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NATIONAL SECURITY AGENCY/CENTRAL SECURITY SERVICE

INSPECTOR GENERAL

REPORT OF INVESTIGATION

19 May 2015

IV-14-0089

Misuse of Government Resources

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Approved for Release by NSA on 10-01-2021, FOIA Case # 85643 (litigation)

Release 2021-10
NSA17061

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(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

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(U) FIELD INSPECTIONS

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I. (U) SUMMARY

(U//~~FOUO~~) On 13 December 2013, the NSA/CSS Office of Inspector General (OIG) received a referral from the NSA/CSS Information Systems Incident Response Team (NISIRT) identifying potential computer misuse by a contractor affiliate, [redacted] In addition to obtaining sworn testimony from [redacted] we obtained all pertinent computer use records from NISIRT.

(U//~~FOUO~~) [redacted] computer use records revealed that he conducted numerous Internet searches for sexual images of underage girls. During his interview with the OIG, [redacted] also admitted to searching for and viewing sexual images of female children and adult pornography while at work.

(U//~~FOUO~~) The preponderance of the evidence supports the conclusion that [redacted] used his unclassified NSA/CSS information system (IS) for unauthorized purposes, including searching for and viewing sexual images of children and adults, in violation of NSA/CSS Policy 6-4 (dated 22 October 2013) and inconsistent with NSA/CSS Policy 6-6 (dated 30 September 2004, revised 15 October 2013; the version of NSA/CSS Policy 6-6 in effect at the time of [redacted] actions).

(U//~~FOUO~~) A summary of the findings will be forwarded to the Associate Directorate for Security and Counterintelligence (ADSCI).

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II. (U) BACKGROUND

(U) Introduction

(U//~~FOUO~~) On 6 December 2013, through routine monitoring, NISIRT discovered that [redacted] a contractor employee, had used an NSA IS to access unauthorized images on the unclassified Internet. NISIRT's initial analysis provided to the OIG included the dates of 11 November 2013 through 9 December 2013. During this time, [redacted] conducted over 130 searches that were sexual in nature on the NSA unclassified IS. Included in these searches were many attempts to view sexual images of underage female children.
(U//~~FOUO~~) Between December 2013 and May 2014, the OIG and NISIRT collected additional data regarding [redacted] NSA unclassified Internet usage.[1] During that time, he continued to conduct searches using sexual terms and viewed sexual images on the NSA unclassified IS, including sexual images of underage female children.

(U//~~FOUO~~) [redacted] was interviewed by the OIG on 7 May 2014. Based on his testimony from the interview, Q242 (Special Actions) suspended his security clearance.[2] The case was also referred to the [redacted] for possible investigation regarding [redacted] home computer/Internet use.[3] On 10 December 2014, Q242 advised the OIG that [redacted] company had terminated his employment and de-sponsored his access on [redacted]

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[1] (U//~~FOUO~~) During this time period, the OIG also obtained copies of the images viewed by [redacted] and coordinated its efforts with the relevant Federal law enforcement agencies. On 25 February 2014, the OIG met with the FBI to discuss referring the case to the FBI. The FBI declined to accept the case for investigation at that time because many of the questionable images were thumbnail images, which made it difficult to determine whether they were child pornography (e.g., too difficult to determine age of the girls in the images). On 6 March 2014, the OIG notified the Defense Criminal Investigative Service (DCIS) of this matter. On or about 13 March 2014, DCIS declined to participate in this investigation because of resource limitations and competing priorities.

[2] (U//~~FOUO~~) On 7 May 2014, the OIG provided the FBI with a summary of its interview of [redacted] On 25 November 2014, the FBI confirmed it did not require any further information about this case. On [redacted] the OIG notified the United States Attorney's Office (USAO) for the District of Maryland of this matter. The USAO did not express interest in prosecution or request any additional information. Although [redacted] may have violated 18 U.S. Code § 2252, we did not analyze that potential violation due to the difficulty in proving age of the girls in the very small pictures that were available for analysis combined with the declinations from the FBI, DCIS, and USAO.

[3] (U//~~FOUO~~) As of the date of this report, [redacted] had not made an attempt to contact [redacted]

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(U) Applicable Authorities

(U) The investigation looked at possible violations of the following authorities. See Appendix A for full citations.

- NSA/CSS Policy 6-4 (dated 22 October 2013)
  Contractor Use of NSA/CSS Information Systems and Resources

- NSA/CSS Policy 6-6 (dated 30 September 2004, revised 15 October 2013)
  Use of Unclassified Information Systems Such as the Internet[4]

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[4] (U/~~/FOUO~~) NSA/CSS Policy 6-6, "Use of Unclassified Information Systems and Internet-Based Capabilities," dated 1 August 2014, superseded NSA/CSS Policy 6-6, dated 30 September 2004, revised 15 October 2013. The OIG examined [redacted] conduct against the latter because it was the policy in effect at the time of [redacted] activities. Both versions of NSA/CSS Policy 6-6 are provided in Appendix A.

III. (U) FINDINGS

(U//~~FOUO~~) ALLEGATION: Did [redacted] use his unclassified NSA/CSS IS for unauthorized purposes, including searching for and viewing sexual images of female children?

***(U//~~FOUO~~)* CONCLUSION: Substantiated.** The preponderance of the evidence supports the conclusion that [redacted] used his unclassified NSA/CSS IS for unauthorized purposes, including searching for and viewing sexual images of children and adults, in violation of NSA/CSS Policy 6-4 and inconsistent with NSA/CSS Policy 6-6.

(U) Documentary Evidence

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(U) Notice and Consent to Monitoring Advisements

(U//~~FOUO~~) A notice is attached to every NSA computer monitor that states "use of this terminal constitutes consent to monitoring." Additionally, before a user logs onto any NSA computer system, a Notice and Consent to Monitor banner appears with additional information regarding monitoring, starting with the statement: "You are accessing a U.S. Government (USG) information system (IS) that is provided for USG-authorized use only." A copy of the banner is attached in Appendix B.

(U//~~FOUO~~) NISIRT Keyword Search Lists

(U//~~FOUO~~) NISIRT provided the OIG with [redacted] keyword search lists performed on the NSA unclassified IS from 23 November 2013 through 24 April 2014. The search lists include many sexual terms and terms [redacted]. The keyword search lists are attached in Appendix C.[5]

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[5] (U//~~FOUO~~) The resulting images are not included in this report because the OIG determined they were unnecessary in light of the other evidence obtained.

(U) Testimonial Evidence

(U//~~FOUO~~) [redacted]

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

(U//~~FOUO~~) [redacted] office is located in [redacted]. The office is organized with many cubicles with walls that [redacted] can see over when he stands. He has been an employee of [redacted] for seven years and previously was an employee of [redacted] which was bought by [redacted]

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(U//~~FOUO~~) [redacted] has had access to the NSA unclassified computer system for approximately three to four years. His understanding of the policy regarding use of the unclassified system is "no pornography or adult sites, no banking, no outside e-mail…" When asked about his personal use of the unclassified system, [redacted] first responded that he used it for looking up maps of vacation destinations. After being told several times to answer the questions honestly, [redacted] stated that he also used the unclassified system for shopping, personal e-mail, and other personal searches. The search engines he normally used were Bing or Google. When asked why he deliberately turned off the safe mode on Bing searches, which allows adult content to be shown in searches, [redacted] stated that when searching for products related to work, some websites do not work with safe mode turned on.

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(U//~~FOUO~~) [redacted] cleared his Internet search history every time he used the NSA unclassified system out of "habit." He did this because of "cookies and malware and everything else." When [redacted] was confronted with the fact that the OIG had evidence that he has searched for sexual images of underage females on many occasions, he admitted, "I have done it, but I've never intentionally went out and fished for underage images." [redacted] acknowledged that he conducted Internet searches using sexual terms to "find something to look at that's attractive" to "make time go by" because he was bored at work. Although [redacted] search terms have included such terms as [redacted] he initially denied specifically searching for images of underage females. He claimed that he was searching for [redacted] females that are over the age of 18 years. [redacted] described [redacted]

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(U//~~FOUO~~) [redacted] denied knowing the definition of the acronym [redacted] He claimed he saw the term on a photo of a topless [redacted] in her late teens to early twenties, which he viewed during an Internet search and then decided to use the term in searches because it "was bringing up different things each time." [redacted] claimed that he "honestly" couldn't remember what images resulted during his search of the term [redacted]. When asked about his searches of the term [redacted] admitted to knowing that the term [redacted] He stated that he conducted searches using this term because he was curious and wanted to "see what images would come up." He claimed that he was "hoping nothing young" would result in the searches. [redacted] stated that [redacted] He conducted these searches to

[redacted] was confronted with the fact that he conducted specific searches for images of underage females; therefore, his claim that he [redacted] was not credible. He admitted that by conducting searches using these specific search terms, [redacted]

(U//~~FOUO~~) [redacted] claimed that starting approximately six to eight months ago, he began conducting searches using the terms identified above and other similar terms while at work approximately one to two times per month. He began conducting these searches because he was bored at work and had "a lot of down time." He conducted searches in Bing, then hovered over the images to enlarge them. He denied clicking on the images or visiting the websites that hosted the images. He further denied printing the images or sending them to himself or others. [redacted] also denied using Bing searches specifically for the hover feature, meaning that he could hover over images to enlarge them without clicking on the photo. The last time he conducted searches for sexual images of underage females was approximately three to four weeks ago.

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(U//~~FOUO~~) [redacted] offered to provide the OIG with any devices, including computers and tablets, from his home, to be searched for sexual images of underage children and child pornography. He has one personal laptop computer and an iPad. His fiancé, with whom he cohabitates, also has her own laptop and iPad. She also has a personal cell phone, something that [redacted] denied possessing. There are also two desktop computers in his home that belong to his fiancé. [redacted] denied using his fiancé's computers or iPad. His Internet provider is Verizon and he uses a wireless router.

(U//~~FOUO~~) [redacted] was aware that his NSA computer use was monitored, [redacted] as part of his job. He admitted that he was concerned that someone would notice the images he was viewing; however he continued to conduct that searches because he was bored and his "brain turned off."

(U//~~FOUO~~) [redacted] conducted searches that contained the phrase [redacted] He defined [redacted] He admitted to intentionally searching for sexual images of female children under the age of 13 years. He denied that any of the images "turn[ed] him on," instead, he stated that he looked at the images out of curiosity to view attractive females. He stated that sexual images of children have "never really given [him] sexual satisfaction or gratification." However, he was unable to explain why he viewed these images.

(U//~~FOUO~~) [redacted] first denied viewing or searching for sexual images of underage females using his personally owned computer; however, he later admitted to using the similar search terms to those that he had used at work, at home. Initially he stated that he had not conducted these searches for years, but later stated the last time was around the same time he last searched for [redacted] and [redacted] at work. He advised the frequency of these searches is less than when he is at work. He usually conducts image searches, using Bing, just like those conducted at work. He has clicked on links and images in the past; however, has not done it recently. In the past he has visited sites which focused on sexual images of underage children. He denied visiting

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any of these sites recently due to feeling ashamed. He stated, "I know it's wrong. I shouldn't be doing it." [redacted] denied being able to recall the names of any of the websites

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(U//~~FOUO~~) [redacted] searched for phrases containing the term [redacted] on his home computer on one to two occasions. The phrases that he searched for on his home computer were similar to those that he used on the NSA unclassified system, like [redacted] and [redacted]." He explained that he knew what the term [redacted] meant when he searched for it at home. He used these search terms because he was interested in viewing [redacted] under the age of 13 years. Most of the images he viewed were "selfies," photos taken by the subject of the photographs. He also used the following search terms on his home computer in an attempt to view sexual images of females under the age of 13 years: [redacted] and [redacted]

(U//~~FOUO~~) Approximately 12-15 years ago, [redacted] viewed two images on Limewire that made him feel uncomfortable. The first was a photograph of [redacted] stated this image made him uncomfortable because [redacted] The other image was a video depicting what [redacted] believed to be child pornography. The video [redacted] He deleted both the photograph and video after viewing. He denied sharing these or other sexual videos or images of children at any time. He denied other file sharing or peer to peer network use. Additionally, he denied viewing additional videos, paying for images or videos, or exchanging/trading sexual images or videos of underage children.

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(U//~~FOUO~~) In addition to the information discussed in this report, [redacted] also admitted to searching for and viewing adult pornography at NSA. [redacted]' fiancé does not know about the underage searches. He denied being able to be blackmailed regarding the searches.

(U//~~FOUO~~) [redacted] Contracting Officer, [redacted]

(U//~~FOUO~~) On 21 October 2014, [redacted] Contracting Officer, [redacted] was interviewed and provided the following information:

(U//~~FOUO~~) The [redacted] contract, on which [redacted] was working during the period that the incidents occurred, does not authorize contractor employees to use NSA/CSS ISs for personal use.

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(U) Analysis and Conclusions

(U//~~FOUO~~) NSA/CSS Policy 6-4, "Contractor Use of NSA/CSS Information Systems and Resources," states, "Contractors shall only use NSA/CSS ISs to perform tasks that are authorized by contract, approved by the Contracting Officer (CO), and permitted by this policy." NSA/CSS Policy 6-6, "Use of Unclassified Information Systems Such as the Internet," dated 30 September 2004, revised 15 October 2013, stated that NSA/CSS unclassified ISs were provided "for the purpose of research, training, and/or communications that are directly related to official unclassified U.S. Government business." Further, this policy requires that even if limited personal use had been authorized, such use must be consistent with the Joint Ethics Regulations and the Joint Ethics Regulations section 2-301 prohibits using government ISs to view pornography.

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(U//~~FOUO~~) [redacted] computer use records revealed that he conducted numerous Internet searches for sexual images of underage girls. During his interview with the OIG, [redacted] admitted to searching for and viewing sexual images of female children, as well as adult pornography, while at work at NSA.

(U//~~FOUO~~) As an [redacted] on the [redacted] contract, [redacted] was not authorized to use NSA ISs for personal use. Furthermore, his use of NSA ISs to search the Internet for and view sexual images of female children, and adult pornography, was not related to official U.S. Government business. By using NSA unclassified ISs for personal use, including performing Internet searches for and viewing sexual images of children and adult pornography, [redacted] violated NSA/CSS Policy 6-4 and his conduct was inconsistent with NSA/CSS Policy 6-6.

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

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(U//~~FOUO~~) [redacted]'s employment with [redacted] was terminated and his NSA access was de-sponsored in July 2014. As he is no longer an NSA affiliate, the OIG sent the tentative conclusions to [redacted] via his personal e-mail address, [redacted] on 17 March 2015. [redacted] did not respond to the e-mail message; therefore, the tentative conclusions became final.

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V. (U) CONCLUSION

(U//~~FOUO~~) The preponderance of the evidence supports the conclusion that [redacted] used his unclassified NSA/CSS information for unauthorized purposes, including searching for and viewing sexual images of children and adults, in violation of NSA/CSS Policy 6-4 and inconsistent with NSA/CSS Policy 6-6.

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V.(U) DISTRIBUTION OF RESULTS

(U//~~FOUO~~) A summary of the findings will be provided to Q242, Special Actions for any appropriate action.

[redacted]
Investigator

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Concurred by: [redacted]
Assistant Inspector General
for
Investigations

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APPENDIX A

(U) Applicable Authorities

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(U) NSA/CSS Policy 6-4 — Contractor Use of NSA/CSS Information Systems and Resources

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

2. (U) Contractor employees using NSA/CSS ISs are subject to the entire NSA/CSS IT Policy Series the same as Government employees…All NSA/CSS ISs and networks are subject to monitoring in accordance with NSA/CSS Policy 6-26 "Monitoring NSA/CSS Global Cryptologic Enterprise Networks"…

. . .

8. (U) Contractors shall not use NSA/CSS ISs . . . for personal use except for brief, infrequent communications to deal with urgent matters. . . .

(U) NSA/CSS Policy 6-6 — Use of Unclassified Information Systems Such as the Internet (Dated 30 September 2004, Revised 15 October 2013)

(U) POLICY

1. (U) NSA/CSS provides authorized users with access to unclassified information systems (ISs) for the purpose of research, training, and/or communications that are directly related to official unclassified U.S. Government business. . . .

. . .

3. (U) Supervisors may authorize NSA/CSS affiliates to conduct limited personal communications while using an NSA/CSS-sponsored account for official business, or while using U.S. Government resources such as ISs consistent with . . . [for contractors, NSA/CSS Policy 6-4].

. . .

(U) DEFINITIONS

. . .

41. (U) Authorized User – An individual who has received approval to utilize an unclassified IS for the purpose of conducting research, training, and/or communications that are directly related to official U.S. Government business.

(U) NSA/CSS Policy 6-6 — Use of Unclassified Information Systems and Internet-Based Capabilities (Dated 1 August 2014)

(U) **Prohibited Activities**

...

18. (U) Users shall avoid all prohibited activity . . . When using an associated access account, the following actions are prohibited:

. . .

h. (U) Violating laws or regulations or participating in other uses of any NSA/CSS IS that are incompatible with public service . . .

. . .

(U) DEFINITIONS

. . .

69. (U) Prohibited Activity – Download, installation, or use of unauthorized software (e.g., applications, games, peer-to-peer software, movies, music videos, files); accessing pornography… other uses incompatible with public service . . .

APPENDIX B

(U) Consent to Monitoring Advisements

Notice and Consent to Monitor

You are accessing a U.S. Government (USG) information system (IS) that is provided for USG-authorized use only.

By using this IS (which includes any device attached to this IS), you consent to the following conditions:

--- The USG routinely intercepts and monitors communications on this IS for purposes including, but not limited to, penetration testing, COMSEC monitoring, network operations and defense, personnel misconduct (PM), law enforcement (LE), and counterintelligence (CI) investigations.

--- At any time, the USG may inspect and seize data stored on this IS.

--- Communications using, or data stored on, this IS are not private, are subject to routine monitoring, interception, and search, and may be disclosed or used for any USG-authorized purpose.

--- This IS includes security measures (e.g., authentication and access controls) to protect USG interests—not for your personal benefit or privacy.

--- Notwithstanding the above, using this IS does not constitute consent to PM, LE or CI investigative searching or monitoring of the content of privileged communications, or work product, related to personal representation or services by attorneys psychotherapists, or clergy, and their assistants. Such communications and work product are private and confidential. See User Agreement for details.

APPENDIX C

(U//~~FOUO)~~ NISIRT Keywords Search Lists

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