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**NATIONAL SECURITY AGENCY/CENTRAL SECURITY  
SERVICE**



**INSPECTOR GENERAL**

**REPORT OF INVESTIGATION**

**27 March 2014**

**IV-14-0022**

**Misuse of Government Resources**

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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 26 September 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 19 November 2013 the IG initiated an investigation of [REDACTED] use of 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 classified NSA/CSS IS. [REDACTED] used Government resources to engage in non-work related chat, at times using sexually explicit language, in violation of NSA/CSS Policies 6-4 and 6-12. Based on NISIRT estimates [REDACTED] engaged in approximately 4 hours of non-work related instant messaging each day during the days analyzed; 4, 7, 10, and 12 September 2013.

(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.

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## II. (U) BACKGROUND

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### (U) Introduction

(U//~~FOUO~~) [redacted] was a contractor affiliate with [redacted] assigned to the [redacted] [redacted] was working under contract number [redacted] [redacted] was removed from NSA spaces after he reported this investigation to [redacted] management. On 23 January 2014, NSA was notified that [redacted] had been terminated from [redacted]

(U//~~FOUO~~) The NISIRT reviewed [redacted] classified U.S. Government account for the period from 4 to 12 September 2013. The NISIRT provided their activity report to the Office of the Inspector General on 26 September 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

### III. (U) FINDINGS

(U//~~FOUO~~) Did [redacted] a former [redacted] contractor, misuse his 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, at times using sexually explicit language, in violation of NSA/CSS Policies 6-4 and 6-12. Based on NISIRT estimates, [redacted] engaged in approximately 4 hours of non-work related instant messaging each day during the 4 days analyzed in September 2013.

#### (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] was observed chatting for extended periods of time per day regarding non-work related material. In many of these conversations, [redacted] used sexually explicit language. Based on NISIRT estimates, [redacted] engaged in approximately 4 hours of non-work related chat each day during the days analyzed; 4, 7, 10, and 12 September 2013. The full NISIRT report can be found at Appendix B.

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#### (U) Testimonial Evidence

(U//~~FOUO~~) On 12 December 2013, [redacted] was interviewed and provided the following sworn testimony:

(U//~~FOUO~~) [redacted] has been in NSA spaces since June 2012 as a [redacted] on the contract. [redacted] job entails [redacted]  
[redacted]  
[redacted] estimated that he [redacted]  
[redacted] admitted that the work he performed on the contract was routine and monotonous.

(U//~~FOUO~~) On the classified network, [redacted] admitted he occasionally performed queries on wikipages and chatted with friends using an instant messaging system. [redacted] claimed the chats were primary personal and rarely contract related. [redacted] would initiate queries on [redacted] that would take 2 to 15 minutes to run, so he would chat while waiting for the results of a particular query. [redacted] admitted that he used chat more often when the work was slow.

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(U//~~FOUO~~) While running a query or during short breaks, [redacted] chatted with close friends. [redacted] estimated that the short breaks would last less than 5 minutes about 5 to 10 times per day. [redacted] stated that the conversations were mostly gaming related or jokes back and forth. [redacted] admitted that some of his conversations were adult oriented and sexual in nature. [redacted] claimed that he and his friends have a crude sense of humor. He admitted that the content of the conversations were inappropriate in a workplace environment.

(U//~~FOUO~~) [redacted] stated that he billed for the time in which he chatted on non-contract activities. According to his initial estimate, the time [redacted] spent chatting added up to about 25 to 50 minutes per day. When confronted with the much higher estimates by NISIRT, [redacted] admitted that some days his chats could total 3 to 4 hours per day and admitted that his estimates "must not be accurate." [redacted] stated "That's a lot. Wow. I didn't think it was nearly that much to be honest. I know I have some days that are really, really slow. But I did not think it anywhere near that much. I certainly did not intent for it to be like that. I absolutely see that it [the instant messaging] is unacceptable."

(U//~~FOUO~~) [redacted] admitted that his chat sessions were not a good use of the IS but stated his intent was not to violate policy. [redacted] has used the chat program in this manner since he started working in NSA spaces in 2012. [redacted] admitted in the last couple of months the contract work was "getting to him" and it had become a challenge to remain engaged in the routine and monotonous contract work.

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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 it clearly exceeded the brief, infrequent communications permitted by NSA/CSS Policy 6-4. In addition, his use of sexually explicit language in chat reflects negatively on the Agency. The fact that [redacted] billed the time spent to the Government conducting his personal chat is an additional violation of NSA/CSS Policy 6-4.

(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. [redacted] used the NSA/CSS IS for personal, non-work and sexually explicit chat. Additionally, [redacted] personal use of the government provided IS served no legitimate public interest.

(U) [redacted] testimony confirmed that he was spending an excessive amount of time (4 hours per day) on non contract activities. This activity was ultimately billed to a U.S. Government contract. Documentary evidence combined with [redacted] testimony supports the allegation that he misused his classified NSA/CSS IS.

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

(U//~~FOUO~~) [redacted] was provided the tentative conclusions, via his unclassified personal email account, on 7 March 2014. [redacted] responded to the tentative conclusion stating:

I agree that your conclusion is accurate and would like to make a statement on my behalf. I am deeply apologetic for my conduct and understand that it was neither appropriate nor professional. Being unaware of the policy does not excuse my actions and I take full responsibility for them. It certainly was not my intent to misuse classified information systems and I can assure you that it will not happen in the future should I continue working at or for the NSA. 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 classified NSA/CSS IS. [redacted] used the Government resources to engage in non-work related chat and used sexually explicit language in those chats, in violation of NSA/CSS Policies 6-4 and 6-12. Based on NISIRT estimates, and by his own admission, [redacted] engaged in approximately 4 hours of non-work related instant messaging each day during the 4 days analyzed in September 2013.

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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

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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

Sample of chat entries. Edits were made by the OIG for readability purposes.

09/09/13 08:01:51

[Redacted]

09/09/2013 08:59:28

[Redacted]

09/09/2013 09:00:36

[Redacted]

(b) (6)

09/16/2013 08:47:46

[Redacted]

09/10/2013 12:53:03

[Redacted]

09/10/2013 13:33:38

[Redacted]

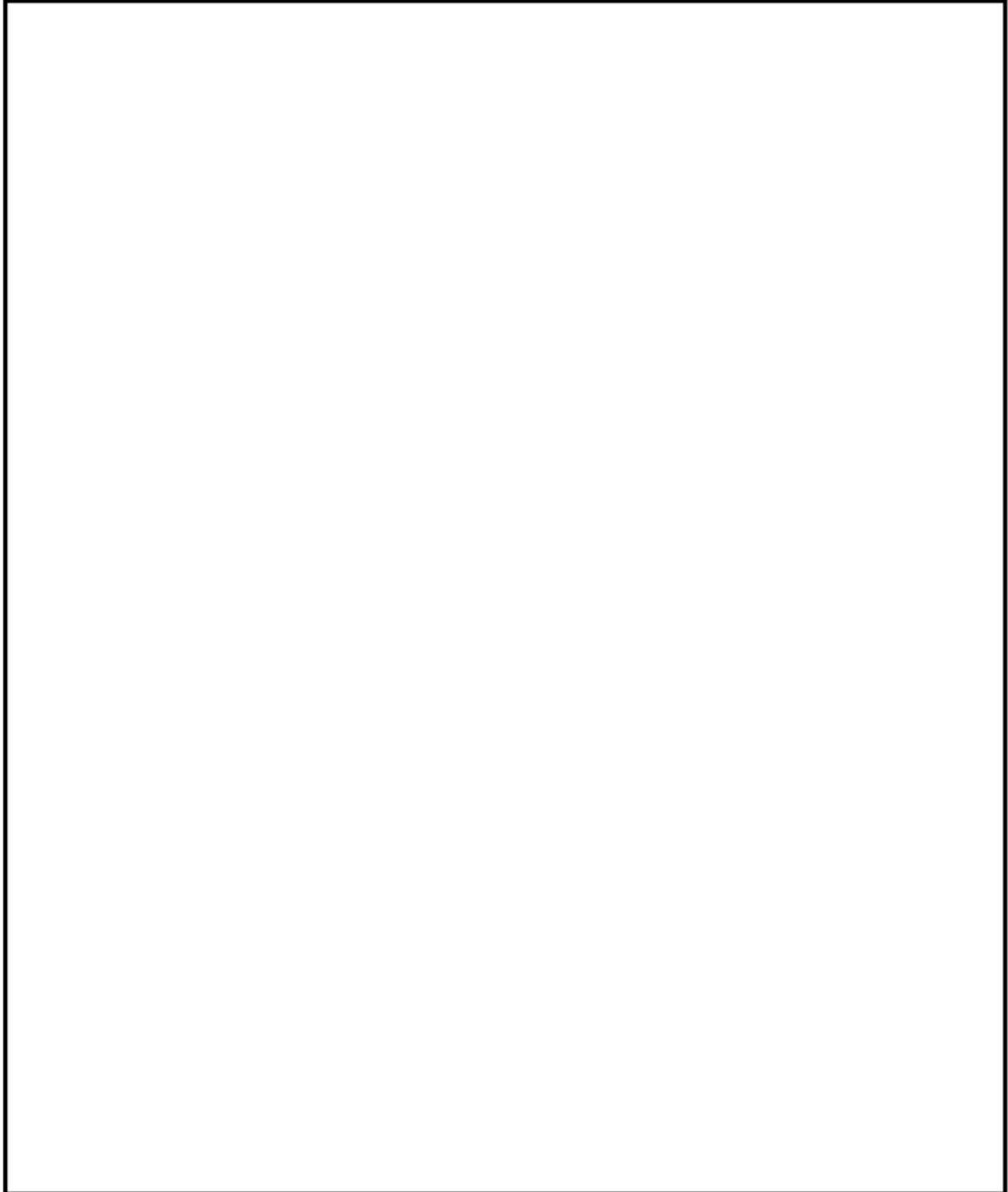
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(b) (6)

09/10/2013 14:28:16



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[Redacted]

(b) (6)

09/10/2013 15:02:50

[Redacted]

09/11/2013 11:26:22

[Redacted]

09/12/2013 07:28:18

[Redacted]

09/12/20113 07:49:39

[Redacted]



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(b) (6)

09/12/2013 12:03:18



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