [redacted] forwarded an inappropriate Powerpoint presentation to another Agency affiliate. As a result, the OIG provided [redacted] with the Agency policies and guidance. [redacted] acknowledged that she reviewed the Agency policies and guidance would adhere to them in the future.

(U//~~FOUO~~) In 2008, the OIG substantiated a misuse of Government resources case against [redacted]. The OIG determined [redacted] forwarded inappropriate emails on the classified network despite the first OIG inquiry. [redacted] was issued a written reprimand by Employee Relations for this incident. See appendix A for a copy of the summary report.

(U) Applicable Authorities

(U//~~FOUO~~) 5 CFR 2635, Standards of Ethical Conduct for the Executive Branch, Section 101 - Basic obligation of public service and Section 704 - Use of Government property

(U//~~FOUO~~) DoD Joint Ethics Regulation (JER) 5500.7-R, Subpart 2-301: Use of Federal Government Resources.

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

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III. (U) FINDINGS

(U//~~FOUO~~) Did [redacted] an NSA/CSS civilian, misuse her classified NSA/CSS IS to engage in adult oriented conversations?

(U//~~FOUO~~) **CONCLUSION: Substantiated.** The preponderance of the evidence supports the conclusion that [redacted] misused her classified NSA/CSS IS. [redacted] engaged in adult oriented conversations with another NSA civilian in violation of 5 CFR §2635.101, 5CFR §2635.704 and the JER §500.7-R.

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

(U) Documentary Evidence**(U) NISIRT Report**

(U//~~FOUO~~) The NISIRT provided the OIG with an analysis of [redacted] activities on the classified NSA/CSS IS. [redacted] engaged in adult oriented conversations with [redacted]. The NISIRT estimated [redacted] averaged over 4 hours of inappropriate conversations over an 8 day sample; 5 to 12 April 2013. A sample of the email activity can be found at Appendix C.

[redacted] (b) (3) - P.L. 86-36
(b) (6)**(U) Testimonial Evidence**

(U//~~FOUO~~) On 10 February 2014, [redacted] was interviewed and provided the following sworn testimony:

(U) [redacted] has been at the Agency for almost [redacted] years. [redacted] stated that Government resources should be used for business and "not the things I was doing." She admitted to engaging in adult oriented and sometimes sexual conversations with another NSA employee. [redacted] defined their relationship as friendly but "nothing going on [sexually] that's for sure." [redacted] admitted that the other NSA civilian started the adult oriented conversations but she takes full responsibility for her part in engaging in the continual inappropriate conversations. [redacted] stated they joke around and tell stories that sometimes are adult oriented in nature. This activity has been occurring in chat and emails, but the majority is in emails. This type of activity has been occurring for the past 3 or 4 years since she was in the [redacted] building.

[redacted] (b) (6)

(U) [redacted] estimated that she spends maybe 5 minutes at a time intermittently throughout the day during her downtime, adding up to maybe an hour a day total. When confronted with evidence that on some days she may have spent more than an hour engaging in non-work related

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conversations. [redacted] did not deny her personal activity on some days could add up to more than an hour.

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(U) Analysis and Conclusions

(U//~~FOUO~~) The NISIRT report detailed [redacted] adult oriented conversations with another NSA civilian. [redacted] has been involved in prior OIG cases of computer misuse and she has acknowledged on multiple occasions a requirement to comply with the policies regarding the use of Government resources.

(U//~~FOUO~~) Although the NISIRT activity provided to the OIG was not graphic in nature, some of the conversations were adult oriented and not an appropriate use of the Government resources. [redacted] admitted to typing adult oriented chats and emails on her classified NSA/CSS IS.

(U//~~FOUO~~) The JER 5500.7-R defines authorized uses to 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)." Authorized uses must also be of "reasonable duration and frequency, ... [s]erve a legitimate public interest (such as keeping DoD employees at their desks rather than requiring the use of commercial systems; educating the DoD employee on the use of the communications system; improving the morale of DoD employees stationed for extended periods away from home; enhancing the professional skills of the DoD employee; job-searching in response to Federal Government downsizing); . . . and [do not] reflect adversely on DoD or the DoD Component." [redacted] adult oriented emails, which often consumed more than an hour of a workday, served no legitimate public interest, were not communications that reasonably should have been made while of work, and were not of reasonable duration and frequency and therefore not authorized uses of government resources. As a result, [redacted] activities violated 5 CFR §2635.101, 5 CFR §2635.704, and the JER 5500.7-R.

(U) Documentary evidence, combined with [redacted] own testimony, supports the conclusion that she misused her classified NSA/CSS IS by engaging in adult oriented conversations.

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

(U//~~FOUO~~) [redacted] was provided the tentative conclusions on 24 April 2014. On 25 April 2014, [redacted] responded to the tentative conclusion stating:

As per our conversation, I agree with your results. No rebuttal.

(U//~~FOUO~~) The conclusion of this investigation remains unchanged.

[redacted]
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V. (U) CONCLUSION

(U//~~FOUO~~) The preponderance of the evidence supports the conclusion that [redacted] misused her classified NSA/CSS IS. [redacted] engaged in adult oriented conversations with another NSA civilian in violation of 5 CFR §2635.101, 5 CFR §2635.704, and the JER 5500.7-R.

[redacted]
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(b) (6)

VI. (U) DISTRIBUTION OF RESULTS

(U//~~FOUO~~) A copy of this report of investigation will be provided to Employee Relations. A summary memorandum will be provided to the Special Actions, ADS&CI and the Office of General Counsel (D23) for review and appropriate action.

[Redacted Signature]

Senior Investigator

Concurred by:

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[Redacted Signature]

Deputy Assistant Inspector General
For Investigations

APPENDIX A

(U) OIG summary report

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**OFFICE OF THE INSPECTOR GENERAL
NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE**

21 July 2008
IV-08-0037

REPLY TO
ATTN OF: AIG (Investigations & Special Inquiries), D14

SUBJECT: [redacted] (Misuse of Government Resources)
(U) ACTION MEMORANDUM

TO: M09ER, Employee Relations

(b) (6)

1. (U//~~FOUO~~) In response to an anonymous complaint, NSA Office of Inspector General (OIG) conducted an investigation to determine whether [redacted] misused Government resources. It was alleged that [redacted] misused the Agency classified network to forward an inappropriate email with the subject line [redacted].
2. (U//~~FOUO~~) Our investigation revealed that in December 2007, [redacted] forwarded an email on the Agency classified network entitled [redacted] to a "blind cc" distribution list of approximately 10 Agency affiliates. The first line of this particular email states [redacted] and the email contained inappropriate, adult-oriented material. [redacted] admitted to forwarding inappropriate emails, including this one, on the classified network.
3. (U//~~FOUO~~) In August 2007, [redacted] was involved in an OIG inquiry relating to inappropriate files on the Agency classified network. [redacted] had forwarded an inappropriate Powerpoint presentation to another Agency affiliate. The OIG notified [redacted] of the misuse of Government resources and provided her with the Agency policy guidance. As a result, [redacted] sent the OIG an email stating, "I will heed your warning and act appropriately on all future e-mails that I receive."
4. (U//~~FOUO~~) In December 2007, [redacted] was interviewed by the OIG concerning the email entitled [redacted]. During the interview, [redacted] admitted that she continued to send inappropriate material on the classified network even after the first OIG warning. [redacted] stated that she "waited about a month or so and I just kind of was sending things people are still sending to me."
5. (U//~~FOUO~~) In May 2008, the OIG found no indications that [redacted] continued to forward inappropriate material on the classified network after December 2007.

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(b) (6)

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6. (U//~~FOUO~~) [redacted] actions violated the following authorities:

(U//~~FOUO~~) 5 CFR 2635, Standards of Ethical Conduct for the Executive Branch, Section 101 - Basic obligation of public service

...

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(b) (6)

(b) General principles. The following general principles apply to every employee and may form the basis for the standards contained in this part. Where a situation is not covered by the standards set forth in this part, employees shall apply the principles set forth in this section in determining whether their conduct is proper.

...

(9) Employees shall protect and conserve Federal property and shall not use it for other than authorized activities.

...

(U//~~FOUO~~) DoD Joint Ethics Regulation (JER) 5500.7-R, Section 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~~) PMM Chapter 366, Section 3, Standards of Conduct, 3-1. Use of Government Resources.

(U//~~FOUO~~) Government resources may only be used for official use or authorized purposes subject to some statutes that restrict certain resources for official use only...

(B) Government Computer Equipment - All Government-owned or leased computers, whether on or off Agency premises, are for official use or authorized purposes only...

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- 7. (U//~~FOUO~~) [redacted] was asked to respond to the OIG's tentative conclusion that she misused Government resources by sending inappropriate emails on the classified network over the last several years, even after she was counseled by the OIG. Her response is included below in its entirety:

(U//~~FOUO~~) My only comments are that I am deeply sorry for any offense that I have caused. I have not pursued any other avenues of this sort since and I only hope in employee relations conclusions that I still have my clearances and my job which I really enjoy.

- 8. (U//~~FOUO~~) The OIG is referring this matter to you for any action you deem appropriate. Please notify Assistant Inspector General [redacted] 963-0924(s), of any action taken.

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[redacted]

Assistant Inspector General
for
Investigations and Special Inquiries

CC [redacted]
General Counsel, Admin Law

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APPENDIX B

(U) Applicable Authorities

(U//~~FOUO~~) 5 CFR 2635, Standards of Ethical Conduct for the Executive Branch

§2635.101 Basic obligation of public service

[...]

(b) General principles. The following general principles apply to every employee and may form the basis for the standards contained in this part. Where a situation is not covered by the standards set forth in this part, employees shall apply the principles set forth in this section in determining whether their conduct is proper.

[...]

(9) Employees shall protect and conserve Federal property and shall not use it for other than authorized activities.

[...]

§2635.704 Use of Government property.

(a) Standard. An employee has a duty to protect and conserve Government property and shall not use such property, or allow its use, for other than authorized purposes.

(b) Definitions. For purposes of this section:

(1) Government property includes any form of real or personal property in which the Government has an ownership, leasehold, or other property interest as well as any right or other intangible interest that is purchased with Government funds, including the services of contractor personnel. The term includes office supplies, telephone and other telecommunications equipment and services, the Government mails, automated data processing capabilities, printing and reproduction facilities, Government records, and Government vehicles.

(2) Authorized purposes are those purposes for which Government property is made available to members of the public or those purposes authorized in accordance with law or regulation.

[....]

(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:

(a) Do not adversely affect the performance of official duties by the DoD employee or the DoD employee's organization;

(b) Are of reasonable duration and frequency, and whenever possible, made during the DoD employee's personal time such as after duty hours or lunch periods;

(c) Serve a legitimate public interest (such as keeping DoD employees at their desks rather than requiring the use of commercial systems; educating the DoD employee on the use of the communications system; improving the morale of DoD employees stationed for extended periods away from home; enhancing the professional skills of the DoD employee; job-searching in response to Federal Government downsizing);

(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)

[....]

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APPENDIX C

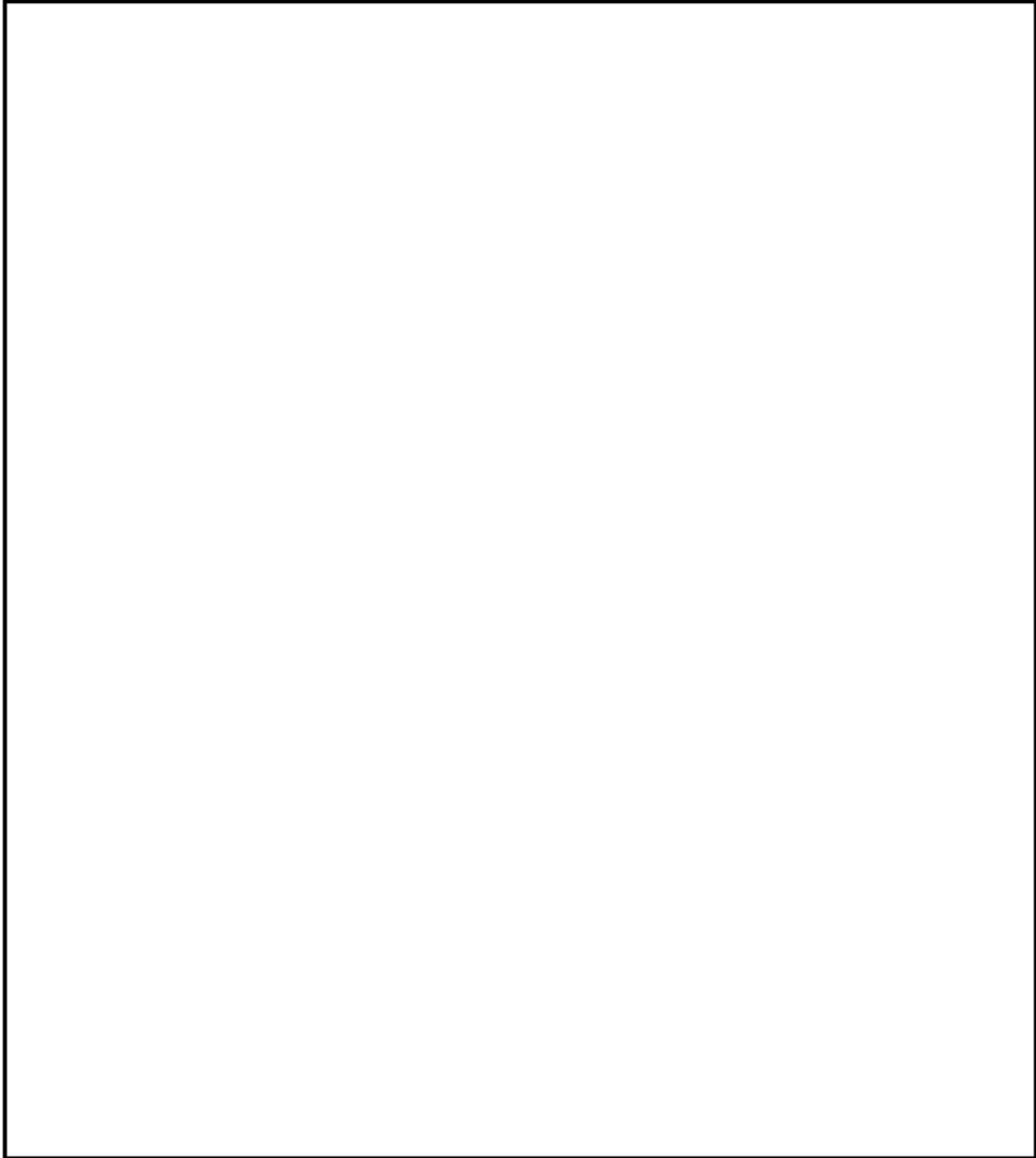
(U) NISIRT Report

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The NISIRT Report

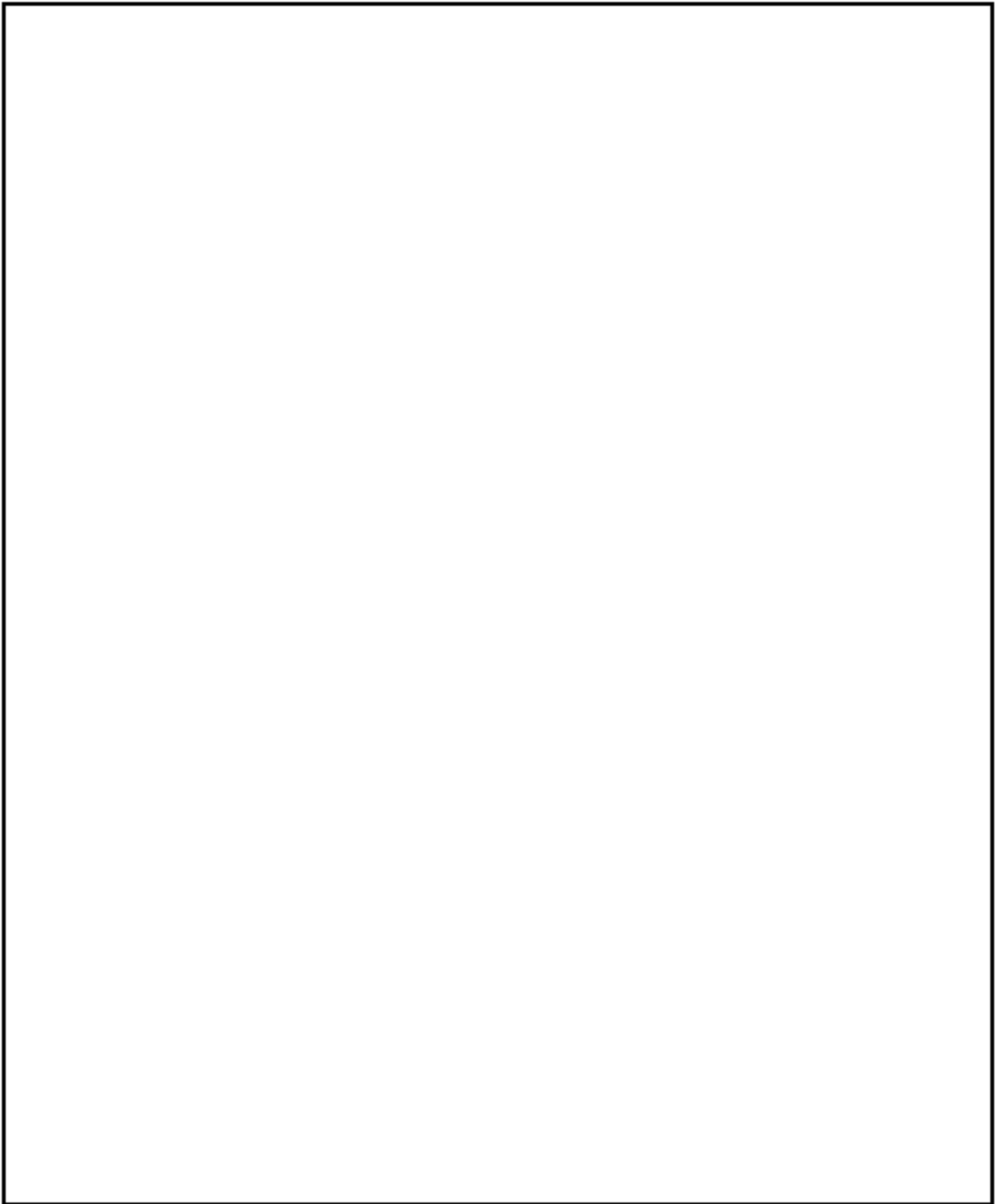
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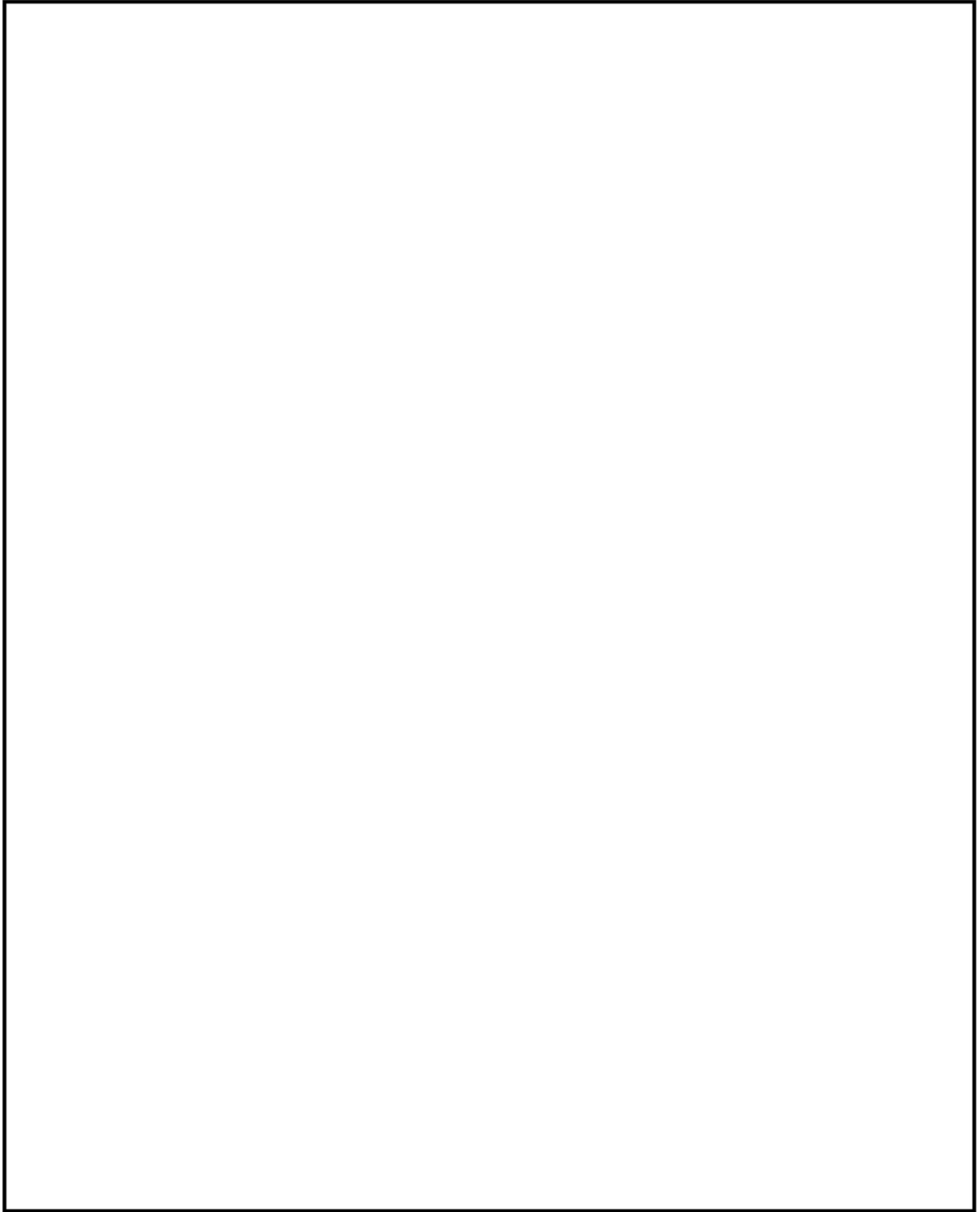
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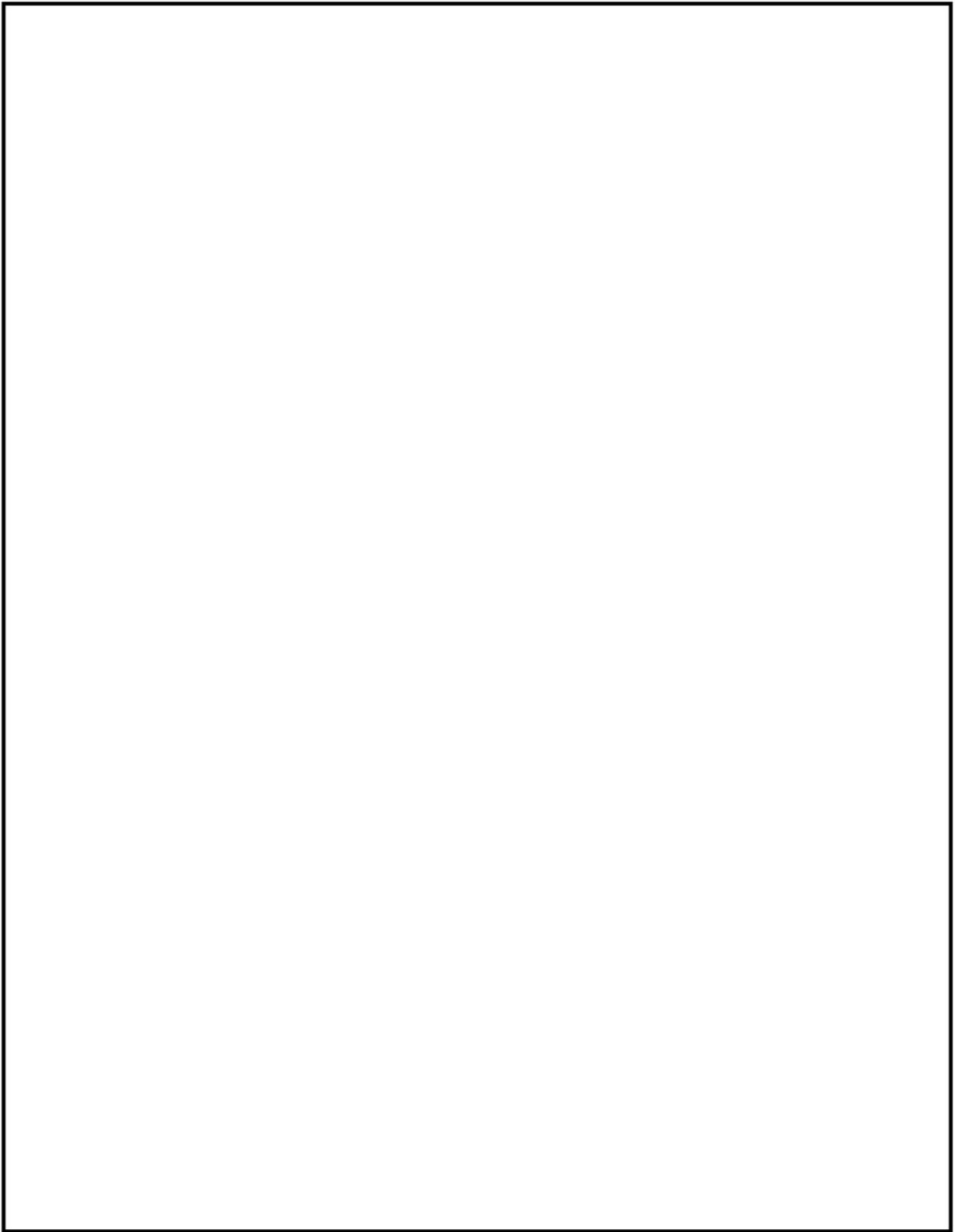
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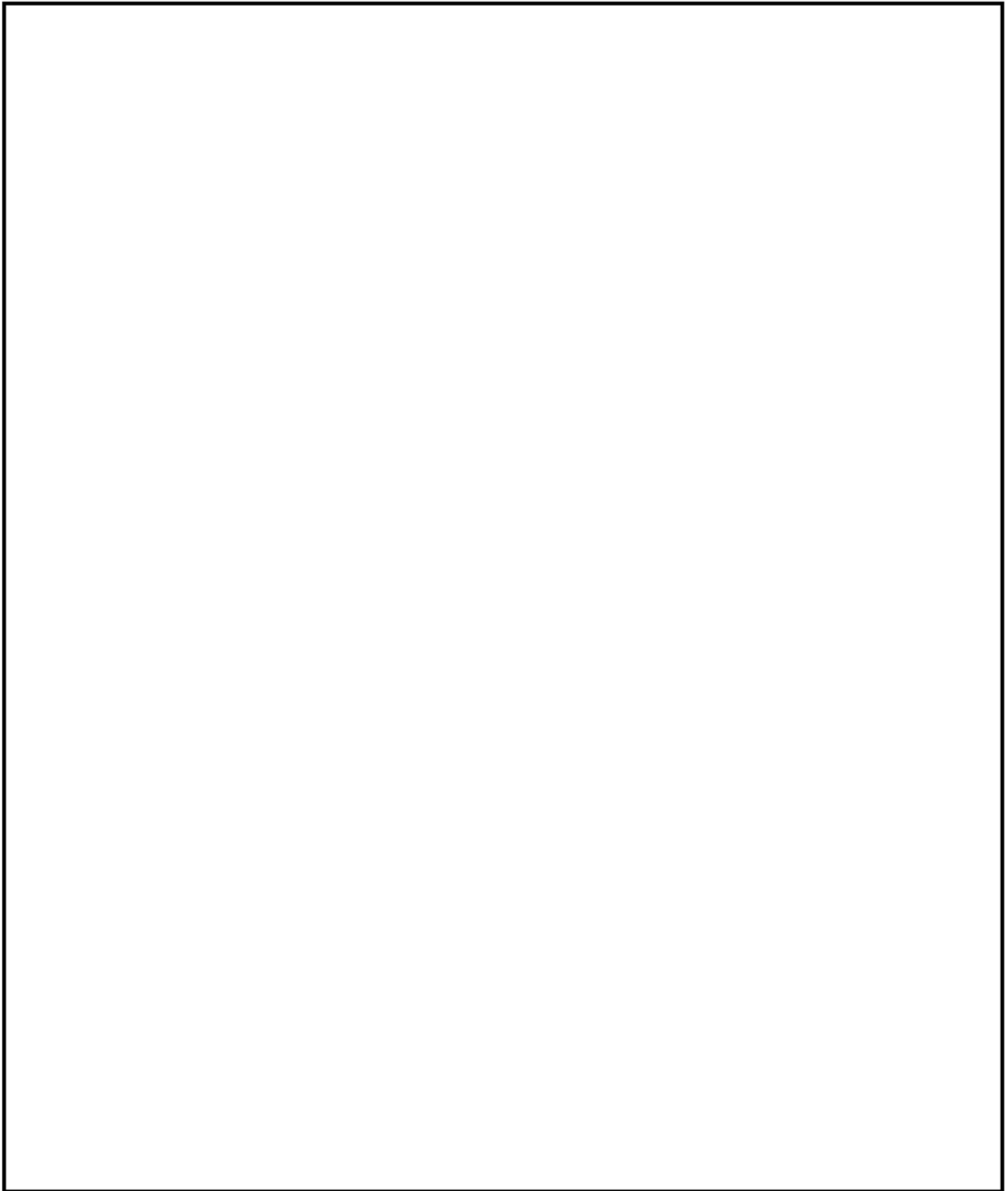
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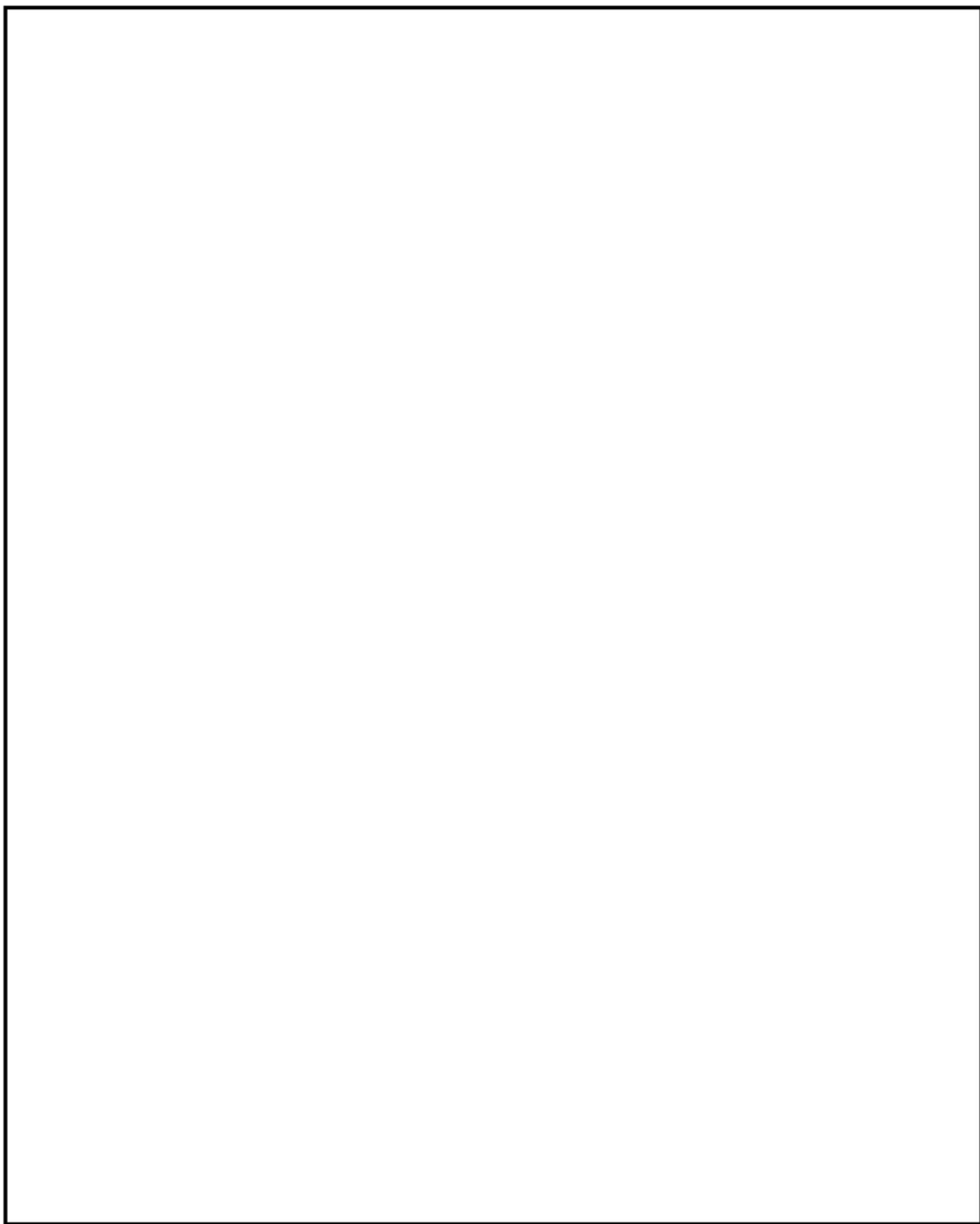
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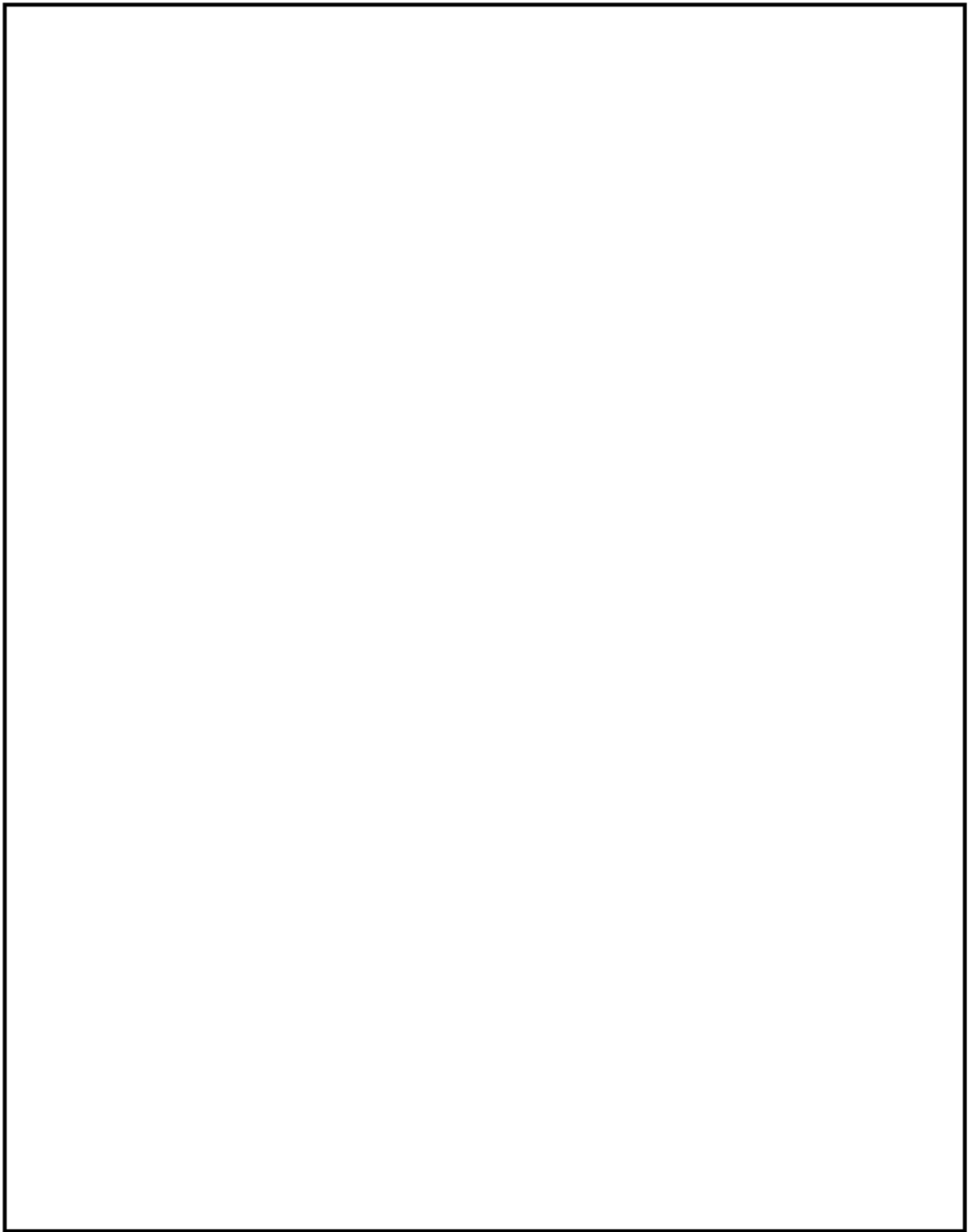
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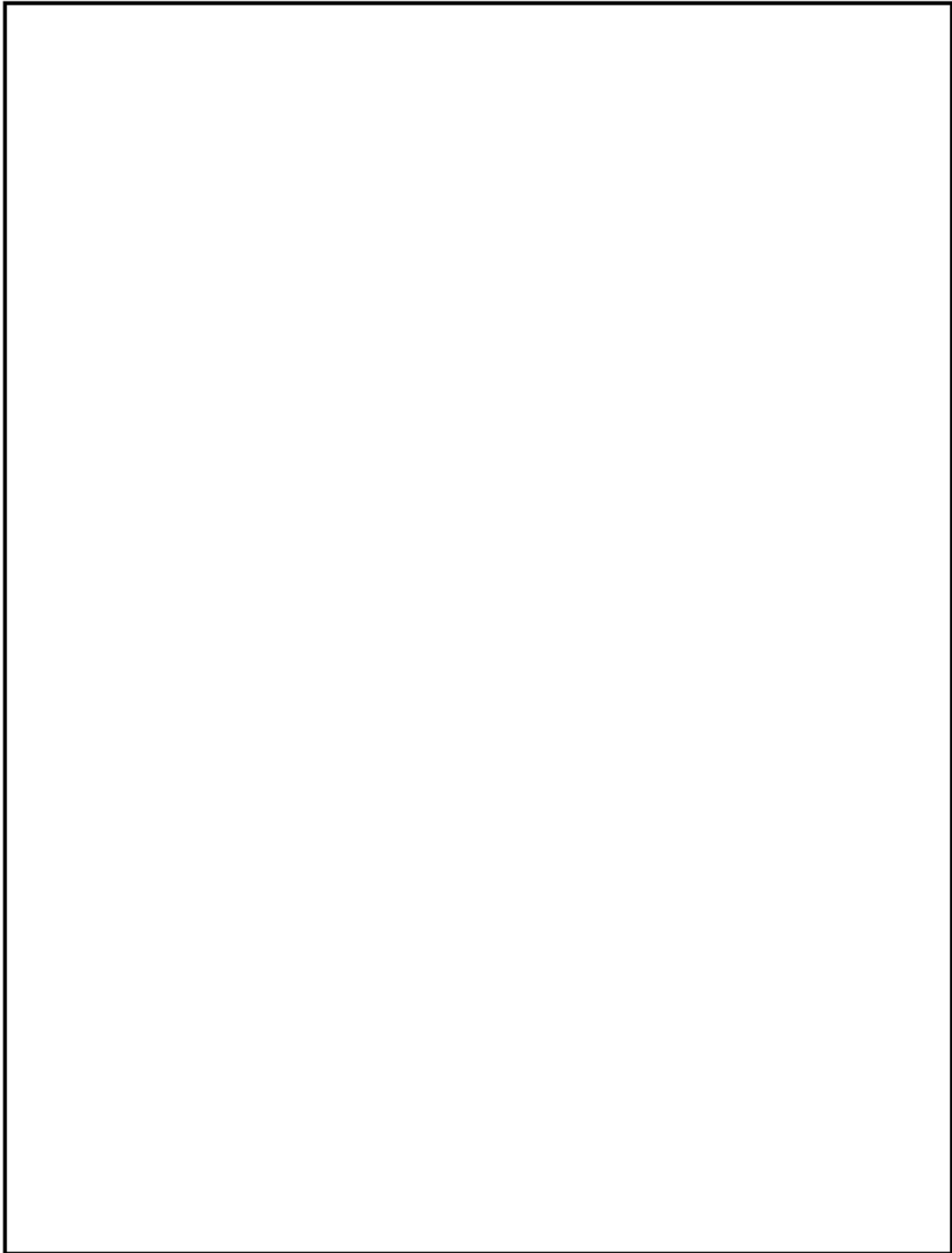
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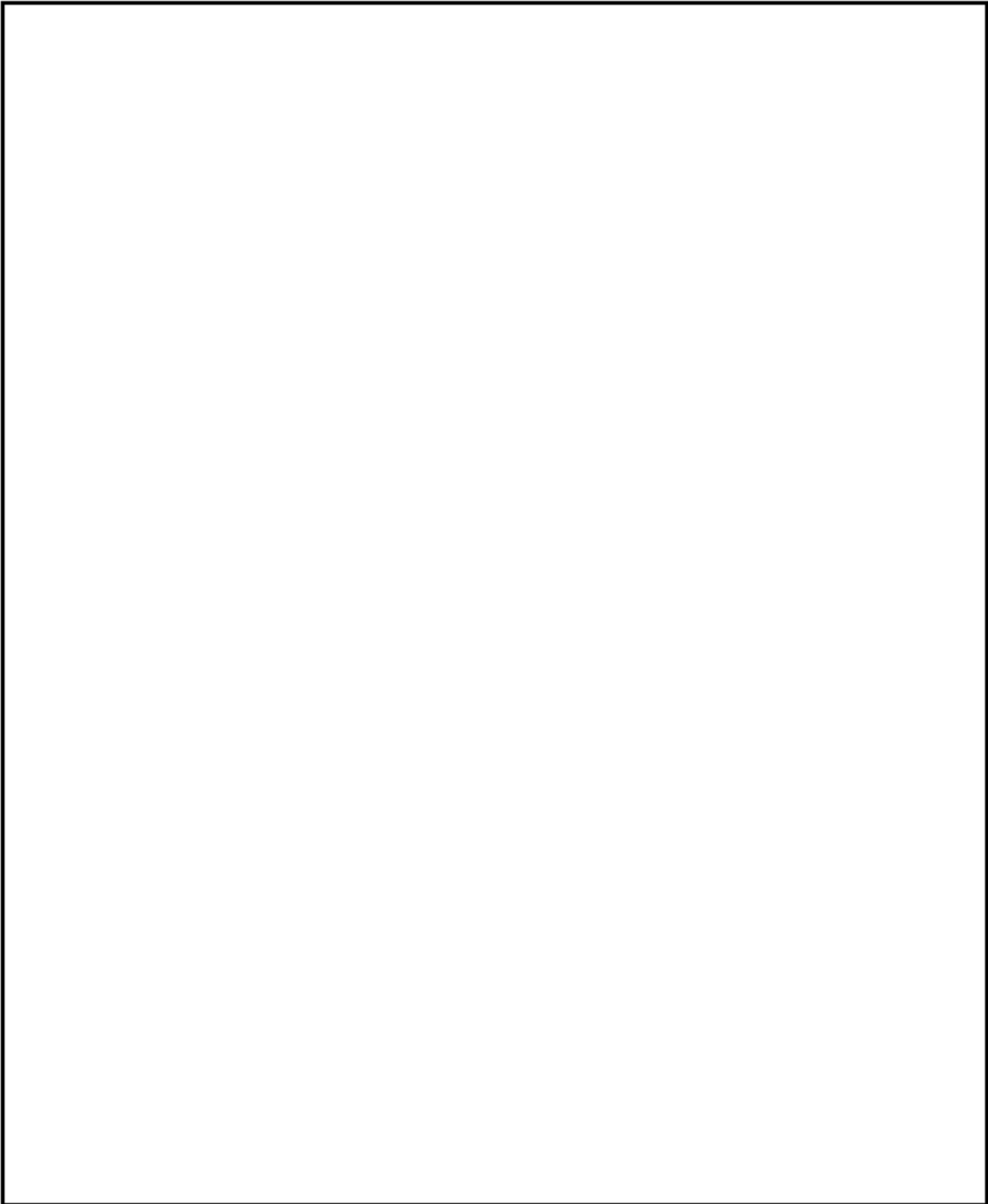
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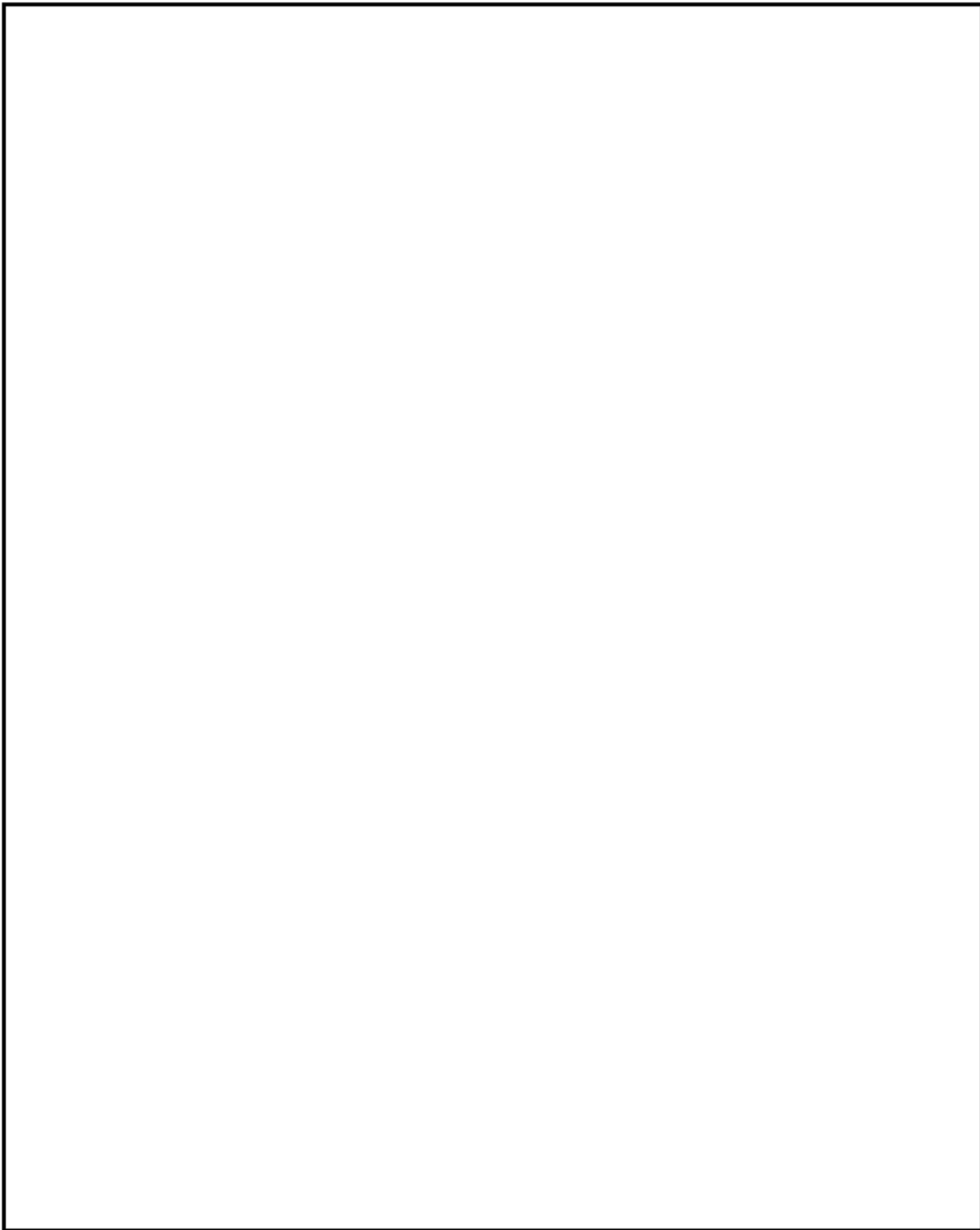


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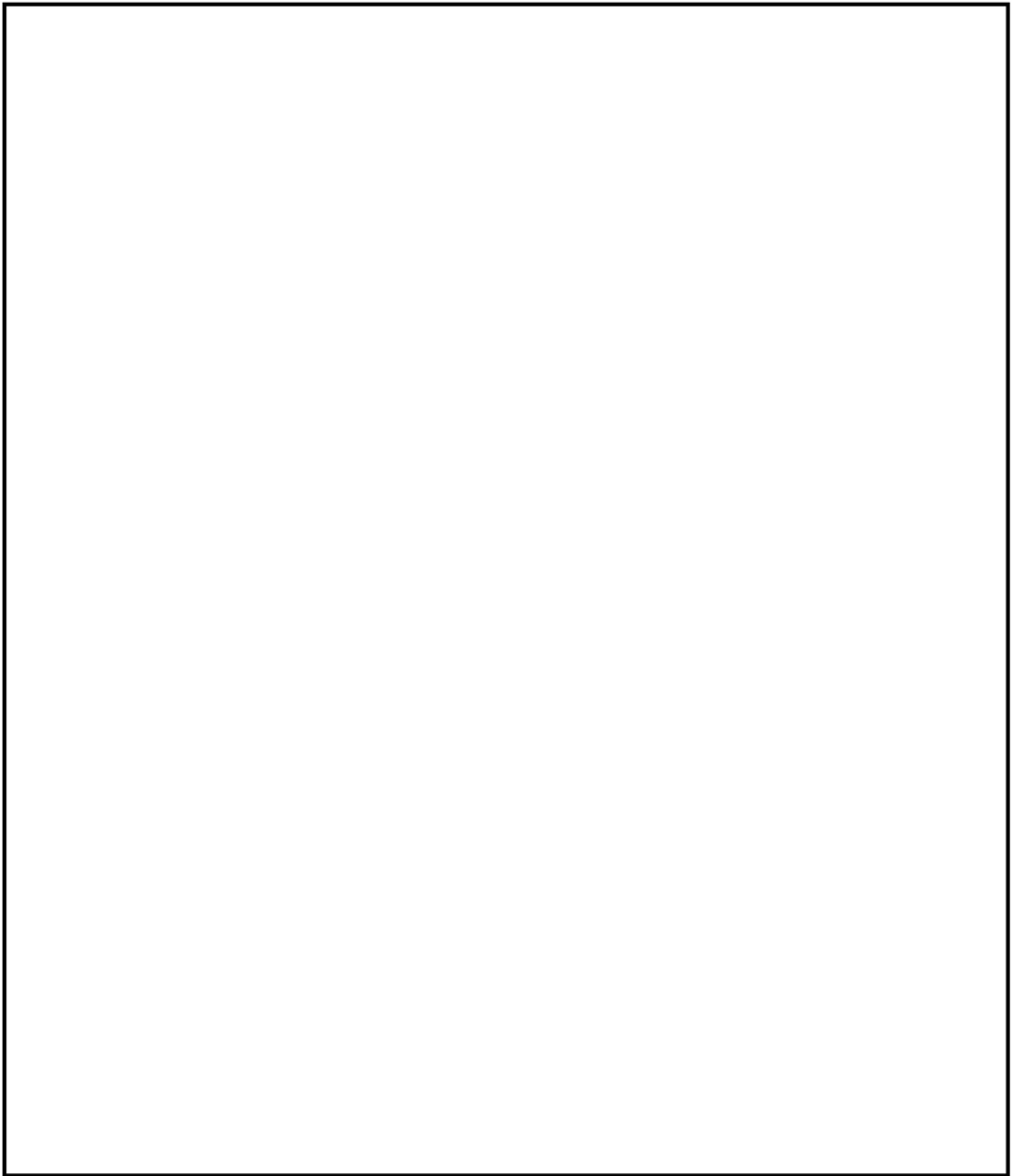
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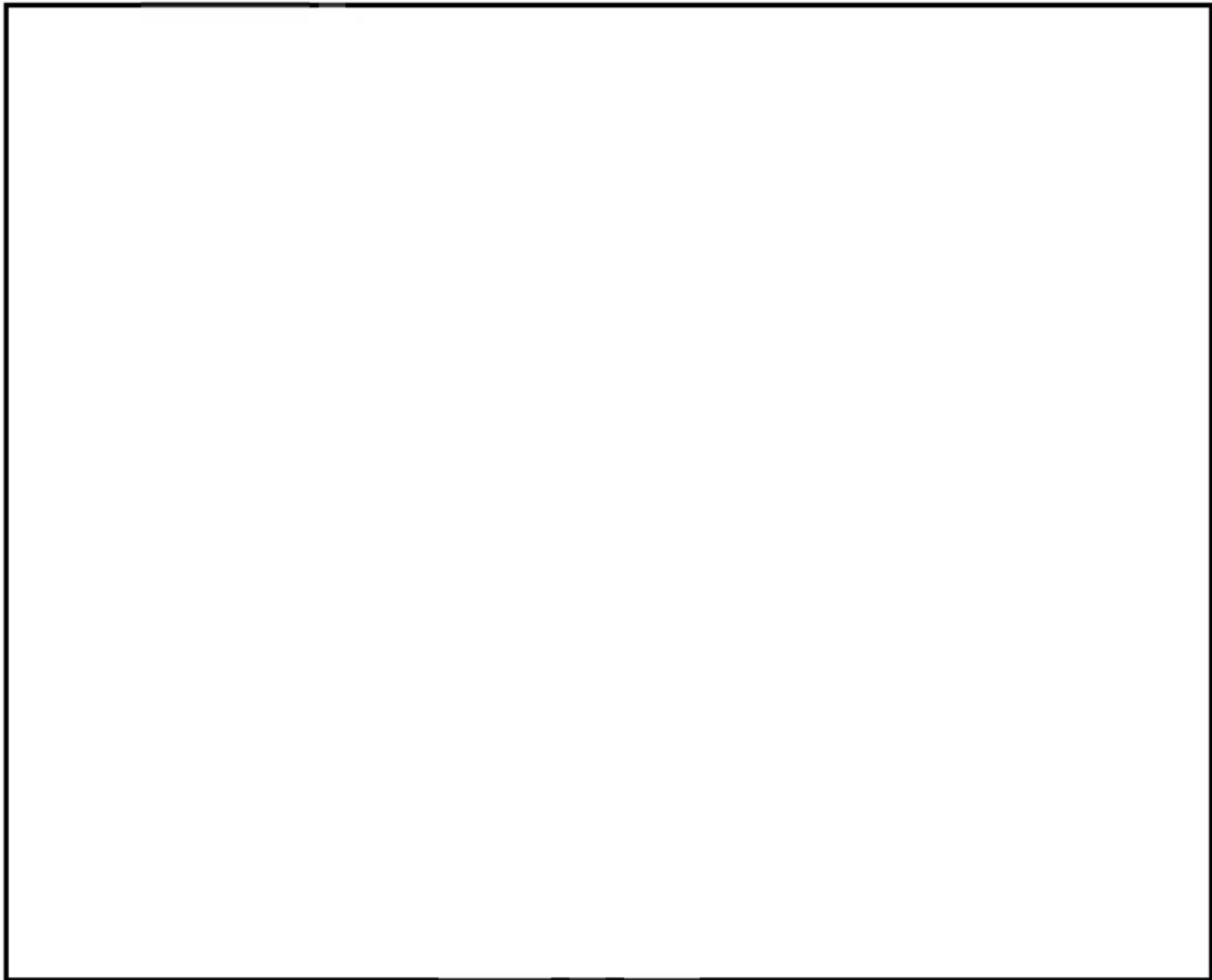
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