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NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
OFFICE OF THE INSPECTOR GENERAL
9800 Savage Road, Suite 6247
Fort George G. Meade, MD 20755-6247



17 November 2016

To: Chief, D14 [redacted]

From: Investigator [redacted]

Subject: Computer Misuse [redacted]

File No: IV-16-0005

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Precedence: Routine

Purpose: To provide a summary report of investigation and to refer this matter to the Chief, Maryland Procurement Office (B312); and the Associate Directorate for Security and Counterintelligence (ADS&CI) - Contractor Clearances (A5232) and Special Actions (A5242), for review and any action deemed appropriate.

Details:

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I. (U) Background:

(U//~~FOUO~~) On 28 September 2015, the NSA/CSS Office of the Inspector General (OIG) received a referral from ADS&CI containing a network activity report identifying possible misuse of the unclassified NSA/CSS Information System (IS) by contractor affiliate, [redacted] during the period 19 June 2015 - 15 September 2015. The referral alleged, among other things, that [redacted] was engaging in sexually-explicit email and chat conversations using the NSA/CSS Unclassified IS. [redacted] is an NSA/CSS contractor affiliate employed by [redacted]. He has worked on the [redacted] contract [redacted] Technical Task Order [redacted] since [redacted]. On 23 November 2015, the OIG initiated an investigation into [redacted] suspected misuse of the unclassified NSA/CSS IS.

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II. (U) Allegation:

(U//~~FOUO~~) Did [redacted] an NSA/CSS contractor affiliate supporting [redacted] misuse the unclassified NSA/CSS IS by engaging in non-contract-related, personal use during the period 19 June 2015 - 15 September 2015, in violation of NSA/CSS Policy 6-4?

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III. (U) **Applicable Standard(s):**

(U//~~FOUO~~) NSA/CSS Policy 6-4, *Contractor Use of NSA/CSS Information Systems and Resources*, dated 22 October 2013, revised 18 May 2015 and 21 April 2016¹

(U//~~FOUO~~) NSA/CSS Policy 6-6, *Use of Unclassified Information Systems and Internet-Based Capabilities*, dated 1 August 2014, revised 27 May 2015 and 2 March 2016²

IV. (U) **Investigative Activity:**

A. (U//~~FOUO~~) **Analysis of Routine Monitoring of [redacted] Unclassified NSA/CSS IS Activity:**

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(U//~~FOUO~~) Initially, one network activity report (Report A) was referred to the OIG detailing [redacted] suspected misuse of the unclassified IS during the period 19 June 2015 through 15 September 2015. A supplemental network activity report (Report B) was subsequently requested and obtained for the period 13 June 2016 through 25 July 2016 to assess the extent of the suspected misuse identified in Report A, and whether the misuse was ongoing.

(U//~~FOUO~~) Report A indicated that during routine monitoring of the unclassified NSA/CSS IS, the user account bearing [redacted] NSA/CSS Standard Identification (SID); [redacted] was detected engaging in erotic and graphic chat with multiple partners, requesting and receiving pornographic images, and [redacted] which included [redacted] and discussing plans for [redacted]. Report A further suggested that [redacted] occasionally slept at his desk, and may have become so sexually aroused as a result of his sexual conversations that he masturbated while at work.

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(U//~~FOUO~~) Further analysis of Report A revealed that [redacted] using the online texting/chatting service *Google Voice*⁴, regularly conducted sexually-explicit email conversations with a number of unknown women with whom he has developed relationships [redacted] conversations with these women are characterized by graphic descriptions of his sexual experiences with them and/or other women, as well as equally graphic descriptions of sexual acts which he anticipates performing on them and/or being performed on him. He frequently requested nude photographs from these women

¹ Relevant sections within each revised version that are applicable to the allegations remained unchanged and, therefore, do not impact the analysis.

² Relevant sections within each revised version that are applicable to the allegations remained unchanged and, therefore, do not impact the analysis.

[redacted]

⁴ Google Voice is a telephony service that provides call forwarding and voicemail services, voice and text messaging, as well as US and international call termination services for Google Account customers. See "About Google Voice" www.google.com;

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[redacted]

[redacted] and a portion of his sexually-explicit conversations relate to his sexual experiences [redacted] [redacted] interest in the [redacted] encourages him to seek out other, like-minded people. To that extent, [redacted] (and subsequently discusses sexual activities he would like to conduct with them), [redacted]

[redacted]

(U//~~FOUO~~) The analysis of Report A further indicated that [redacted] has occasionally fallen asleep while at work and has possibly masturbated in the workplace as well.

(U//~~FOUO~~) During the initial analysis period (19 June 2015 – 15 September 2015), it was determined that approximately 88% of [redacted] unclassified activity was non-work-related, consisting mainly of the aforementioned activity, and visiting online blogs related to motorcycles.

(U//~~FOUO~~) A Supplemental Network Activity Report (Report B) confirmed that [redacted] engaged in activity similar to that identified in Report A during the period 13 June 2016 through 25 July 2016.

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B. (U) Interview(s):

(U//~~FOUO~~) On 16 August 2016, [redacted] was interviewed and provided the following sworn testimony:

(U//~~FOUO~~) [redacted] is a contractor affiliate with [redacted] and supports [redacted]. He has been with [redacted] for two and a half years. [redacted] has worked at NSA for approximately 25 years as both a military and contractor affiliate. He works Monday through Friday, from 9am – 5pm or 10am – 6pm. His Contracting Officer-Representative is [redacted].

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(U//~~FOUO~~) [redacted] is familiar with the Agency's policies regarding use of NSA/CSS ISs. He has a general understanding of those policies and believes at some time he has received training from both [redacted] and the Agency regarding use of Agency ISs. [redacted] does not recall signing an ISs User Agreement. He understands that agency ISs are monitored and that his use of agency ISs constitutes consent to monitoring. To [redacted] "consent to monitoring" means that the agency keeps its eye on websites that affiliates visit. His primary concern regarding use of agency ISs has always been to be mindful of the type of websites he visits. [redacted] understands that all activity which takes place on agency ISs is monitored, including personal activity. He is familiar with the NSA/CSS Notice and Consent Banner that displays on both the classified and unclassified ISs prior to logging on, and understands that affiliates do not have a right to privacy when using an agency IS.

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(U//FOUO) [redacted] uses the unclassified IS for work-related purposes to research customer problems. He is not aware of any provision within his contract that permits personal, non-work-related use of the unclassified IS. [redacted] does conduct personal, non-work-related activity throughout the workday, such as: talking to his girlfriend via *Google Voice*; checking his personal email account; visiting news, sports and entertainment websites; shopping on *Amazon.com*; visiting websites related to [redacted] and watching videos on *YouTube.com*. In general, he conducts these activities on a daily basis.

(U//FOUO) [redacted] maintains a *Google Voice* account which is his primary means of communicating with his girlfriend throughout the day. He describes *Google Voice* as text messaging over the internet. He uses *Google Voice* to communicate with other friends as well:

[redacted] He is friends with several people who [redacted] and agreed that he frequently communicates/chats with them throughout the day via *Google Voice*. He describes the conversations he has with [redacted] as "playful", "teasing" or "joking." He acknowledged, however, that they are not innocent conversations, they are actually sexually-explicit and adult-oriented conversations. He [redacted]

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[redacted] Though he has requested and received nude photographs/images from these people via *Google Voice*, he claims that he only opened them at home and never while at work. He agreed that these sexually-explicit conversations are at times sporadic but, at other times, are conducted on a daily basis and for extended periods of time. [redacted] admitted that he has been engaging in sexually-explicit conversations in this manner for about one year. The last time that he conducted such a conversation was on or about 9 August 2016. He indicated that in addition to using *Google Voice* to conduct these sexually-explicit conversations, he has also used his personal email.

(U//FOUO) [redacted] acknowledged that while he likely spent large periods of time conducting these conversations, he continued to work due to the nature of his office's mission. His office is very reactionary. There is a lot of down time because their mission primarily entails responding to customer issues, especially during the summer and, moreover, as a result of the NSA21 transition. [redacted] stated that he did not adjust his timesheet to account for the time spent conducting personal activities.

V. (U) Analysis:

(U//FOUO) The two network activity reports detailing [redacted] activity on the unclassified NSA/CSS IS confirmed that he used the unclassified IS to conduct personal, non-contract-related activities. Specifically, during the periods 19 June 2015 through 15 September 2015 and 13 June 2016 through 25 July 2016, [redacted] used the unclassified IS to conduct sexually-explicit email and chat conversations; request and view nude and sexually-explicit photographs; and engage in other non-contract-related personal use of the unclassified IS such as accessing and reviewing his personal email account, generally browsing news, sports, entertainment, motorcycle, and other websites on the internet, and watching videos. [redacted] admitted during his interview with the OIG that he did in fact engage in these

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activities using the unclassified NSA/CSS IS, and that he had done so from 19 June 2015 until on or about 9 August 2016.

(U//FOUO) [redacted] is a contractor affiliate employed by [redacted] and works as a [redacted]. As [redacted] stated, his duties as a [redacted] require use of the unclassified IS to research customer problems and to assist customers that implement [redacted] solutions. In this capacity, [redacted] requires access to NSA/CSS ISs to perform his duties and is considered an authorized user⁵ of the NSA/CSS unclassified IS. As such, NSA/CSS Policy 6-4, *Contractor Use of NSA/CSS Information Systems and Resources*, (dated 22 October 2013, revised 18 May 2015 and 21 April 2016) applied to his use of the unclassified NSA/CSS IS during the period of misuse from 19 June 2015 through 9 August 2016. NSA/CSS Policy 6-4 specifically limits contractor use of NSA/CSS ISs to the performance of tasks authorized by contract, approved by the Contracting Officer, and permitted by the policy itself.⁶ Further, NSA/CSS Policy 6-4 expressly prohibits contractors from engaging in personal use of the unclassified IS, "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."⁷

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(U//FOUO) On a regular and frequent basis from 19 June 2015 through 9 August 2016, [redacted] utilized the unclassified NSA/CSS IS to: conduct sexually-explicit email and chat conversations, request and view nude and sexually-explicit photographs, access and review his personal email account, generally browse the internet, and watch non-work-related videos. These activities are personal in nature and inconsistent with NSA/CSS Policy 6-4's limited exception to the personal use prohibition. Specifically, [redacted] activities cannot reasonably be characterized as unavoidable personal matters requiring his immediate attention; rather, they were activities conducted for the benefit of his personal gratification that should have been conducted on his personal time, outside of NSA/CSS spaces. Moreover, and as [redacted] himself acknowledged, he likely billed the time spent engaged in these activities to

⁵ See NSA/CSS Policy 6-6, Purpose and Scope;

⁶ See NSA/CSS Policy 6-4, Paragraph 1, dated 22 October 2013 (revised 18 May 2015 and 21 April 2016);

⁷ See NSA/CSS Policy 6-4, Paragraph 9, dated 22 October 2013 (revised 18 May 2015 and 21 April 2016);

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the [redacted] contract [redacted]. Thus, by engaging in such non-contract-related, personal use of the unclassified NSA/CSS IS, and billing that time to the contract, [redacted] [redacted] misused the unclassified IS in violation of NSA/CSS Policy 6-4, Paragraph 9.

(U//FOUO) During his interview with the OIG, [redacted] stated that although he requested and received nude photographs/images, he only opened and viewed them while outside of the workplace. However, on several occasions throughout the period of analysis, [redacted] was detected specifically requesting nude and/or sexually-explicit photos and later commenting on those he received. For instance, on 14 September 2015, [redacted] asked an unknown person [redacted]. Shortly after the photo is received, [redacted] informed the sender via email that he is later going to masturbate while looking at the photo. On 15 September 2015, he sent an email to an unknown person asking for [redacted]. Upon receipt of the photo, [redacted] replied to the sender by stating, [redacted]. Finally, [redacted] appeared to receive an unsolicited nude photo on 3 September 2015. Shortly after receipt, he replied to the sender in an email stating, "OH HELLO!!!! VERY nice!!!!" As previously stated, [redacted] is an authorized user of NSA/CSS ISs whose use of NSA/CSS ISs is subject to NSA/CSS Policy 6-6. NSA/CSS Policy 6-6, Paragraph 18 specifically requires that authorized users avoid all "prohibited activity," and includes "accessing pornography," in its definition of a "prohibited activity."⁸ Though [redacted] denies doing so, the network activity report makes clear that he not only requested that nude photos be sent to him electronically via his personal email and/or chat account, but that he also viewed them using an unclassified NSA/CSS workstation. Despite his comments to the contrary, we concluded that [redacted] accessed pornography on the unclassified NSA/CSS IS in violation of NSA/CSS Policy 6-6 by requesting and viewing nude photos via his personal email account.

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(U//FOUO) The OIG finds that a preponderance of the evidence exists to support the conclusion that, during the period 19 June 2015 – 9 August 2016, [redacted] misused the unclassified NSA/CSS IS by conducting sexually-explicit email and chat conversations, requesting and viewing nude and sexually-explicit photographs, accessing and reviewing his personal email account, watching non-work-related videos, and generally browsing the internet for content unrelated to his duties; and, billing the time spent engaged in this activity to the [redacted] contract [redacted] in violation of NSA/CSS Policy 6-4, Paragraph 9 and NSA/CSS Policy 6-6, Paragraph 18.

VI. (U) Response to Tentative Conclusion:

(U//FOUO) The tentative conclusion was provided to [redacted] on 2 November 2016. On 15 November 2015, [redacted] provided the following response to the tentative conclusion:

(U//FOUO) The [redacted] position on this Contract is much like a Help Desk. After I arrive and I am logged in, I go through my Customer tickets and emails. I answer their questions, process subscription requests and address any other tasking I have to accomplish. We are here to respond to Customer requests for

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⁸ See NSA/CSS Policy 6-6, Paragraph 68;

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assistance with system issues/configurations, and help them register systems with our Satellite servers. This allows them to update their systems for bug, and errata patches in order to enhance their systems against software bugs and security vulnerabilities.

(U//~~FOUO~~) Once that first wave of tasks is processed, our time is spent awaiting new requests, and subsequent follow-up actions to on-going works in progress. I was going to the UNCLAS Internet to check my company email, check my other email, and visit CNN, ESPN, and other, what I thought were benign web sites, in order to avoid sitting idle. Sitting idle is when I become drowsy [redacted]

(U//~~FOUO~~) My desk is configured with two monitors. The left one flips between NSA-Network and the UNCLAS Internet via a Keyboard/Video/Monitor switch. While I'm on the UNCLAS, I have the ability to keep my NSA-Network email and instant messenger on my left screen. This allows me to maintain vigilance to my inbox for new and follow-up Customer correspondence, and allows me to keep aware of new requests as they arrive as we are notified via email. I use email filtering to route these messages to a specific folder in my email that alerts me immediately when they arrive. Once notified, I immediately flip over to address the Customer request.

(U//~~FOUO~~) I began to use the Google Voice SMS messaging service to keep in touch with my girlfriend. [redacted]

[redacted] so we used SMS to keep in touch during the day. I realize now that I should not have participated in other conversations.

(U//~~FOUO~~) Regarding the viewing of pornography, in the web browser based Yahoo and Google mail tools, if an image is included as an attachment in an email, when the mail message is opened, it displays a thumbnail/smaller version of the image in the email message as well as file name and extension name/type. To the best of my recollection, images received in my email during the course of the work day were set aside to be opened or viewed later at home or on my phone after work. About the only images I receive via email that I'm comfortable downloading are images of my son I have sent to myself to use as a desktop background on my UNCLAS workstation. My other primary downloads of other files are product documentation we obtain for our Customers. We host them on our [redacted] web server for Customer convenience.

(U//~~FOUO~~) Any references to masturbation or any other sexual innuendo is nothing more than off-color comments that are regular practice in my daily conversations with close friends and associates. Absurdity, sarcasm, innuendo, and self-deprecation are all examples of humor we all use to entertain and amuse each other throughout the day as well. Would this kind of conversation ever take place in front of a Customer? Absolutely not. Would I make such a comment about masturbation, then act on it at work? No.

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(U//~~FOUO~~) When I first received your email to come in and talk with you, I had no idea what had transpired to gain your Office's attention. I was not explicitly aware of the Agency policy as it relates to Contractor use of Agency UNCLASSIFIED Information systems. As long as I was not visiting adult web sites, gambling sites, online auction sites like EBay, and Social Media sites I believed I was using Internet connected systems in a safe and acceptable manner. Nobody is more remorseful than I am that my actions violated Agency policies. After 26 years of my life invested in working here in one capacity or another, nobody is more humbly embarrassed than I am over this.

(U//~~FOUO~~) Now that I have been made clearly aware of the policy on UNCLASSIFIED Internet system usage here at NSA as it relates to Contractor work force personnel, I will modify and meter my usage accordingly to comply within the boundaries of that policy. I cannot change the past, I can only ask forgiveness, and make corrections in my current and future behavior.

(U//~~FOUO~~) [redacted] response to the tentative conclusion provided no new information or mitigation on which to base further analysis or investigation, therefore, our preliminary conclusion became final.

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VII. (U) Conclusion(s):

(U//~~FOUO~~) **Substantiated.** The preponderance of the evidence supports the conclusion that, during the period 19 June 2015 – 9 August 2016, [redacted] misused the unclassified NSA/CSS IS by conducting sexually-explicit email and chat conversations, requesting and viewing nude and sexually-explicit photographs, accessing and reviewing his personal email account, watching non-work-related videos, and generally browsing the internet for content unrelated to his duties; and, billing the time spent engaged in this activity to the [redacted] contract [redacted], in violation of NSA/CSS Policy 6-4, Paragraph 9 and NSA/CSS Policy 6-6, Paragraph 18.

* (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.

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(U) APPENDIX

(U) Unclassified Personal Communications

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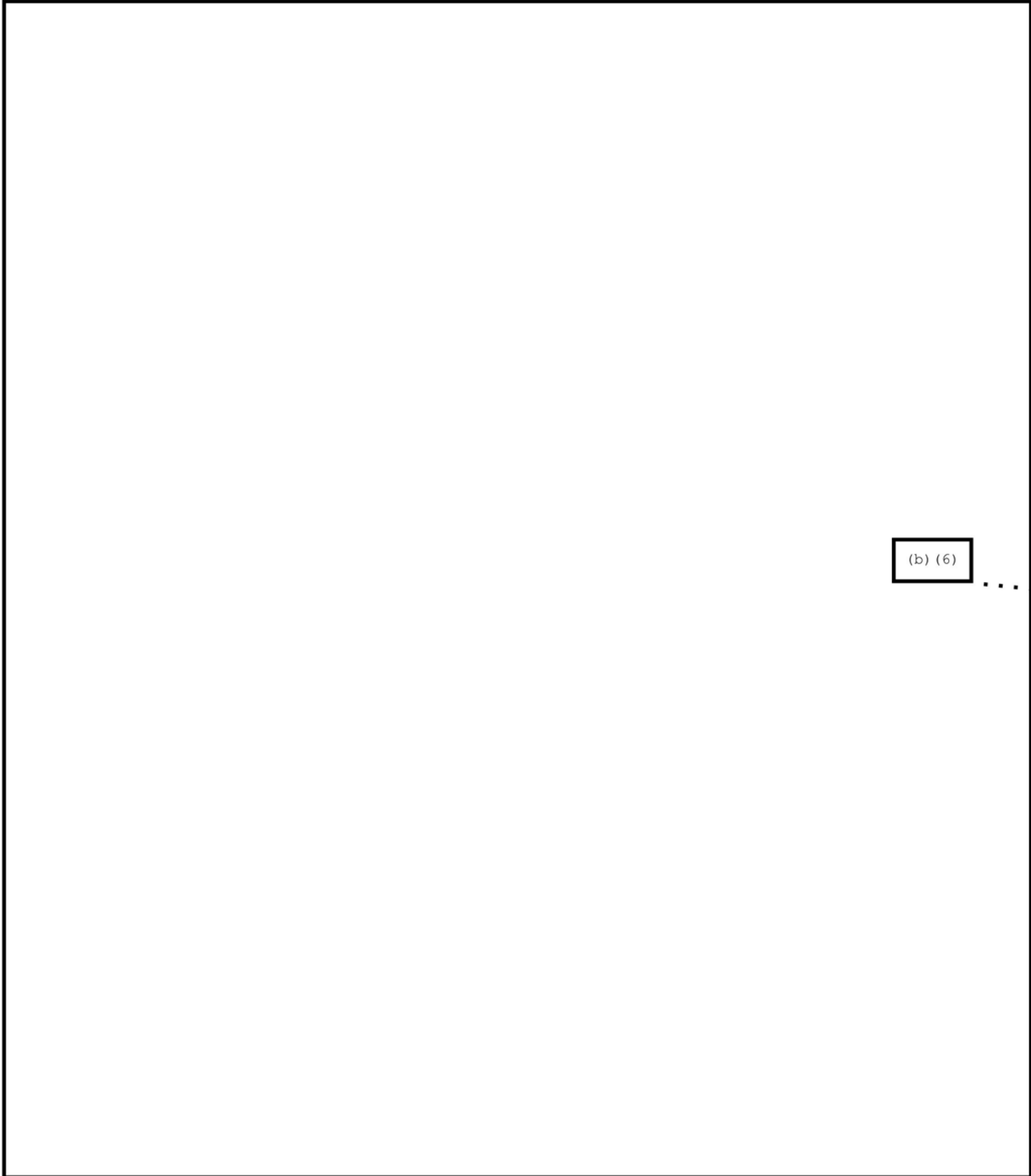
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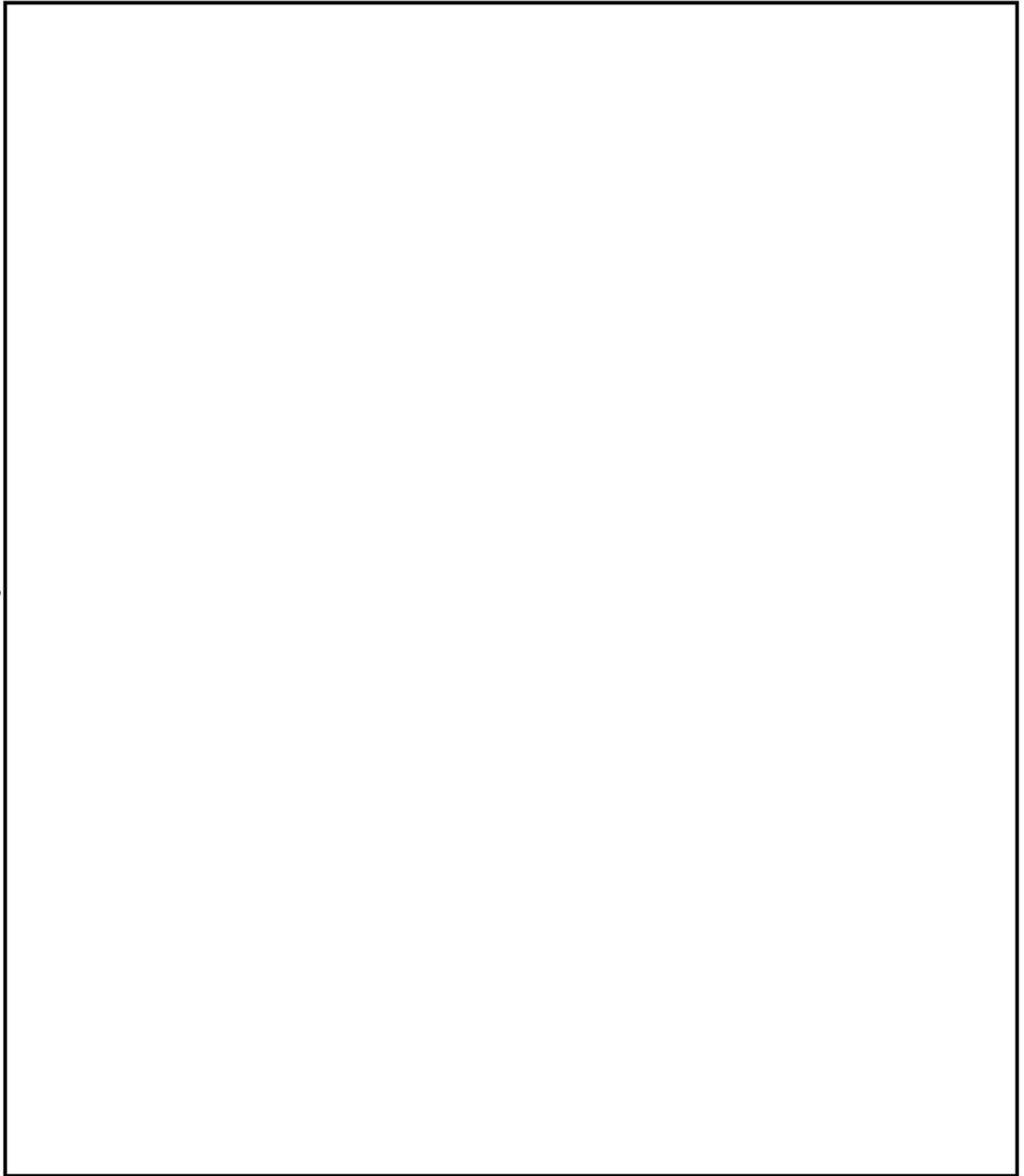


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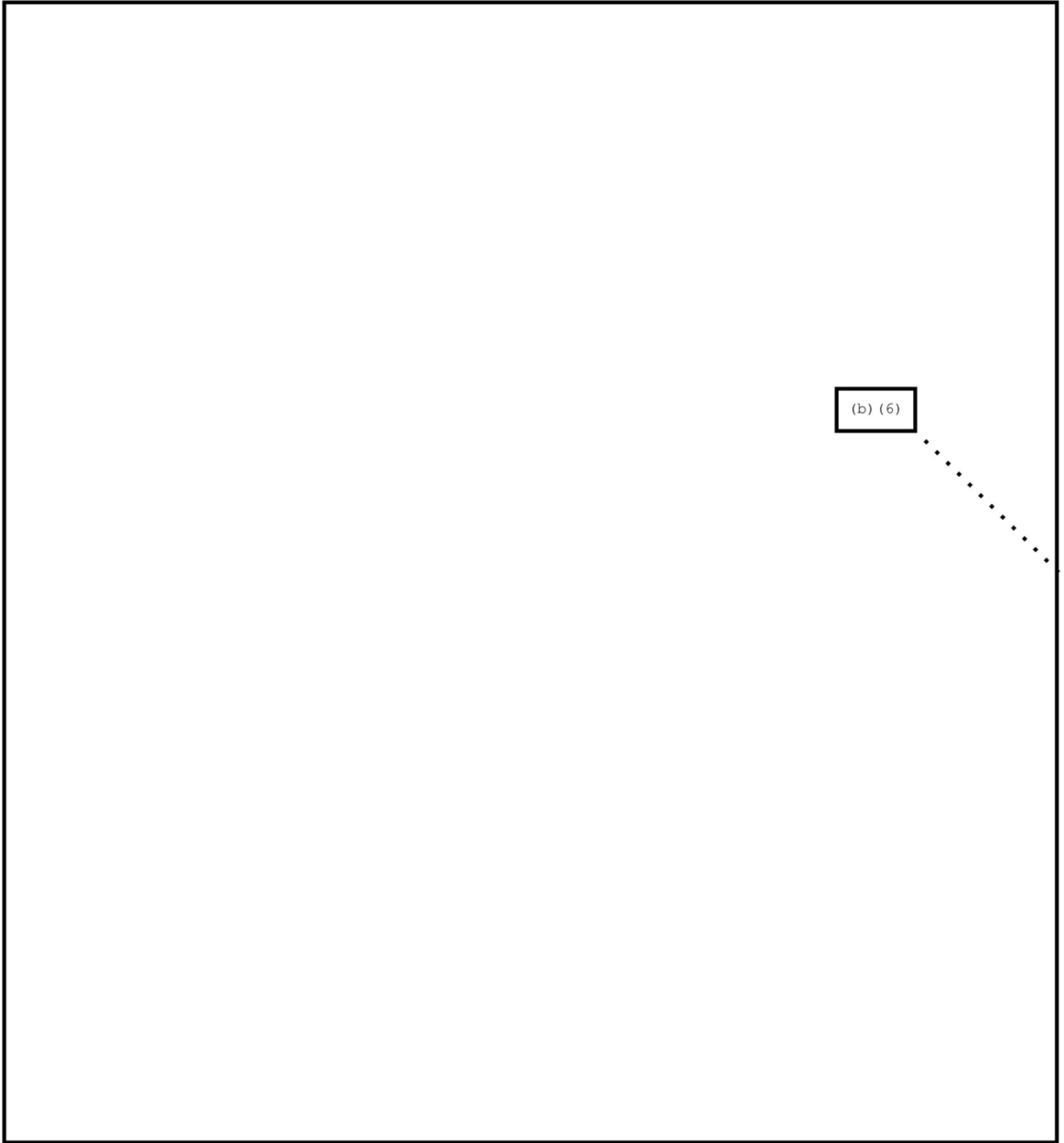
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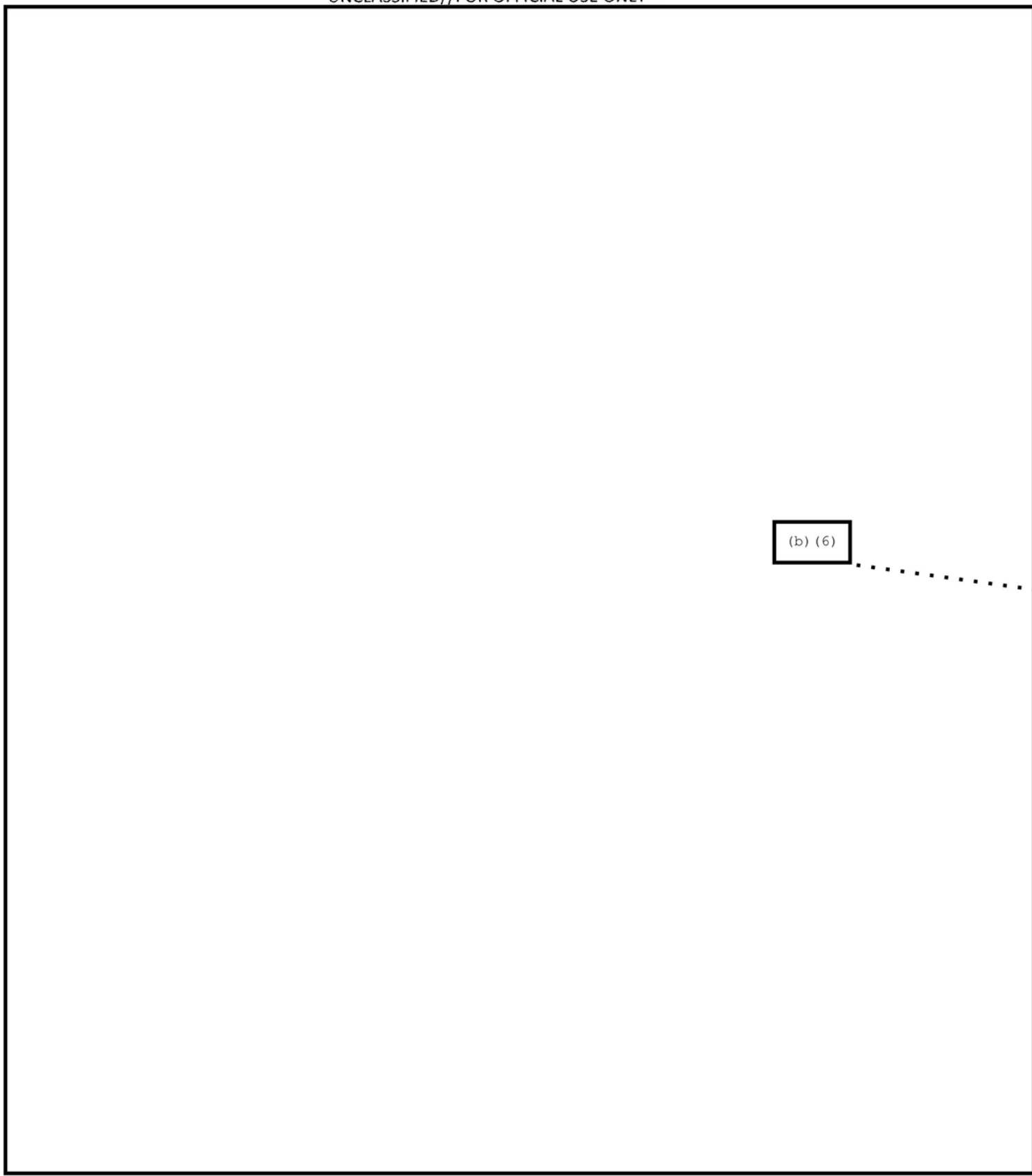
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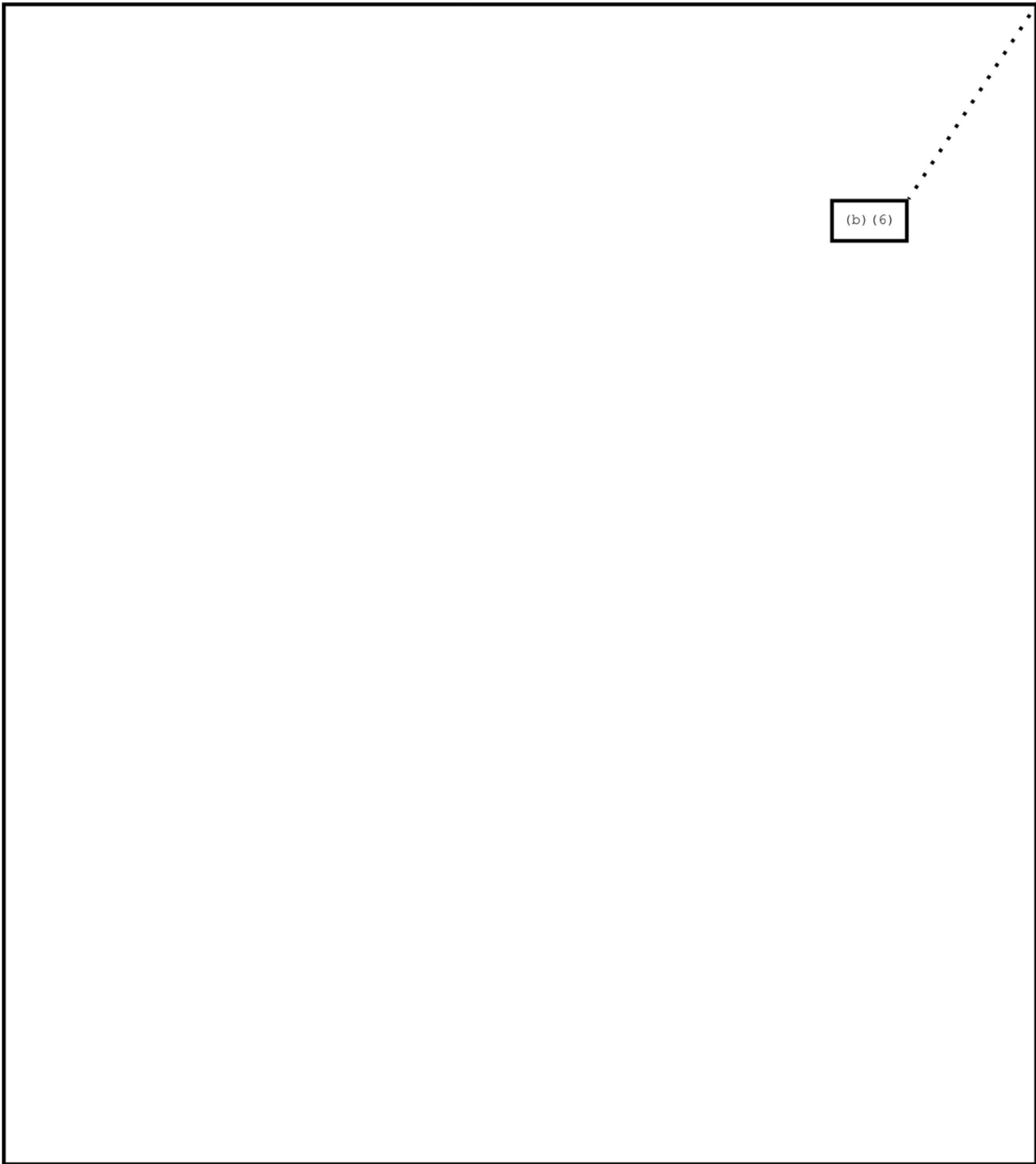
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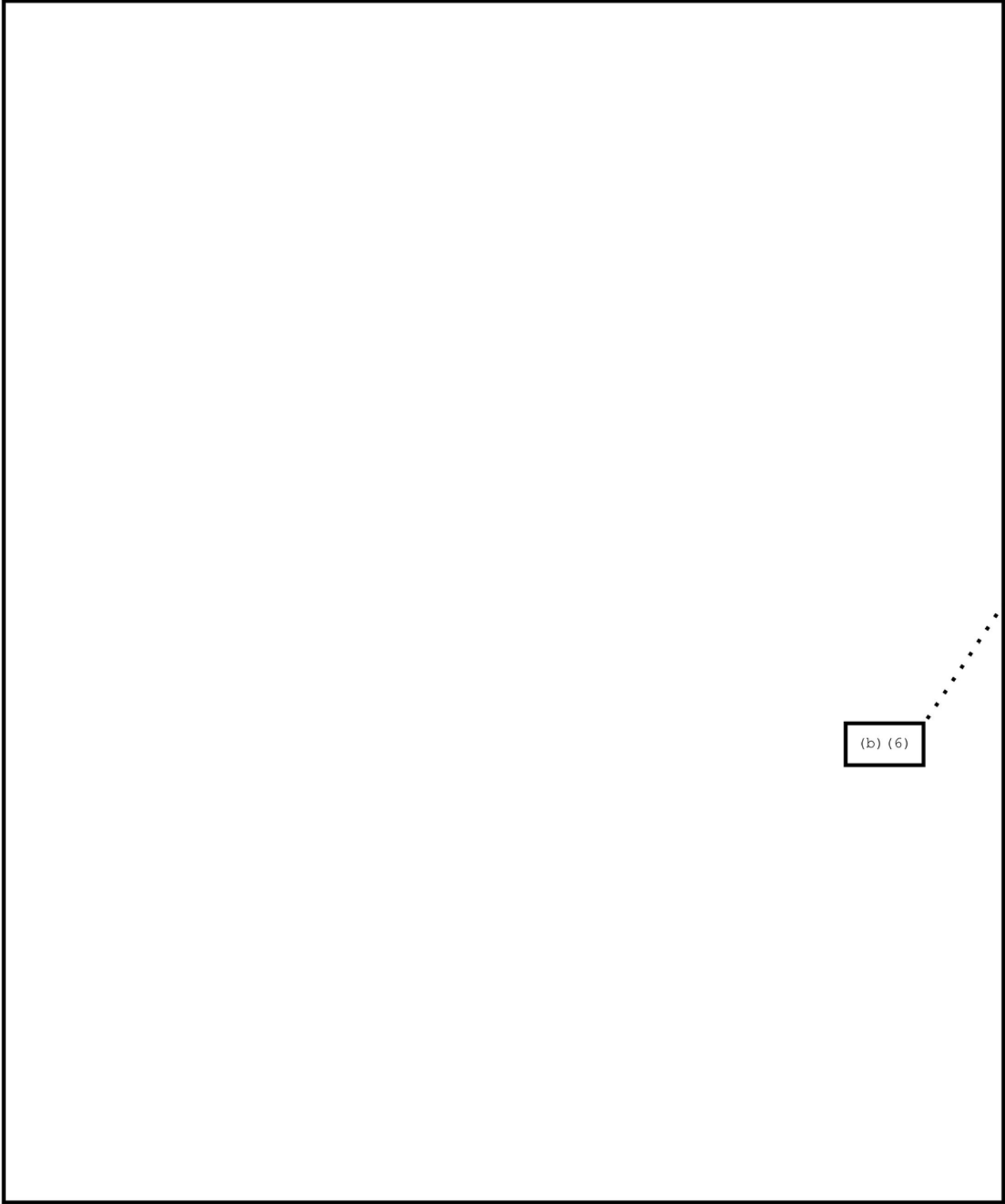
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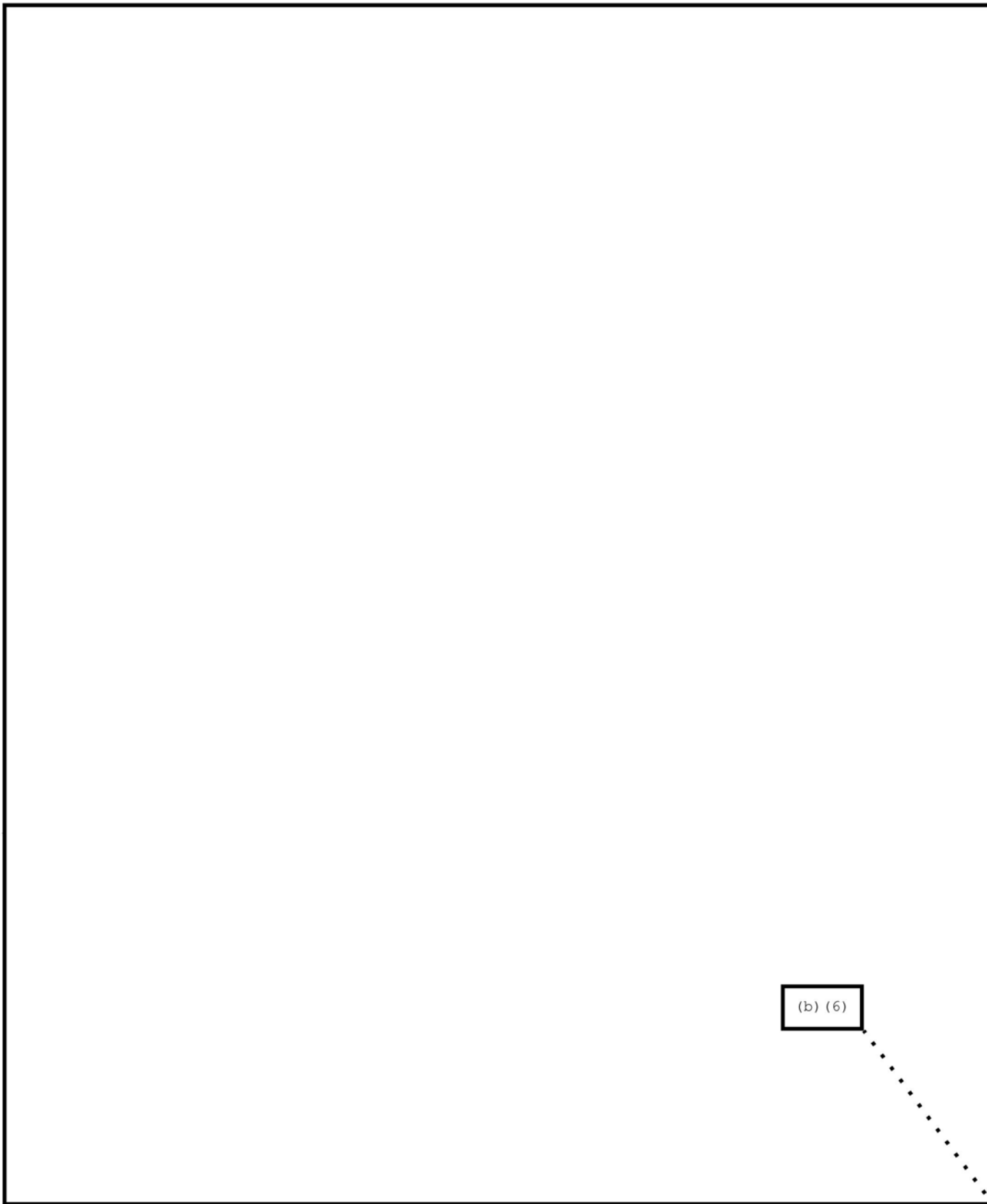
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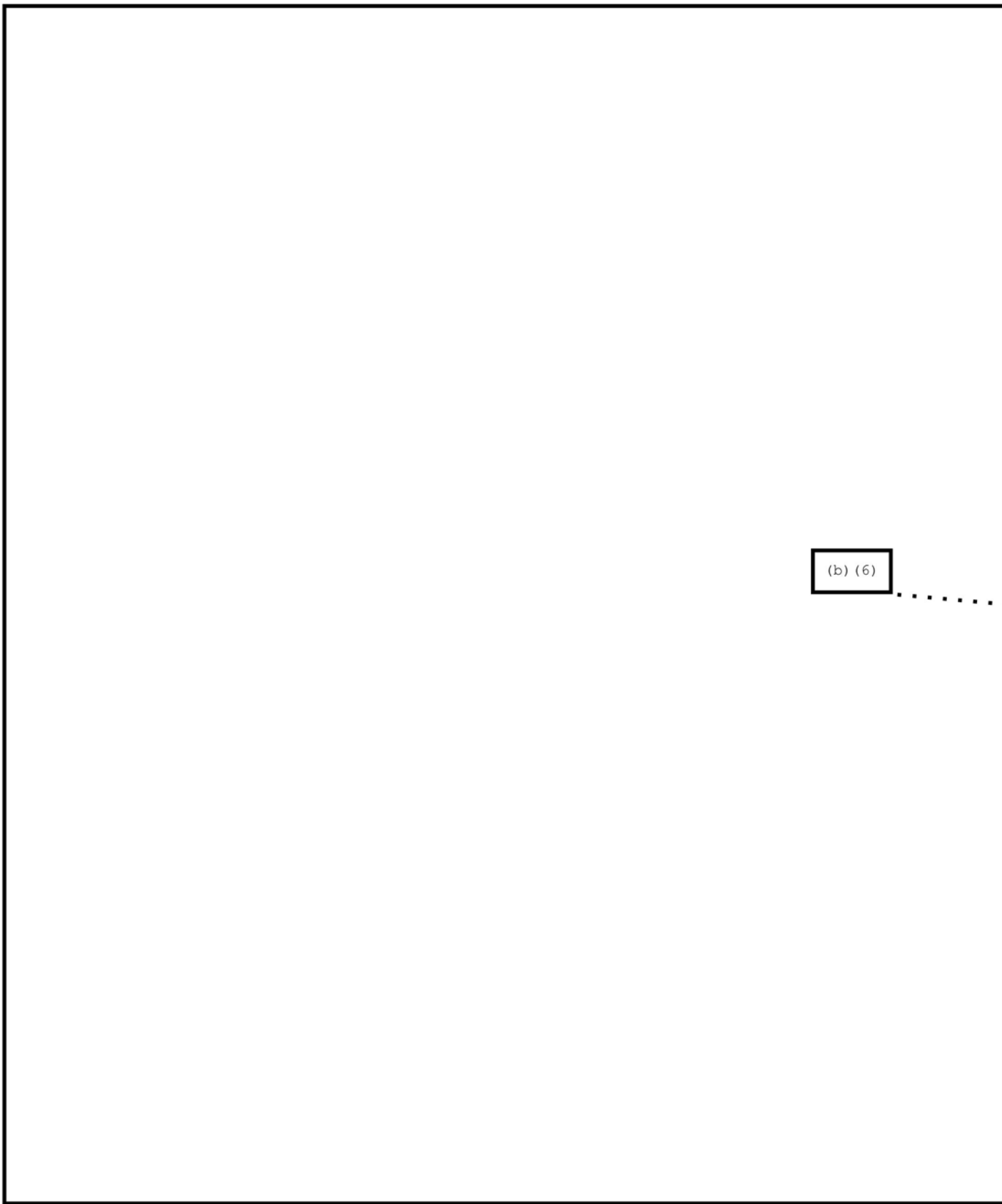
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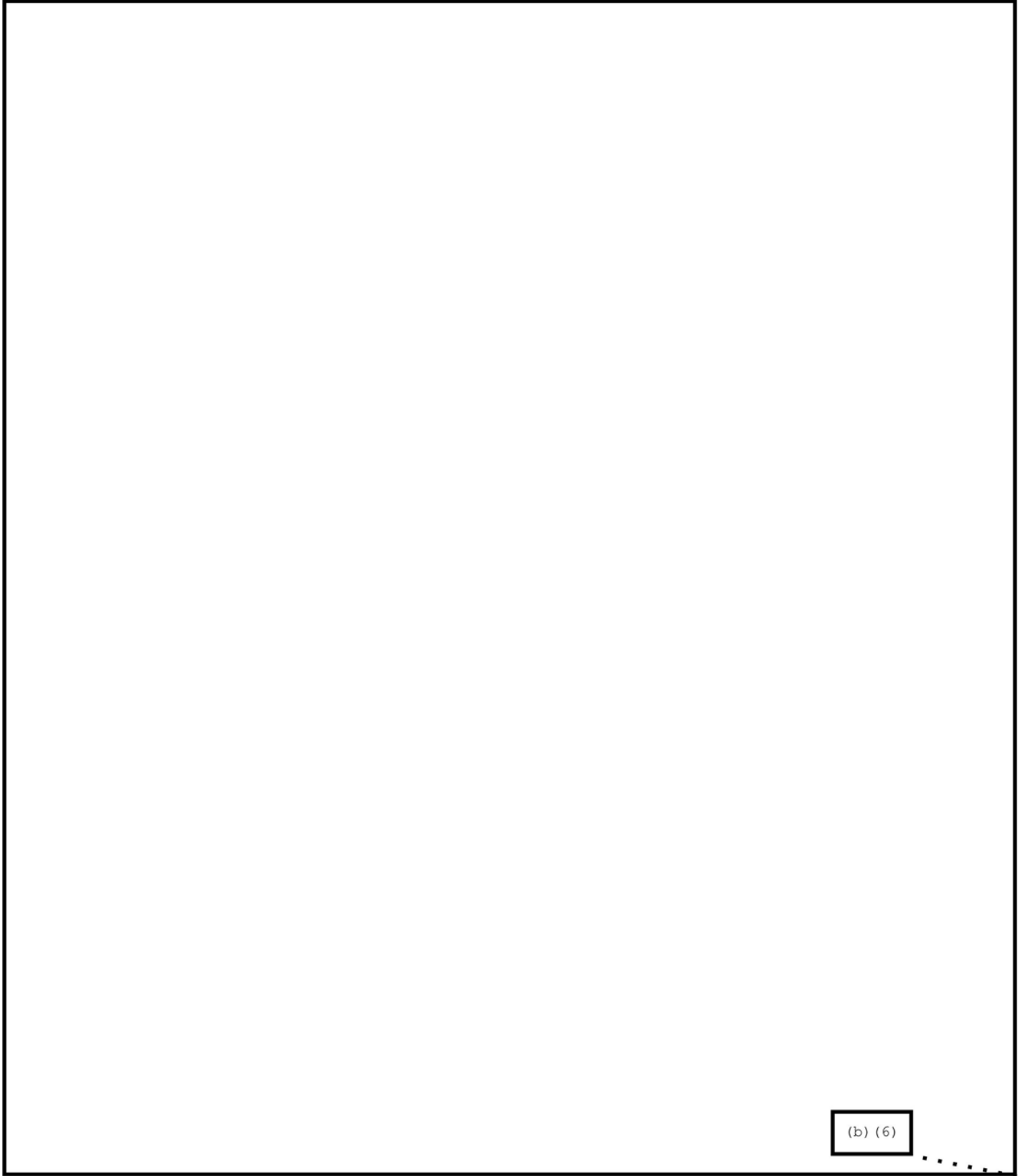
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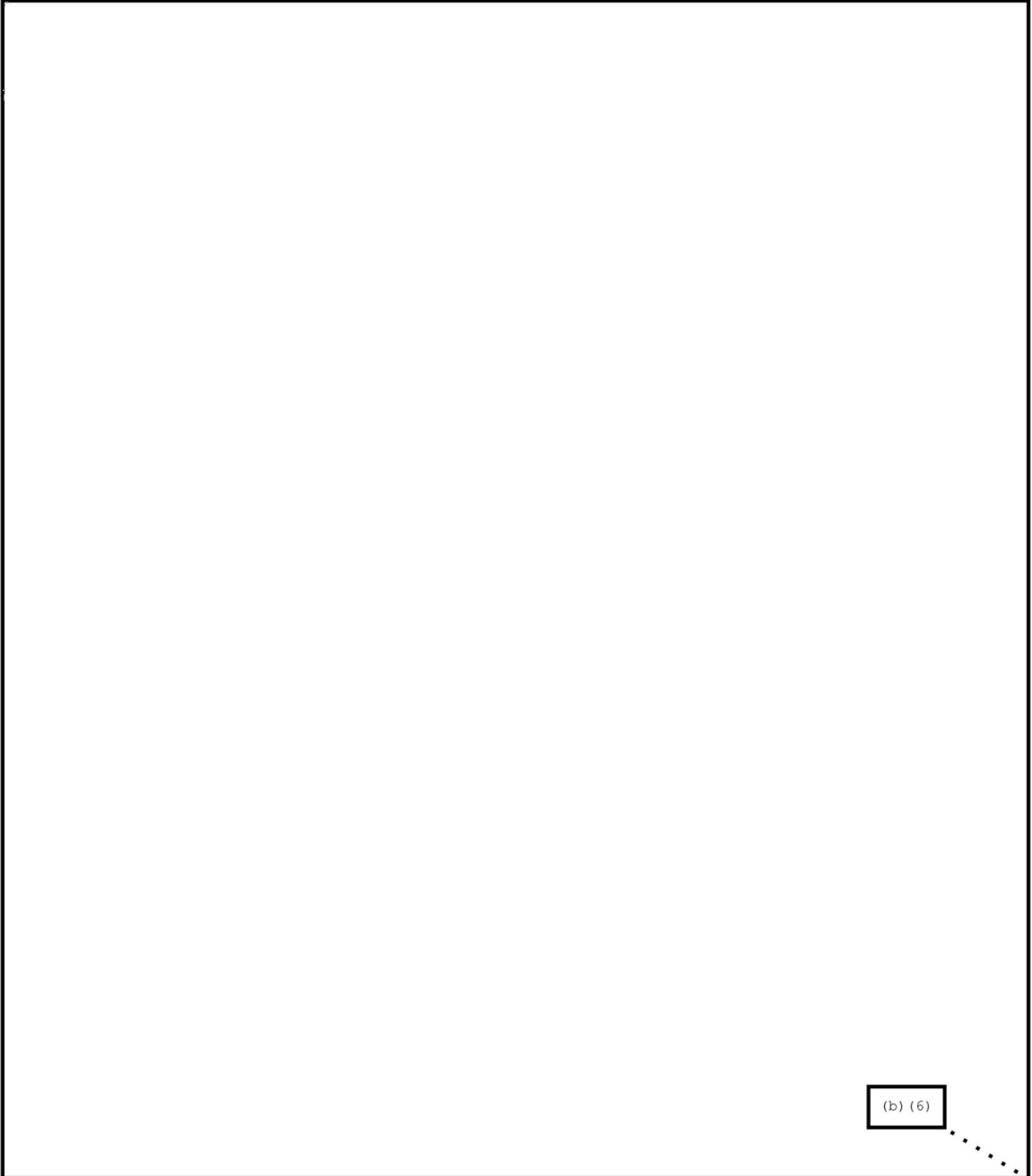
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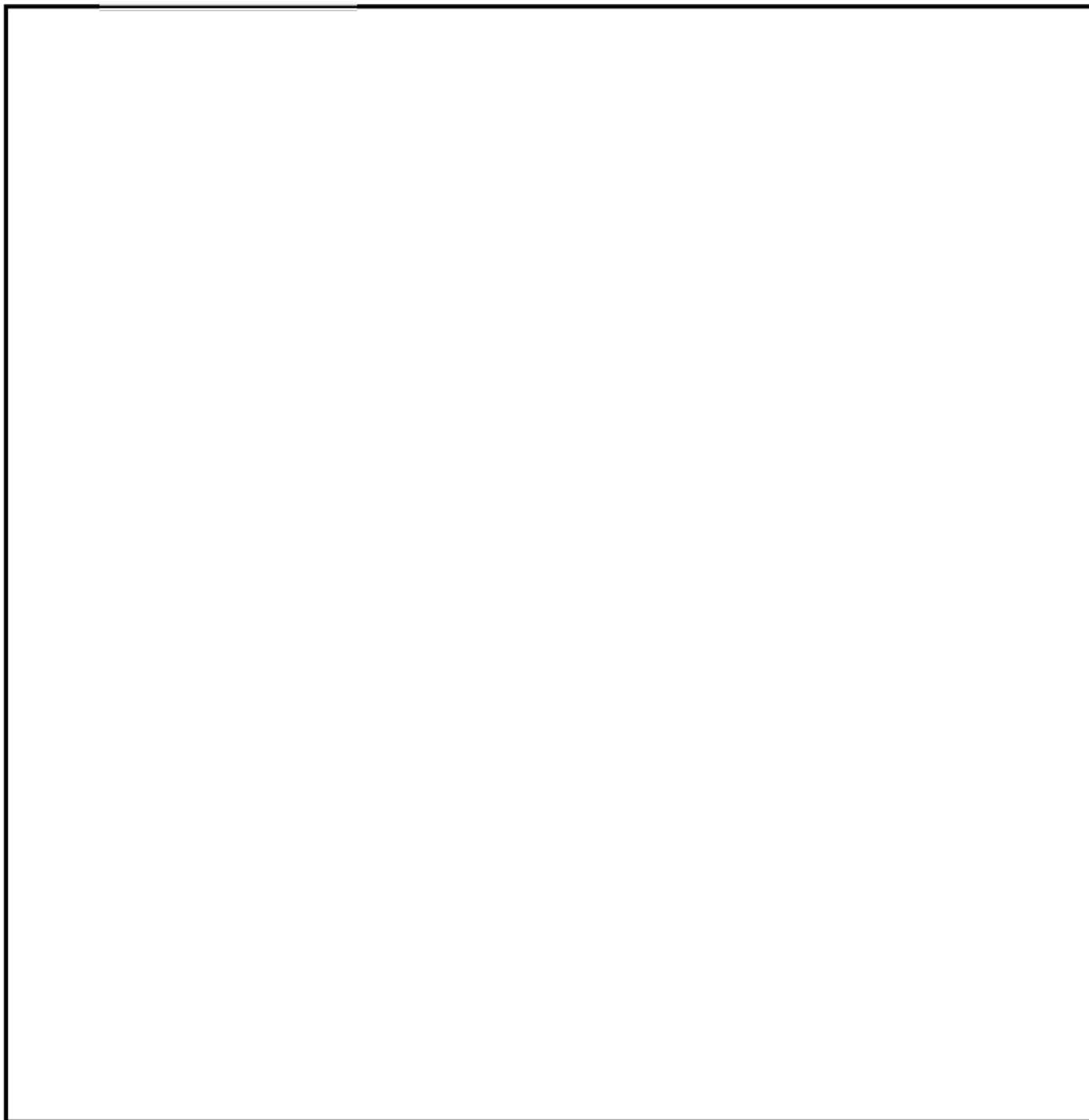
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