

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

**NATIONAL SECURITY AGENCY/CENTRAL SECURITY
SERVICE**



INSPECTOR GENERAL

REPORT OF INVESTIGATION

9 September 2014

IV-14-0086

Misuse of Government Resources

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

(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.

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

Approved for Release by NSA on 03-01-2019, FOIA Case # 79204 (litigation)

Release: 2019-02
NSA.06906

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

(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.

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

IV-14-0086

I. (U) SUMMARY(b) (3) - P.L. 86-36
(b) (6)

(U//~~FOUO~~) On 26 March 2014 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 6 May 2014 the IG initiated an investigation of [REDACTED] use of the unclassified NSA/CSS Information System (IS). The investigation included a review of the NISIRT evidence and an interview of [REDACTED].

(U//~~FOUO~~) In October 2012, the OIG substantiated a computer misuse case against [REDACTED] (IV-12-0082) for accessing pornographic images between 4 and 11 April 2012 on the unclassified NSA/CSS IS. On 18 May 2012, [REDACTED] acknowledged the OIG notification and replied that he reviewed the policies and guidance and would adhere to them in the future. Despite the notification of his previous violation, [REDACTED] was detected again accessing pornographic images on the unclassified NSA/CSS IS.

(U//~~FOUO~~) The preponderance of the evidence collected during the investigation substantiates that [REDACTED] misused his unclassified NSA/CSS IS. [REDACTED] used his unclassified NSA/CSS IS to view pornography, in violation of NSA/CSS Policies 6-4 and 6-6. [REDACTED] spent 1 to 2 hours twice a week from December 2013 to May 2014 to view pornography and the time he spent viewing pornography was billed to the Government contract.

(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.

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

IV-14-0086

II. (U) BACKGROUND

(U) Introduction

(b) (3) - P.L. 86-36

(U//~~FOUO~~) [redacted] was a contractor affiliate with [redacted] assigned to the [redacted] [redacted] was working under contract number [redacted] under the [redacted] program name. On [redacted] [redacted] was removed from NSA spaces for an unrelated security incident.

(U//~~FOUO~~) The NISIRT reviewed [redacted] unclassified U.S. Government account for the period from 9 through 23 January 2014. The NISIRT also calculated the time [redacted] spent viewing pornography on two sample days, 18 and 22 February 2014. The NISIRT provided their activity report to the Office of the Inspector General on 26 March 2014.

(b) (6)

(U) First OIG notification of computer misuse (IV-12-0082)

(b) (3) - P.L. 86-36
(b) (6)

(U//~~FOUO~~) In 12 October 2012, the OIG substantiated a computer misuse case against [redacted] for accessing pornographic images between 4 and 11 April 2012 on the unclassified NSA/CSS IS. On 17 May 2012, [redacted] was interviewed by the OIG and admitted to searching and viewing pornography. After the interview on 17 May 2012, [redacted] was provided information in an email regarding the current policy and guidance. He was directed to respond to the OIG with regard to his intent to follow the policies in the future. The next day, [redacted] responded, stating "I have reviewed the Guidance Policies for the unclassified network below and will adhere to them in the future." See appendix A for a copy of the OIG Report of Investigation.

(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 6-6, "USE OF UNCLASSIFIED INFORMATION SYSTEMS SUCH AS THE INTERNET," Responsibilities Section (revised 15 October 2013).

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

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

(b) (3) - P.L. 86-36

III. (U) FINDINGS

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

(U//~~FOUO~~) CONCLUSION: *Substantiated.* The preponderance of the evidence supports the conclusion that [redacted] misused his unclassified NSA/CSS IS. [redacted] used Government resources to view pornography, in violation of NSA/CSS Policies 6-4 and 6-6. [redacted] spent 1 to 2 hours twice a week from December 2013 to May 2014 to view pornography and the time he spent viewing pornography was billed to the Government contract.

(U) Documentary Evidence

(U) NISIRT Report

(U//~~FOUO~~) The NISIRT provided the OIG with an analysis of [redacted] activities on the unclassified NSA/CSS IS. [redacted] accessed numerous URLs that contained pornography. Based on NISIRT estimates, [redacted] accessed pornography for approximately 2 hours on 18 February 2014 and approximately 5 hours on 22 February 2014. The NISIRT report can be found at Appendix C.

(b) (3) - P.L. 86-36
(b) (6)

(U) Testimonial Evidence

(U//~~FOUO~~) On 7 May 2014, [redacted] was interviewed and provided the following sworn testimony:

(b) (6)

(U//~~FOUO~~) [redacted] was the [redacted] supporting the [redacted] organization and has been in NSA spaces for the 9 years. [redacted] used the unclassified system for work related research [redacted] His personal use of the unclassified NSA/CSS IS consisted of reading news articles. [redacted] admitted to going to "improper" websites. When asked what "improper" sites meant, he admitted to viewing pornography. [redacted] stated that this activity occurred in the afternoons when he was waiting for the second shift to arrive. [redacted] admitted to viewing pornography from December 2013 to May 2014 for 1 to 2 hours twice a week. The time he spent viewing pornography was billed to the Government contract. He knew viewing pornography while in NSA spaces was inappropriate. He also acknowledged that the OIG had already spoken to him about his viewing pornography while in NSA spaces.

(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 to NSA/CSS IS to access and view pornography reflects negatively on the Agency. The fact that [redacted] billed the Government for the time spent viewing pornography is an additional violation of NSA/CSS Policy 6-4.

(U//~~FOUO~~) [redacted] use of the NSA/CSS IS also violated NSA/CSS Policy 6-5. [redacted] did not use good judgment and common sense when he accessed and viewed pornography while in NSA spaces.

(U//~~FOUO~~) [redacted] testimony confirmed that he viewed pornography and he billed the Government contract for the time he spent on viewing pornography. NISIRT sampled two days of [redacted] unclassified activity and estimated that [redacted] spent 2 hours on 18 February 2014 and 5 hours on 22 February 2014 viewing pornography. The OIG determined that viewing pornography for 5 hours was most likely a rare instance since there was not normally that much time between the day shift personal departing at the end of the work day and the evening shift personal arriving to allow [redacted] the opportunity to spend that much time to view pornography. It is more realistic that [redacted] viewed pornography 1 to 2 hours between December 2013 and May 2014. Based on his own admission, the OIG concluded that [redacted] spent 1 to 2 hours twice a week from December 2013 to May 2014 to view pornography. This activity was ultimately billed to a U.S. Government contract. NISIRT report combined with [redacted] testimony supports the allegation that he misused his unclassified NSA/CSS IS.

(b) (3) - P.L. 86-36
(b) (6)

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

IV-14-0086

IV. (U) RESPONSE TO TENTATIVE CONCLUSION

(b) (6)

(U//~~FOUO~~) [redacted] was removed from NSA spaces on [redacted] and was subsequently terminated from [redacted]. As a result of his admission during the OIG interview and his subsequent removal from NSA spaces on an unrelated security matter, [redacted] was not provided tentative conclusions.

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

(b) (3) -P.L. 86-36
(b) (6)

(b) (3) -P.L. 86-36

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

V. (U) CONCLUSION

(U//~~FOUO~~) The preponderance of the evidence supports the conclusion that [redacted] misused his unclassified NSA/CSS IS. [redacted] used Government resources to view pornography, in violation of NSA/CSS Policies 6-4 and 6-6. [redacted] spent 1 to 2 hours twice a week from December 2013 to May 2014 to view pornography and the time he spent viewing pornography was billed to the Government contract.

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

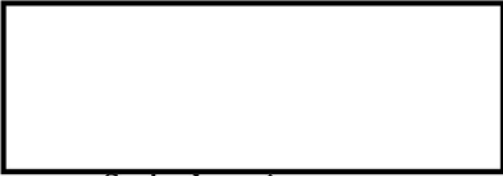
~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~


IV-14-0086


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.

Concurred by:


Senior Investigator


Deputy Assistant Inspector General
For Investigations

 (b) (3) - P.L. 86-36

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

blank page

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

IV-14-0086

APPENDIX A

(U) OIG Report of Investigation

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~



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

Date: 12 October 2012

To: Chief, D14 [redacted]
From: Investigator [redacted]
Subject: Misuse of Government Resources
File No: IV-12-0082
Precedence: Routine
Purpose: To provide a summary report of investigation and to refer this matter to the Maryland Procurement Office (MPO) and Special Actions in the Associate Directorate for Security and Counterintelligence (ADS&CI) for review and any action deemed appropriate.

Details:

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

I. (U) Background:

(U//FOUO) [redacted] is a [redacted] contractor affiliate assigned to the [redacted] organization. Routine monitoring of the NSA/CSS Unclassified network detected [redacted] account accessing pornography between 5 and 11 April 2012.

(U//FOUO) The NSA/CSS Information Security Incident Response Team (NISIRT) assigned tracking number [redacted] to this violation. NISIRT provided the activity report to the Office of the Inspector General on 6 April 2012.

II. (U) Issue(s):

(U//FOUO) Did [redacted] misuse his Agency sponsored Unclassified account and U.S. Government resources?

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

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

III. (U) Applicable Standard(s):

(U//~~FOUO~~) NSA/CSS Policy 6-6, "USE OF UNCLASSIFIED INFORMATION SYSTEMS SUCH AS THE INTERNET," Responsibilities Section:

25. (U) All Users shall:

[...]

n. (U) Use good judgment and common sense when accessing and/or communicating on unclassified ISs;

[...]

(U//~~FOUO~~) NSA/CSS Policy 6-4, "CONTRACTOR USE OF GOVERNMENT INFORMATION SYSTEMS," Policy Section:

3. (U) Personal use of Government ISs by contractor personnel is prohibited except for brief, infrequent communications to take care of unavoidable personal matters (e.g., contacting a spouse, dependent, or individual responsible for their care; scheduling a physician's appointment or car maintenance; etc.). This limited exception to the personal use prohibition applies only when

- a. the communication could not have reasonably been made at another time (e.g., the physician is only available during working hours),
- b. the communication does not adversely affect the Agency mission or reflect poorly on the Agency,
- c. 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. time spent using the Government IS for personal use is not billed to the contract, and
- e. the communication is of a non-commercial nature.

(U) This exception does not permit any personal commercial use of Government ISs (e.g., use in conjunction with a contractor employee's personal business activity for financial or other gain).

....

Personnel Privileged Information

2

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

IV. (U) Investigative Activity:

A. (U//~~FOUO~~) NISIRT Forensic Analysis

(U//~~FOUO~~) A NISIRT Network Analyst provided the OIG with an analysis of [redacted] activities on the Agency Unclassified network. The NISIRT analyst detected [redacted] searching for and viewing pornography. [redacted] also visited various websites to view nude, topless and not suitable for work material.

(b) (3) - P.L. 86-36
(b) (6)

B. (U) Interview of [redacted]

(U//~~FOUO~~) On 17 May 2012, the OIG interviewed [redacted]. He admitted to searching and viewing pornography while using Government sponsored account.

(U//~~FOUO~~) After the interview, [redacted] was provided information in an email regarding the current policy and guidance. He was asked to respond to the OIG with regard to his intent to follow the policies in the future. The next day, [redacted] responded, stating "I have reviewed the Guidance Policies for the unclassified network below and will adhere to them in the future."

(b) (6)

V. (U) Analysis and Conclusion:

(U//~~FOUO~~) Forensic evidence indicates [redacted] misused his Agency sponsored Unclassified account and U.S. Government resources. [redacted] failed to exercise good judgment and used Agency systems in a manner that would reflect negatively on the Agency. His actions were in violation of the NSA/CSS Policies 6-6 and 6-4.

VI. (U) Recommendation(s):

(U//~~FOUO~~) In accordance with the above, this case should be closed and this summary memorandum provided to the MPO and Special Actions, ADS&CI, for review and any action deemed appropriate.

cc:
IV-12-0082
OGC

* (U//~~FOUO~~) This report is property of NSA and may not be disseminated further without specific approval of the NSA OIG and the Office of the General Counsel (OGC). Furthermore, the information in this report cannot be used in affidavits, court proceedings, subpoenas, or for other legal or judicial purposes without prior OIG and OGC approval.

Personnel Privileged Information
~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

IV-14-0086

APPENDIX B

(U) Applicable Authorities

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

(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 6-6, "USE OF UNCLASSIFIED INFORMATION SYSTEMS SUCH AS THE INTERNET," Responsibilities Section (revised 15 October 2013):

25. (U) All Users shall:

...

n. (U) Use good judgment and common sense when accessing and/or communicating on unclassified ISs

...

(U) Annex - Prohibited Applications

(U) The following applications are prohibited for other than work-related purposes:

...

4. (U) Streaming media

...

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

IV-14-0086

APPENDIX C
(U) NISIRT Report

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

The NISIRT report

Sample of pornographic URLs accessed between 9 and 21 January 2014. NISIRT also provided 2 sample days of time spent accessing pornography, 18 and 22 February 2014.

01/09/2014 15:02:08

[Redacted]

01/09/2014 15:30:21

[Redacted]

01/09/2014 15:43:03

[Redacted]

01/09/2014 15:48:48

[Redacted]

(b) (6)

01/14/2014 14:31:51

[Redacted]

01/14/2014 14:45:01

[Redacted]

01/14/2014 14:46:10

[Redacted]

01/14/2014 14:52:24

[Redacted]

01/14/2014 15:11:44

[Redacted]

01/14/2014 15:13:04

[Redacted]

01/14/2014 15:45:11

[Redacted]

01/17/2014 14:16:20

[Redacted]

01/17/2014 14:34:56

[Redacted]

01/17/2014 14:44:31

[Redacted]

01/17/2014 15:16:54

[Redacted]

01/21/2014 14:09:03

[Redacted]

01/21/2014 14:25:41

[Redacted]

01/21/2014 14:28:02

[Redacted]

01/21/2014 14:44:07

[Redacted]

01/21/2014 14:59:58

[Redacted]

On 20140218, User spent approximately two hours

[Redacted]

[Redacted]

On 20140222, User spent approximately five hours

[Redacted]

[Redacted]

(b) (6)

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~

IV-14-0086

~~UNCLASSIFIED//FOR OFFICIAL USE ONLY~~