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**NATIONAL SECURITY AGENCY/CENTRAL SECURITY
SERVICE**



INSPECTOR GENERAL

REPORT OF INVESTIGATION

24 October 2014

IV-13-0089

Alleged Misuse of Government Resources

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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 9 August 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 29 August 2013 the IG initiated an investigation of [redacted] use of the unclassified and classified NSA/CSS Information System (IS). The investigation included a review of the NISIRT evidence and an interview of [redacted].

(U//~~FOUO~~) The preponderance of the evidence collected during the investigation substantiates that [redacted] misused his unclassified and classified NSA/CSS ISs. [redacted] used his unclassified IS for non-work, non-contract related and personal business in violation of NSA/CSS Policy 6-4. In addition, [redacted] misused the classified NSA/CSS collaboration tools to chat about non-work, non-contract related and personal business in violation of NSA/CSS Policies 6-4 and 6-12.

(U//~~FOUO~~) A summary memorandum will be provided to the Maryland Procurement Office and the Office of the General Counsel. A summary memorandum will be provided to Contractor Clearances, ADS&CI; and Special Actions, ADS&CI.

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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] [redacted] is working under contract number [redacted] under the [redacted] program.

(U//~~FOUO~~) The NISIRT reviewed [redacted] unclassified U.S. Government account for the period from 5 to 8 August 2013. The NISIRT also reviewed [redacted] classified U.S. Government account on 5 August 2013. The NISIRT provided their activity report to the Office of the Inspector General on 9 August 2013.

(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 COMMUNICATIONS ON CLASSIFIED NSA/CSS INFORMATION SYSTEMS," dated 28 June 2012.

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

III. (U) FINDINGS

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(U//~~FOUO~~) Allegation 1: Did [redacted] a [redacted] contractor, misuse his unclassified NSA/CSS IS in violation of NSA/CSS Policy 6-4?

(U//~~FOUO~~) CONCLUSION: Substantiated. The preponderance of the evidence supports the conclusion that [redacted] misused his unclassified NSA/CSS IS. [redacted] used Government resources for non-work, non-contract related and personal business in violation of NSA/CSS Policy 6-4.

(U) Documentary Evidence

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(U) NISIRT Report

(U//~~FOUO~~) The NISIRT provided the OIG with a sample of [redacted] activities on the unclassified NSA/CSS IS. [redacted] used the unclassified NSA/CSS IS to type personal emails regarding a private business venture from his personal email account and search the internet on various non-work, non-contract related topics. The full NISIRT report can be found at Appendix B.

(U) Testimonial Evidence

(U//~~FOUO~~) On 19 March 2014, [redacted] was interviewed and provided the following sworn testimony:

(U//~~FOUO~~) [redacted] admitted he used the unclassified system to chat about non-work, non-contract related activities. [redacted] is considering a new business venture, and has obtained a name for the business. [redacted] His conversations were among friends relating to his possibility of starting a private business. [redacted] billed for the time spent on his personal activity since the time he claims he spent was minimal and intermittent throughout the day. He was unable to provide an estimate of the amount of time spent on this personal use since the activity was so minimal. He is allowed limited personal use at his contractor facility so he thought he was allowed to do the same in the Government facility. Once the OIG notified [redacted] requesting an interview, he shared the interview request with [redacted] and was told by his company that his actions violated Government policy. [redacted] has since corrected his use of Government resources.

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(U) Analysis and Conclusions

(U//~~FOUO~~) Contractor's use of Agency IS for personal use is extremely limited. [redacted] personal use of the IS was not authorized by contract, and exceeded the brief, infrequent communications permitted by NSA/CSS Policy 6-4.

(U//~~FOUO~~) [redacted] testimony confirmed that he was unaware of the NSA/CSS policy regarding the use of Government resources. As a result of a review of the NISIRT report and [redacted] testimony, the OIG concluded that [redacted] misused the unclassified NSA/CSS IS when he searched various topics relating to his private business and sent emails discussing his private business. This activity was ultimately billed to a U.S. Government contract.

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(U//~~FOUO~~) *Allegation 2: Did [redacted] a [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 the classified NSA/CSS collaboration tools to chat about non-work, non-contract related and personal business in violation of NSA/CSS Policies 6-4 and 6-12.*

(U) Documentary Evidence

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

(U) NISIRT Report

(U//~~FOUO~~) The NISIRT provided the OIG with a sample of [redacted] activities on the classified NSA/CSS IS. [redacted] used the classified NSA/CSS IS to chat in the collaboration tool. The chat entries were non-work, non-contract related, and regarded a private business venture. The full NISIRT report can be found at Appendix B.

(U) Testimonial Evidence

(U//~~FOUO~~) On 19 March 2014, [redacted] was interviewed and provided the following sworn testimony:

(U//~~FOUO~~) [redacted] admitted he used the classified system to chat about non-work, non-contract related activities. [redacted] is considering a new business venture and has obtained a name for the business, [redacted]. His conversations were among coworkers relating to his possibility of starting a private business. [redacted] billed for the time spent on his personal activity since the time he spent was minimal and intermittent throughout the day. He was unable to provide an estimate of the amount of time spent on this personal use since the activity was so minimal. He is allowed limited personal use at the contractor facility so he

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thought he was allowed to do the same in the Government facility. Once the OIG requested an interview and he shared the request with [REDACTED] he was informed by his company that his actions violated Government policy. He has since corrected his use of Government resources.

(U) Analysis and Conclusions

(U//~~FOUO~~) Contractor's use of Agency IS for personal use is extremely limited. NSA/CSS Policy 6-4 permits contractor use of NSA/CSS ISs to perform tasks that are authorized by contract, approved by the Contracting Officer, and permitted by this policy. The NISIRT report and [REDACTED] testimony confirmed that this activity was not contract related and was not to handle unavoidable personal matters. [REDACTED] personal use of the unclassified NSA/CSS IS was not authorized by contract, and exceeded the brief, infrequent communications permitted by NSA/CSS Policy 6-4.

(U//~~FOUO~~) NSA/CSS Policy 6-12 states that the use of the collaboration tools should be for work related purposes. [REDACTED] chat activity on the classified NSA/CSS IS was clearly not work, not contract related as it dealt with a private business venture.

(U//~~FOUO~~) [REDACTED] testimony confirmed that he was unaware of the NSA/CSS policy regarding the use of Government resources. As a result of a review of the NISIRT report and [REDACTED] testimony, the OIG concluded that [REDACTED] misused the unclassified NSA/CSS IS when he searched various topics relating to his private business and sent emails discussing his private business with others. This activity was ultimately billed to a U.S. Government contract.

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IV. (U) RESPONSE TO TENTATIVE CONCLUSION

(U//~~FOUO~~) [redacted] was provided the tentative conclusions on 8 September 2014. [redacted] did not respond to the OIG by the deadline of 15 September 2014. As a result, this report of investigation was issued without comments by [redacted]

(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 unclassified and classified NSA/CSS ISSs. [redacted] used his unclassified IS for non-work, non-contract related and personal business in violation of NSA/CSS Policy 6-4. In addition, [redacted] used the classified NSA/CSS collaboration tools to chat about non-work, non-contract related and personal business in violation of NSA/CSS Policies 6-4 and 6-12.

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V. (U) DISTRIBUTION OF RESULTS

(U//~~FOUO~~) A summary memorandum will be provided to the Maryland Procurement Office and the Office of the General Counsel. An informational summary memorandum will be provided to Contractor Clearances, ADS&CI; and Special Actions, ADS&CI.

[Redacted Signature]

Senior Investigator

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) NSA/CSS Policy 6-12 states that users shall use collaboration tools and collaboration services on classified NSA/CSS ISs for work-related purposes.

...

(U) NSA/CSS Policy 6-12 Annex "Standard Operating Procedures"

...

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:

...

n. (U) Outside business information and activities or commercial information without authorization;

....

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APPENDIX B
(U) NISIRT Report

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The NISIRT report

The report includes a sample of activity relating to [redacted] private business. Edits were made by the OIG for readability purposes.

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Unclassified activity- emails typed:

08/06/2013 15:29:21

[redacted]

08/06/2013 17:10:37

[redacted]

(b) (6)

08/06/2013 17:32:51

[redacted]

08/06/2013 17:33:22

[redacted]

08/06/2013 17:33:51

[redacted]

08/06/2013 17: 42:54

[redacted]

08/08/2013 13:30:53

[redacted]

08/08/2013 13:32:21

[redacted]

08/08/2013 13:34:01

[redacted]

08/08/2013 13:36:01

[Redacted]

08/08/2013 13:40:27

[Redacted]

(b) (6)

08/08/2013 13:42:31

[Redacted]

08/08/2013 13:45:12

[Redacted]

08/08/2013 14:07:19

[Redacted]

08/08/2013 14:08:40

[Redacted]

08/08/2013 14:13:53

[Redacted]

08/08/2013 14:19:47

[Redacted]

08/08/2013 14:21:05

[Redacted]

08/08/2013 14:21:54

[Redacted]

Unclassified activity –internet searching:

08/05/2013 15:17:37

[Redacted]

08/05/2013 18:28:22

[Redacted]

08/05/2013 19:45:56

[Redacted]

08/07/2013 11:27:27

[Redacted]

08/07/2013 12:17:40

[Redacted]

08/07/2013 13:55:31

[Redacted]

08/07/2013 14:04:39

[Redacted]

08/07/2013 14:12:18

[Redacted]

(b) (6)

08/08/2013 09:58:42

[Redacted]

08/08/2013 12:42:15

[Redacted]

Top Secret chat activity:

08/05/2013 17:10:12

[Redacted]

08/05/2013 17:12:32

[Redacted]