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**NATIONAL SECURITY AGENCY/CENTRAL SECURITY
SERVICE**



INSPECTOR GENERAL

REPORT OF INVESTIGATION

14 May 2015

IV-15-0019

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.

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Approved for Release by NSA on 08-29-2019, FOIA Case # 85643 (litigation)

Release: 2019-08
NSA:09373

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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

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

~~(S//REL)~~ The NSA/CSS Office of the Inspector General (OIG) conducted this investigation in response to a referral from the NSA/CSS [redacted] identifying potential misuse of NSA/CSS Information Systems (ISs) by an Agency contractor employee, [redacted].

~~(S//REL)~~ An analysis of [redacted] unclassified Internet usage revealed extensive use not related to his contract duties. A review of a [redacted] report [redacted]

[redacted]
[redacted]
[redacted] A subsequent report from [redacted] estimated that [redacted]
[redacted]

(U//FOUO) During his interview with the OIG, [redacted] admitted to sending and receiving sexually explicit emails from NSA/CSS unclassified computers at his work location [redacted] from late 2013 until December of 2014. [redacted] also admitted to viewing adult images during the email exchanges.

(U//FOUO) The preponderance of the evidence supports the conclusion that, from November 2013 through November 2014, [redacted] misused unclassified NSA/CSS ISs by engaging in sexually explicit email exchanges and viewing adult images, in violation of NSA/CSS Policy 6-4 and NSA/CSS Policy 6-6.¹

(U//FOUO) A summary of the findings will be provided to the Maryland Procurement Office (BA3) for review and any appropriate action. A copy of the summary of the findings will be forwarded to Contractor Clearances (Q232), Associate Directorate for Security and Counterintelligence (ADS&CI), and Special Actions (Q242), ADS&CI.

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

¹ (U//FOUO) NSA/CSS Policy 6-6 was revised on 1 August 2014; thus, the OIG examined [redacted] conduct against both Policy 6-6 dated 1 August 2014 and its predecessor.

Classified By: [redacted]
Derived From: NSA/CSSM 1-52
Dated: 20070108
Declassify On: 20400401

II. (U) BACKGROUND

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

(U) Introduction

(U//FOUO) [redacted] is a contractor affiliate with [redacted] assigned to support the [redacted]. He is currently working under contract number [redacted] on the [redacted] program, for which [redacted] is the prime contractor. His work location is the [redacted]. His work consists primarily of developing Windows applications for mission use.

(U//FOUO) From November 2013 through November 2014, [redacted] was assigned to the [redacted] program, contract number [redacted] for which [redacted] is the prime contractor. [redacted] work location while assigned to the [redacted] program was the [redacted]. [redacted] work under this contract also involved developing Windows applications.

(S//REL) [redacted] provided [redacted]. A subsequent report from [redacted] estimated that [redacted] unclassified account was terminated for unrelated reasons on 3 December 2014.

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

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(U) Applicable Authorities

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

(U//FOUO) NSA/CSS Policy 6-4, "Contractor Use of NSA/CSS Information Systems," dated 22 October 2013.

(U//FOUO) NSA/CSS Policy 6-6, "Use of Unclassified Information Systems Such as the Internet," revised 15 October 2013.

(U//FOUO) NSA/CSS Policy 6-6, "Use of Unclassified Information Systems and Internet-Based Capabilities," dated 1 August 2014.

III. (U) FINDINGS

(U//~~FOUO~~) **ALLEGATION:** Did [redacted] a [redacted] employee, misuse his NSA/CSS IS by engaging in sexually explicit email exchanges and viewing adult images, in violation of NSA/CSS Policy 6-4 and NSA/CSS Policy 6-6?

(U//~~FOUO~~) **CONCLUSION:** *Substantiated.*

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

(U) Documentary Evidence

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

(S//REL) On 14 August 2014, [redacted] provided the OIG with [redacted]. The report identified [redacted] at Appendix B.²

(S//REL) On 11 February 2015, [redacted] provided a subsequent report on [redacted]. This report is at Appendix C.

(U) Testimonial Evidence

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(b) (3) - P.L. 86-36
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(U//~~FOUO~~) [redacted]

(U//~~FOUO~~) On 20 February 2015, [redacted] was interviewed and provided the following sworn testimony:

(U//~~FOUO~~) [redacted] has been working on contracts for various companies with NSA since 1992. From November 2013 to November 2014, he worked on the [redacted] program under [redacted] at the [redacted]. While assigned to the [redacted] project, [redacted] was provided with NSA network accounts for both unclassified and classified information systems.

² (S//REL) [redacted]

However, he did not have a dedicated unclassified work station on his desk. Instead, he used one of the community unclassified computers provided for official and limited personal use. [redacted] used these NSA-provided unclassified systems for contract purposes and personal email including sexually explicit email exchanges.

(U//FOUO) [redacted] admitted that from late 2013 to November 2014 he engaged in sexually explicit email exchanges with a non-affiliate. [redacted] sent the emails from his personal Gmail address. [redacted] also admitted to viewing adult images of naked women and men that were sent to him during the exchanges. He denied using any special program to view the images as they were ordinary "jpeg" pictures that would appear within the body of the emails. The images were ultimately deleted along with the messages that contained them. [redacted] denied downloading any of the images to a NSA/CSS Information System. [redacted] prohibited computer activity ceased when his NSA unclassified account was terminated following his transition from [redacted] to the [redacted] program in December 2014.

(b) (6)

(U//FOUO) [redacted] stated that he may have spent approximately one hour per week over the course of a year sending sexually explicit emails from Government computers. [redacted] denied that any of his time spent sending sexually explicit emails was charged to the Agency. According to [redacted] if he spent time during the work day doing anything other than working on the contract, such as lunch, breaks, errands, or personal emails, he would work the extra minutes to account for the time. [redacted] understood his activity was in violation of NSA policies governing use of Government provided information systems. He attributed his actions to poor judgment.

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(b) (6)

(U) Analysis and Conclusions

(S//REL) A review of a [redacted] report revealed that [redacted] [redacted] [redacted] [redacted] [redacted]. During his interview with the OIG, [redacted] admitted to sending and receiving sexually explicit emails using NSA/CSS unclassified computers at his work location [redacted] from late 2013 until his NSA/CSS unclassified account was terminated in early December 2014. [redacted] also admitted to viewing images of naked men and women during these email exchanges. [redacted] estimated he may have spent approximately one hour per week over the course of a year engaged in such activity using Government computers.

(U//FOUO) In accordance with NSA/CSS Policy 6-4, contractors shall only use NSA/CSS ISs to perform tasks that are authorized by the contract, approved by the Contracting Officer, and permitted by that policy, and shall not use NSA/CSS ISs for personal use except for brief, infrequent communications to deal with urgent matters. According to paragraph 8, this limited exception to the personal use prohibition applies only when:

(b) (1)
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- 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 physician's 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.

[redacted] use of the unclassified NSA/CSS ISs to engage in sexually explicit email exchanges and to view adult images was not consistent with NSA/CSS Policy 6-4's limited exception to the personal use prohibition.

(U//~~FOUO~~) NSA/CSS Policy 6-6, dated 1 August 2014, paragraph 18h, prohibits uses of any NSA/CSS IS "that are incompatible with public service." Its predecessor, NSA/CSS Policy 6-6, revised 15 October 2013, paragraph 1, stated that unclassified NSA/CSS ISs were provided for uses "that are directly related to official unclassified U.S. Government business."³ [redacted]

[redacted] use of unclassified NSA/CSS ISs to engage in sexually explicit email exchanges and to view adult images was neither compatible with public service nor directly related to official unclassified U.S. Government business.

(U//~~FOUO~~) Thus, the OIG concludes by a preponderance of the evidence that, from November 2013 through November 2014, [redacted] misused NSA/CSS unclassified ISs by engaging in sexually explicit email exchanges and viewing adult images, in violation of NSA/CSS Policy 6-4 and NSA/CSS Policy 6-6.

(b) (1)
 (b) (3) - P.L. 86-36
 (b) (6)

³ (U//~~FOUO~~) Paragraph 3 of NSA/CSS Policy 6-6 also stated that limited personal use of ISs may be authorized consistent with NSA/CSS Policy 6-4. As noted above, the OIG found that [redacted] use of the unclassified ISs was not consistent with Policy 6-4.

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

(U//FOUO) [redacted] was provided the tentative conclusion on 21 April 2015. On 27 April 2015, [redacted] responded with the following:

I understand how serious these allegations are and I am extremely and genuinely regretful for my actions. These actions were an example of me exercising extremely poor judgment and vow / promise to abstain from any such inappropriate behavior in the future.

(b) (1)
(b) (3) - P.L. 86-36
(b) (6)

These activities are by no means representative of my overall character and integrity. I am very honored to be able to support our nation's intelligence gathering community and hope to do so for the duration of my career.

Thank you for your time and allowing me this opportunity to submit this response.

(U//FOUO) Because [redacted] provided no information requiring additional investigation, the OIG's preliminary conclusion became final. A copy of [redacted] response is attached as Appendix D.

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V. (U) CONCLUSION

(U//~~FOUO~~) The preponderance of the evidence supports the conclusion that, from November 2013 through November 2014, [REDACTED] misused NSA/CSS unclassified ISs by engaging in sexually explicit email exchanges and viewing adult images, in violation of NSA/CSS Policy 6-4 and NSA/CSS Policy 6-6.

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(b) (3) - P.L. 86-36
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VI. (U) DISTRIBUTION OF RESULTS

(U//~~FOUO~~) A summary memorandum will be provided to the Maryland Procurement Office (BA3) for review and any action deemed appropriate. A copy of the summary memorandum will be provided to Contractor Clearances (Q232), ADS&CI; and Special Actions (Q242), ADS&CI.

[Redacted Signature]

Senior Investigator

Concurred by:

[Redacted Signature]

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 and Resources.*

(U)Policy.

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...

...

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 physician's 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 and Internet-Based Capabilities* (dated 1 August 2014).

(U) Prohibited Activities.

18. (U) Users shall avoid all prohibited activity and must not take any action (e.g., email, web-site registrations, web-site access) that potentially circumvents security protections and/or presents a security risk to the NSA/CSS information technology infrastructure. When using an associated access account, the following actions are prohibited:

...

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

(U/~~FOUO~~) NSA/CSS Policy 6-6: *Use of Unclassified Information Systems Such as the Internet* (dated 30 September 2004, revised 15 October 2013; the policy in effect prior to 1 August 2014)

(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].

...

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APPENDIX B

~~(S//REL)~~ [REDACTED] Report: 14 August 2014

[REDACTED]
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[Redacted]

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(U//~~FOUO~~) Who:

Full Name:

[Redacted]

SID.....
UID.....
Full Name.....
*Current Org.....
Assigned Org.....
*Secure Phone..... 717-5115
*Outside Phone.....
*Location.....
*Suite Number..... unknown
*E-Mail Address.....
Affiliation..... NSA
Personnel Type.... CON
*Personal Title.... unknown
Official Title.... unknown
Company Name.....
SEARCHLIGHT POC... unknown

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

(U//~~FOUO~~) When:

Date Found: 31 July 2014
Trigger Date: 31 July 2014
Misuse Dates: 01-31 July 2014
Analysis Date Range: 30 Days (01-31 July 2014)

~~(S//REL)~~ Where, Workstation/IP & USER Account:

[Redacted]

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~~(S//REL)~~ What: SUBJECT was found to be typing extremely graphic sexual email contents [redacted]
[redacted]

~~(S//REL)~~ Supporting Data:

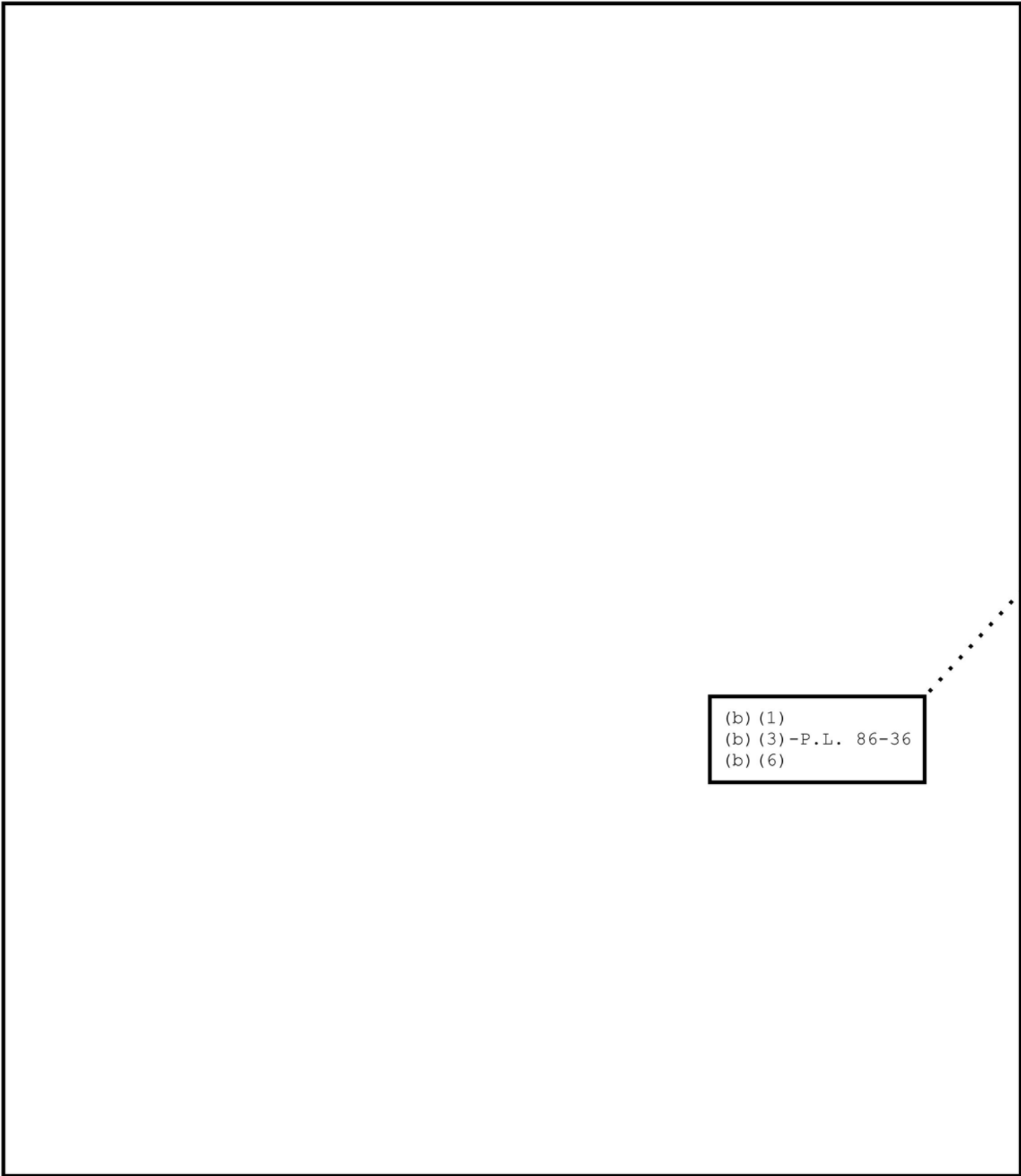
[Large redacted area]

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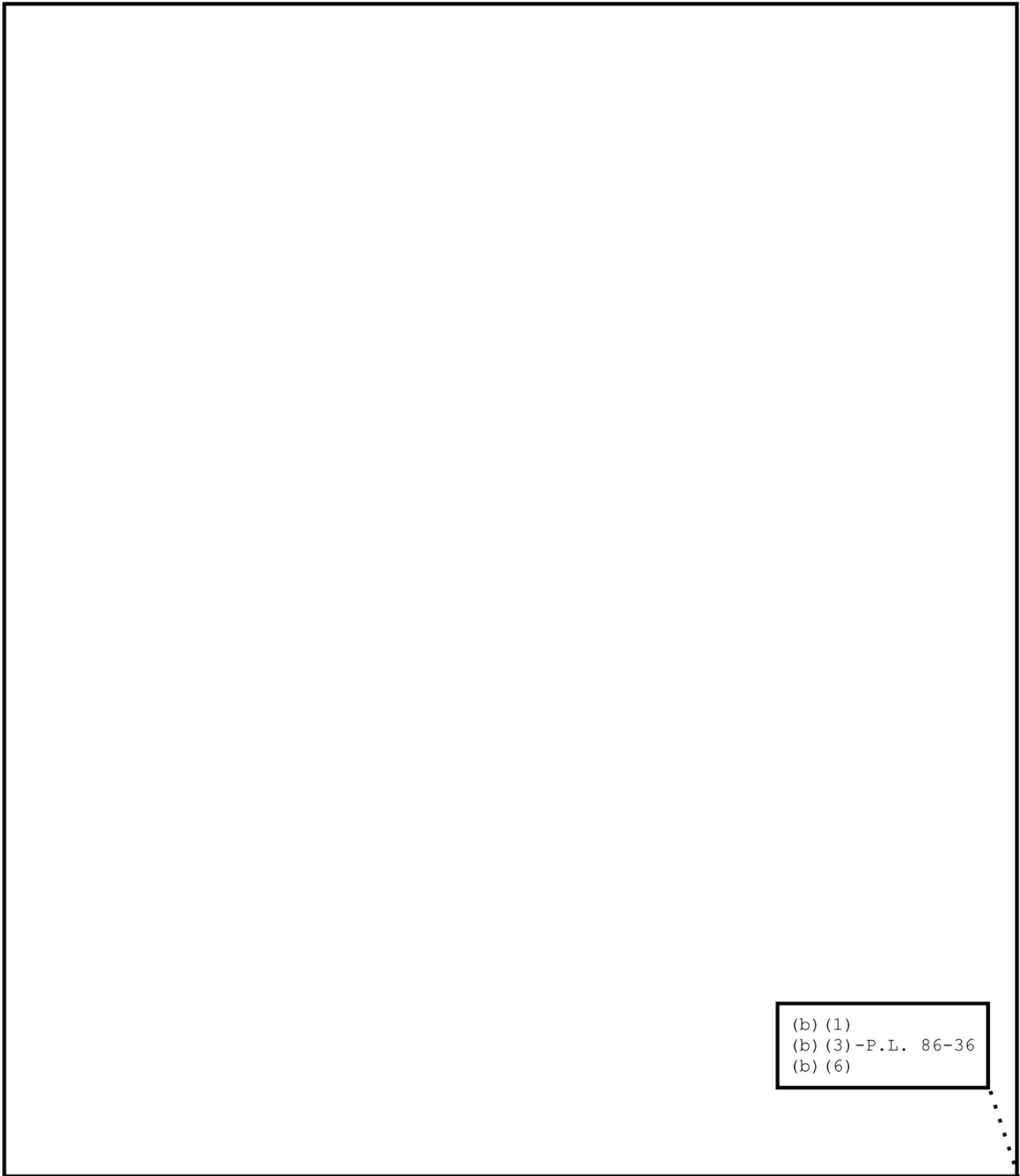


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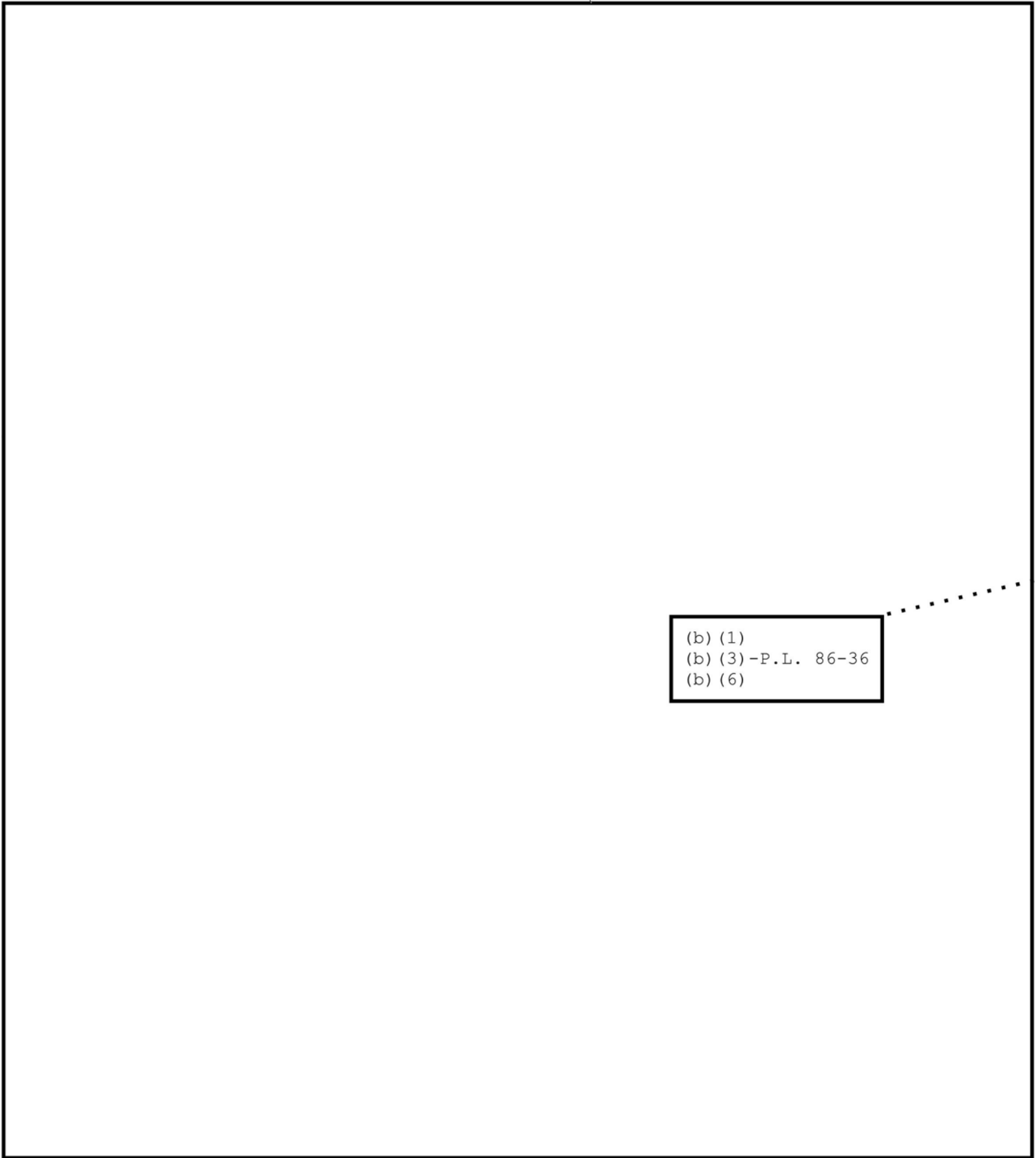


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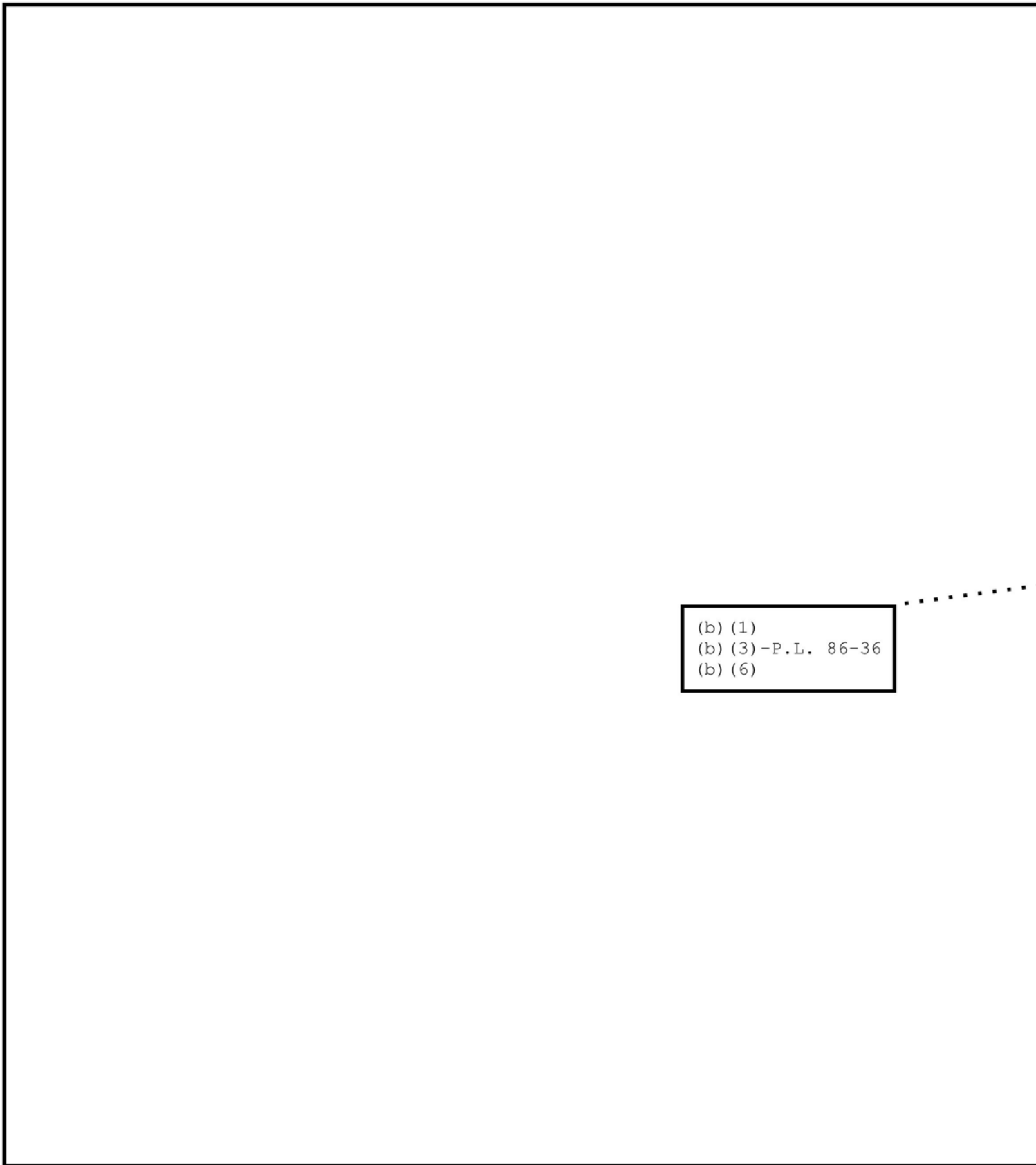


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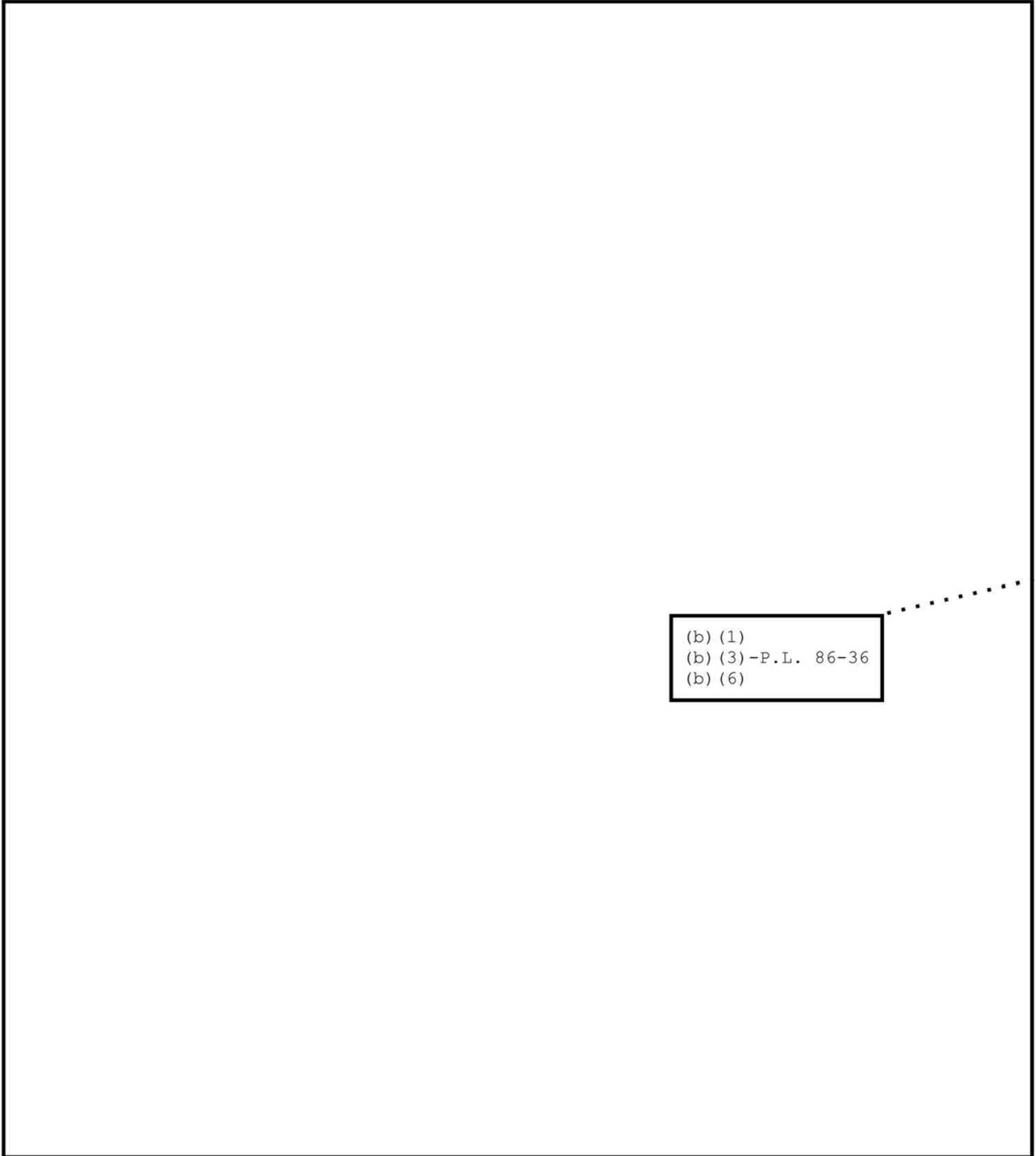


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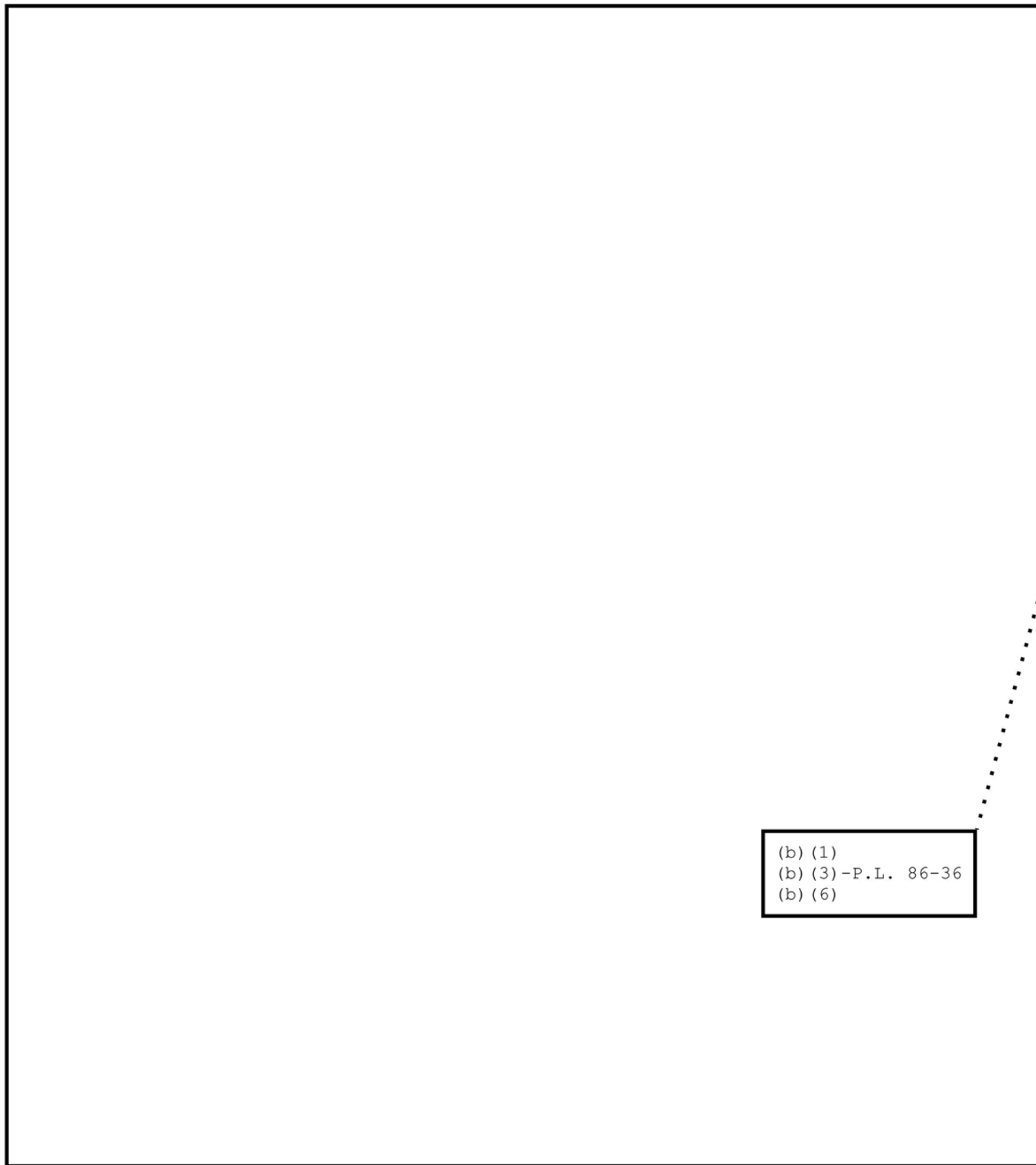


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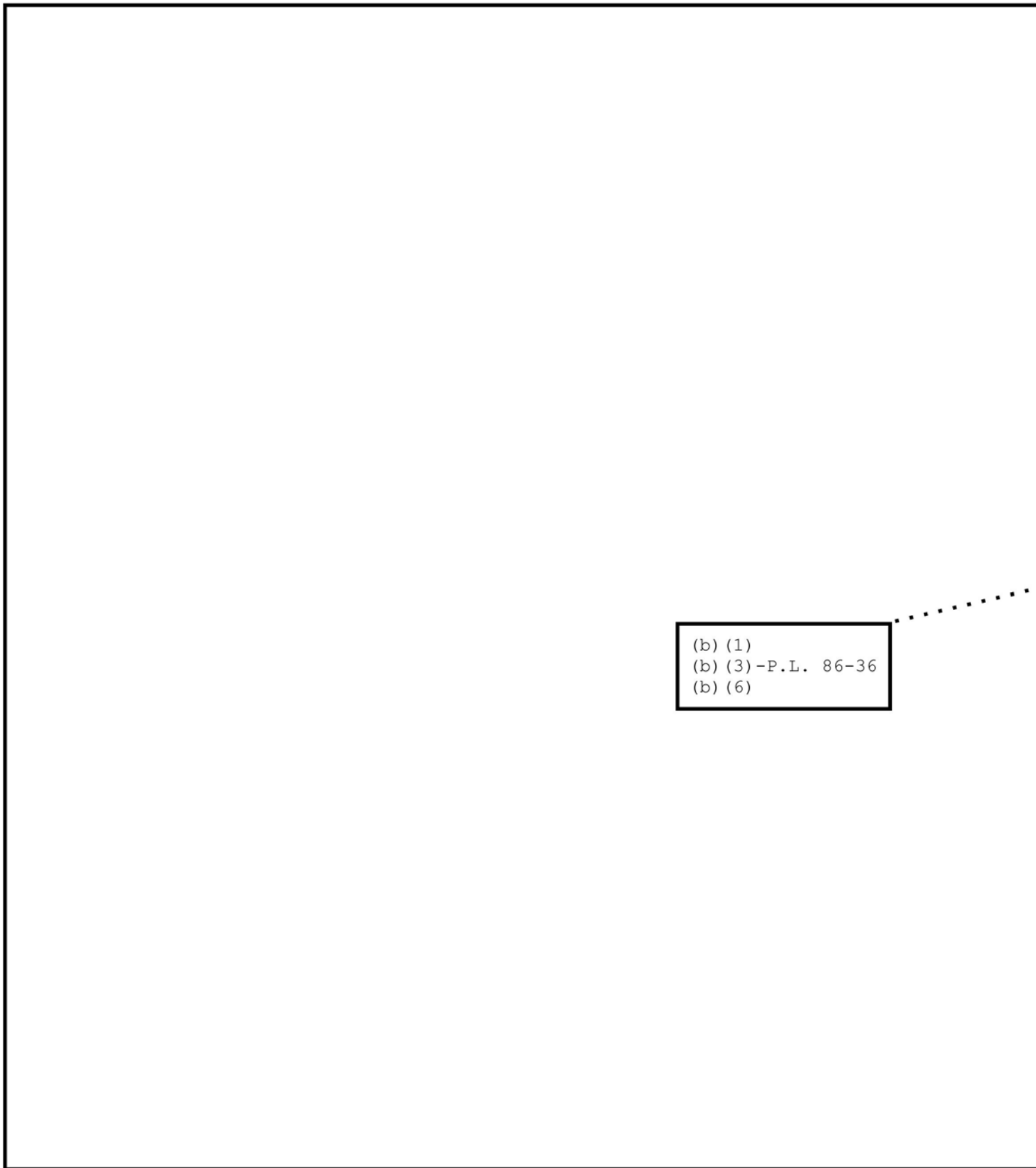
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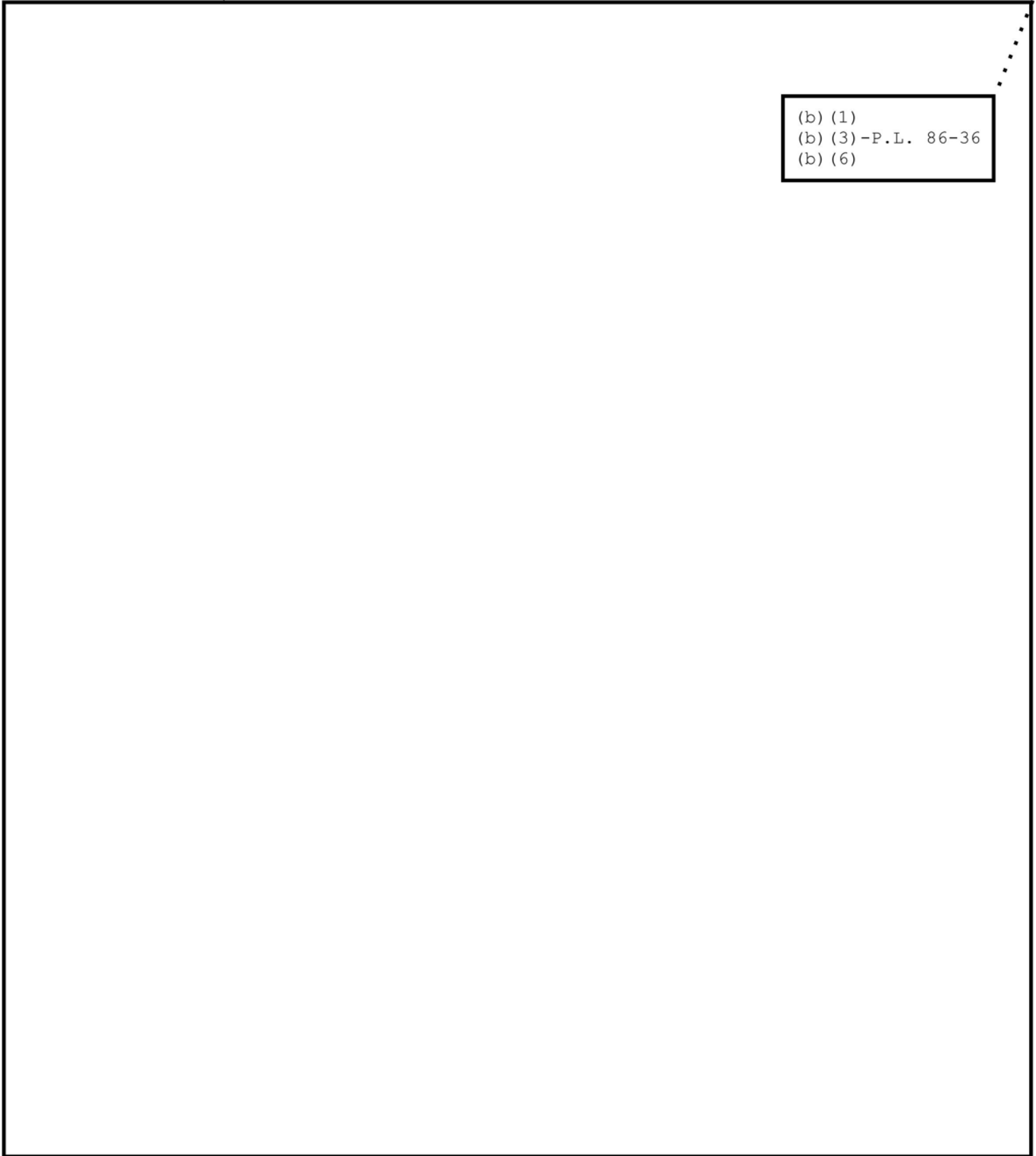


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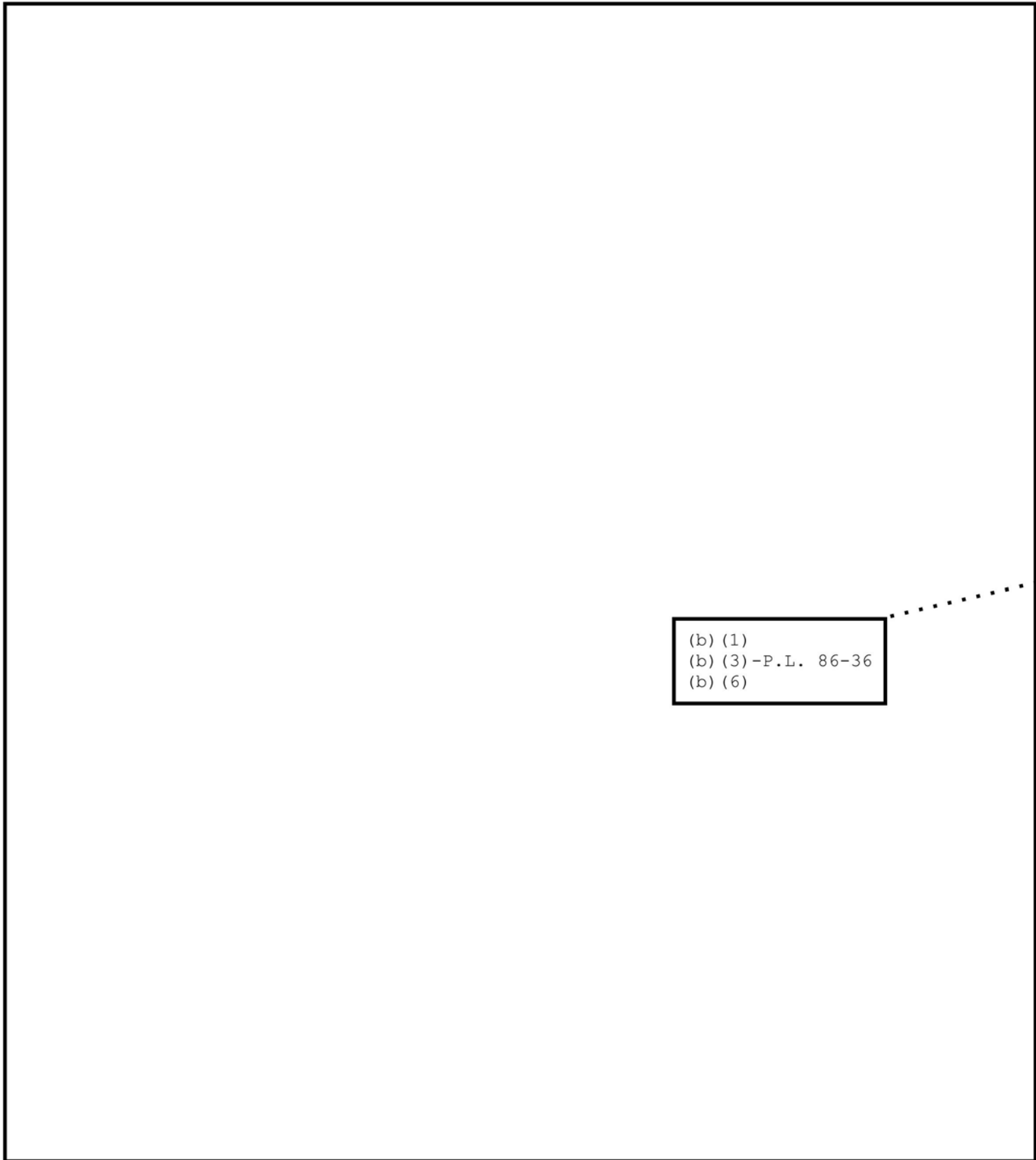


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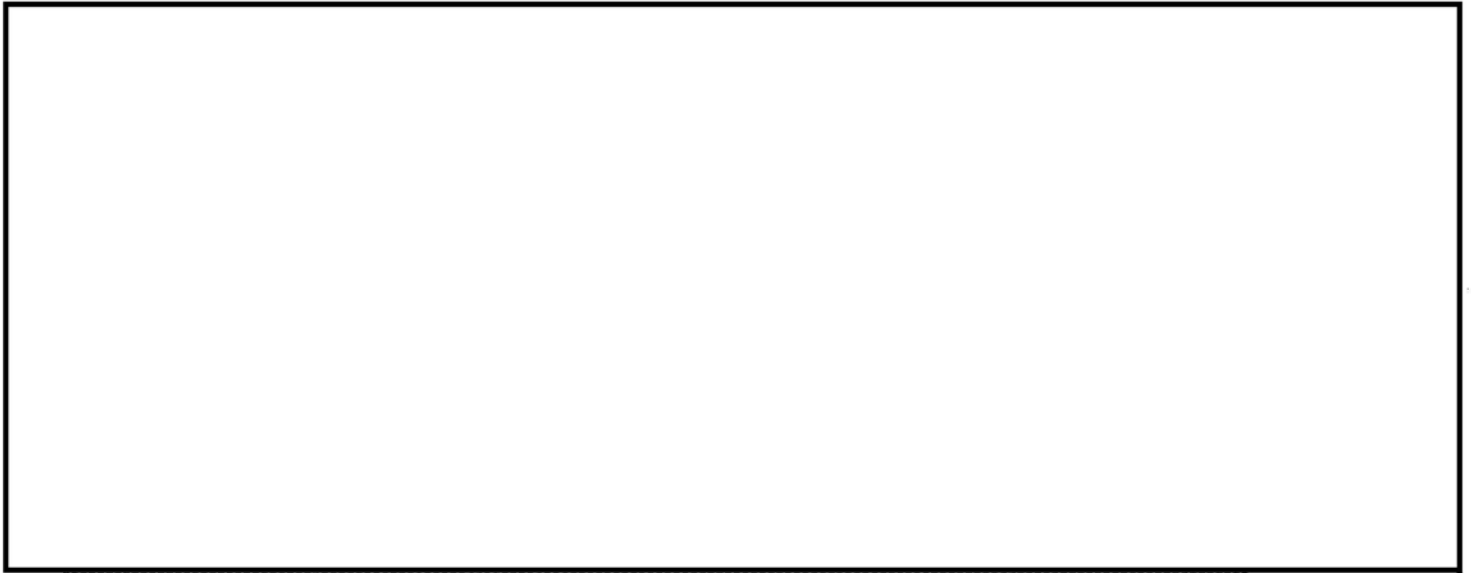
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~~(S//REL)~~ Analyst Comments:

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(b) (6)

Based on analysis of workstation activity, on UNCLASS and TS, it does appear that this NSA
CON affiliate has been [redacted]

[redacted] The affiliate is using a [redacted]

[redacted] During the 30 day
period this CON affiliate was analyzed [redacted]

[redacted] is just for a two day period alone. There also appears there may have
been [redacted]

[redacted]

[redacted] What is most concerning is this CON affiliate is a system administrator [redacted]

[redacted] Over the same period the CON affiliate's TOP SECRET workstation was also analyzed
and there was very little work related activity at all. There were a total of 175 line items.

~~(S//REL)~~ Analyst Recommendation:

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APPENDIX C

~~(S//REL)~~ Report: 11 February 2015



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[Redacted]

(U//FOUO) Who:

SID..... [Redacted]
 UID..... [Redacted]
 Full Name... [Redacted]
 Current Org..... [Redacted]
 Assigned Org..... [Redacted]
 Secure Phone..... 719-3080
 Outside Phone..... unknown
 Location..... [Redacted]
 Suite Number..... unknown
 E-Mail Address... [Redacted]
 Affiliation..... NSA
 Personnel Type... CON
 Personal Title.... unknown
 Official Title.... unknown
 Company Name..... [Redacted]

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

(U//FOUO) When:

Analysis Date Range: 20140701 - 20150202

(S//REL) Where, Workstation/IP & USER Account:

[Redacted]

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(S//REL) What: In August 2014, SUBJECT was found

[Redacted] USER is a contractor with [Redacted]. As a result of the original discovery, at the request of [Redacted] management, focused analysis of USER was conducted in support of an IG inquiry/investigation.

(S//REL) Supporting Data: See previous report, attached to the email,

[Redacted]

(S//REL) Analyst Comments:

[Redacted]

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APPENDIX D

(U//~~FOUO~~) [redacted] Response to the Tentative Conclusion

[redacted]
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Monday, April 27, 2015

To the Office of the Inspector General,
I understand how serious these allegations are and I am extremely and genuinely regretful for my actions. These actions were an example of me exercising extremely poor judgment and vow / promise to abstain from any such inappropriate behavior in the future.

These activities are by no means representative of my overall character and integrity. I am very honored to be able to support our nation's intelligence gathering community and hope to do so for the duration of my career.

Thank you for your time and allowing me this opportunity to submit this response.
Sincerely,

[Redacted Signature]

(b) (1)
(b) (3) - P.L. 86-36
(b) (6)

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