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**NATIONAL SECURITY AGENCY/CENTRAL SECURITY
SERVICE**



INSPECTOR GENERAL

SUMMARY REPORT

15 December 2016

IV-16-0020

Misuse of Government Resources

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AND/OR LANGUAGE**

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NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
OFFICE OF THE INSPECTOR GENERAL
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15 December 2016

To: Chief, D14 [redacted]

From: Investigator [redacted]

Subject: Computer Misuse [redacted] (b) (3) - P.L. 86-36

File No: IV-16-0020

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

I. (U) Background:

(U//FOUO) On 7 April 2016, 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 23 September 2015 - 24 March 2016. The referral alleged that [redacted] was searching for and viewing pornography, and engaging in sexually-explicit email and chat conversations using the NSA/CSS Unclassified IS. [redacted] is an NSA/CSS contractor affiliate employed by [redacted] as a Programmer [redacted] He has worked on the [redacted] contract [redacted] Technical Task Order [redacted] since July 2014. On 21 April 2016, the OIG initiated an investigation into [redacted] suspected misuse of the unclassified NSA/CSS IS.

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 23 September 2015 - 7 April 2016, in violation of NSA/CSS Policy 6-4 and 6-6?

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UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~**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:

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

(U//~~FOUO~~) Initially, one network activity report (Report A) was referred to the OIG which briefly detailed [REDACTED] suspected misuse of the unclassified IS during the period 23 September 2015 to 24 March 2016. A supplemental network activity report (Report B) was subsequently requested and obtained to assess the extent of the suspected misuse identified in Report A.

(U//~~FOUO~~) The network activity reports revealed that during routine monitoring of the unclassified NSA/CSS IS, the user account bearing [REDACTED] NSA/CSS Standard Identification (SID), [REDACTED] was detected searching for and viewing pornographic content, and engaging in sexually-explicit email/chat conversations during the period 23 September 2015 to 7 April 2016. Further analysis of both reports indicated that on a weekly basis [REDACTED] conducted image searches on *Google.com* for pornographic content by inputting sexually-explicit search terms into the *Google.com* search field. The *Google* search results returned pornographic content related to his search in the form of digital images and GIFs³. [REDACTED] did not click on any particular image or GIF to open it, rather, he simply viewed the images as they appeared within the *Google* search results, and "moused" over them to view the brief animation.

(U//~~FOUO~~) Additionally, the network activity reports revealed that [REDACTED] engaged in sexually-explicit email and/or chat conversations with an unknown person while using the unclassified NSA/CSS IS. These conversations are characterized by graphic descriptions of sexual acts that he anticipates performing on the person with whom he was speaking, and graphic descriptions of sexual acts that he anticipates being performed on him.

(U//~~FOUO~~) The network activity reports revealed that [REDACTED] engaged in this activity for no more than five to ten minutes per instance. During the analysis period (23 September 2015 to 7 April 2016), it was determined that he spent a total of less than four hours engaged in this activity.

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

² Ibid;

³ A GIF (Graphic Interchange Format) is a file format used for storing image data. Commonly used to display images, small animations and short, low-resolution video clips that continuously loop.

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(U//~~FOUO~~) On 3 November 2016, [REDACTED] was interviewed and provided the following sworn testimony:

(U//~~FOUO~~) [REDACTED] is a contractor affiliate employed by [REDACTED] who supports [REDACTED] as a Programmer. His duties involve maintaining and developing code for [REDACTED]. He has been employed by [REDACTED] for sixteen years (since July 2000). During that time he has supported Agency programs from contractor sites, but has physically worked at the Agency since July 2014. [REDACTED] currently supports the [REDACTED] contract [REDACTED] and works Monday through Friday, from 5:30am – 2pm. His SID is [REDACTED].

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(U//~~FOUO~~) [REDACTED] typically uses the unclassified IS on a daily basis for work-related purposes. He believes the [REDACTED] contract permits personal use of the unclassified IS as long as that use is consistent with Agency policy. The types of personal activities permitted on the unclassified IS are things such as emailing his wife and searching the internet for non-work-related subject matter. He has received training regarding proper use of Agency ISs and is generally familiar with the related policies. He understands that use of the Agency ISs constitutes consent to monitoring. He has used the unclassified IS to conduct non-work-related activity such as sending personal emails, communicating with his wife through Verizon's text-messaging website, and reading *MSN.com* news. He communicates, or chats, with his wife sporadically throughout the day, but acknowledges that chatting with his wife is not work-related. He has occasionally shopped on *Amazon.com*, and browses *MSN.com* and *ESPN.com* for news and sports. He listens to videos on *YouTube.com*, and streams music from *Audible.com*, while working. [REDACTED] most recently used the unclassified IS this morning for both personal and work-related use.

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(U//~~FOUO~~) [REDACTED] most recently conducted a search for pornographic material (images and GIFs) approximately one or two months ago. He has not conducted searches since that time because he knew it was wrong and because the staff within his organization increased. [REDACTED] works in an office with an open floor plan. [REDACTED] admitted that he conducted searches for pornographic material on the internet, using the unclassified IS. His searches usually lasted no more than five to ten minutes per instance. He does not believe he conducted these searches every day, however, he acknowledged that there were probably periods throughout the year when he did view this material on a daily basis. [REDACTED] was unable to explain why he continued viewing pornographic material on the unclassified IS despite the fact that he knew doing so was wrong. It was a lapse in judgment.

(U//~~FOUO~~) [REDACTED] only conducted sexually-explicit conversations with his spouse. The conversations occurred rarely, but started about two years ago. He believes he has only engaged in these conversations on two or three occasions. His most recent sexual conversation took place about one month ago. He stopped conducting these conversations because he knew they were wrong. [REDACTED] used the Verizon web chatting app to conduct these conversations. He

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requested that his wife send nude photographs via the Verizon web app, though that did not occur frequently. He did view the photographs that were sent to him.

(U//~~FOUO~~) [redacted] claims that he keeps track of the time throughout his workday in which he is conducting personal activity, and that he properly accounts for that time on his timesheet. He believes that he is good about keeping an accurate accounting of his time on a daily basis. He only bills for the time that he is working and did not bill the time he spent searching for pornographic material, or conducting sexually-explicit conversations to the [redacted] contract. [redacted] acknowledged that these activities were not unavoidable personal matters requiring his immediate attention, and that it could have waited until he was off duty and on his personal time. Further, he acknowledged that the activity was not authorized by the contract or approved by the Contracting Officer, and understands that these activities are a violation of NSA/CSS policy.

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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 period 23 September 2015 to 7 April 2016, [redacted] used the unclassified IS to search for and view pornographic material, conduct sexually-explicit chat and email conversations, request and view nude photographs of his spouse; 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 and sports websites on the internet, and shopping online. [redacted] admitted during his interview with the OIG that he did in fact engage in these activities using the unclassified NSA/CSS IS, and that he had done so from 23 September 2015 to on or about 1 October 2016.

(U//~~FOUO~~) [redacted] is a contractor affiliate employed by [redacted] as a Programmer in [redacted]. As [redacted] stated, his duties as a Programmer in [redacted] require use of the unclassified IS to maintain and develop code for [redacted]. In this capacity, [redacted] requires access to NSA/CSS ISs to perform his duties and is considered an authorized user⁴ 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 23 September 2015 to on or about 1 October 2016.

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(U//~~FOUO~~) 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.⁵ 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:

⁴ See NSA/CSS Policy 6-6, Purpose and Scope;

⁵ See NSA/CSS Policy 6-4, Paragraph 1, dated 22 October 2013 (revised 18 May 2015 and 21 April 2016);

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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."⁶

(U//FOUO) [redacted] admitted that throughout the period 23 September 2015 to on or about 1 October 2016 he utilized the unclassified NSA/CSS IS to search for and view pornographic material, conduct sexually-explicit chat and email conversations, request and view nude photographs of his spouse; 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 and sports websites on the internet, and shopping online. Contractor use of NSA/CSS ISs is subject to three conditions, i.e., the use must be: 1) limited to the performance of tasks authorized by the contract, 2) approved by the Contracting Officer, and 3) permitted by NSA/CSS Policy 6-4 itself. [redacted] acknowledged that his personal, non-contract-related use of the unclassified IS was unrelated to the performance of tasks authorized by the [redacted] contract, and that it was not approved by his Contracting Officer. Further, while NSA/CSS Policy 6-4 authorizes personal use of NSA/CSS ISs, such use is limited to brief, infrequent communications to deal with urgent matters, i.e. those matters defined by Paragraph 9a – 9e. The activities conducted by [redacted] on the unclassified IS are clearly personal in nature and, thus, 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. Therefore, by engaging in such non-contract-related, personal use of the unclassified NSA/CSS IS, [redacted] misused the unclassified IS in violation of NSA/CSS Policy 6-4, Paragraph 9.

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(U//FOUO) [redacted] maintains that although he did use the unclassified IS to conduct personal, non-contract-related activity, he did not bill the time spent engaged in that activity to the [redacted] contract. Specifically, he claims to have kept an accurate accounting of the time spent conducting this activity throughout his workday, and that he extended his workday by a commensurate period of time to ensure proper billing. Notwithstanding [redacted] contention, several factors impact the ability to confirm this claim. For instance, [redacted] admitted to viewing pornographic material, and the corresponding network activity reports confirm that he indeed conducted this activity for a total of less than four hours during the period 23 September

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

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2015 to 7 April 2016. However, [redacted] also admitted that he continued to view pornographic material until on or about 1 October 2016. While it is likely that [redacted] maintained similar viewing habits as that initially identified by the network activity reports, it is possible that the time spent viewing this material between 8 April 2016 and on or about 1 October 2016 fluctuated to the extent that the average viewing time increased. Additionally, [redacted] admitted that he requested and viewed nude photographs of his spouse, accessed and reviewed his personal email account, browsed news and sports websites on the internet, and shopped online. The network activity reports did not provide an analysis of the amount of time that [redacted] spent engaged in that particular activity, yet, these non-contract-related activities clearly expended some quantifiable period of time. And, though [redacted] may very well have accounted for some of the time spent conducting personal, non-contract-related activity by extending his workday, it is reasonable to believe that he could not accurately account for that time considering the variety of activities in which he was engaging, as well as the inherent uncertainty associated with approximating such usage. Moreover, the total amount of time he spent conducting non-contract-related activities throughout the period of misuse (23 September 2015 through on or about 1 October 2016) is likely much greater than that originally identified within the network activity reports, considering the additional actions that [redacted] admitted conducting. Nevertheless, any billing of a contract for a contractor's unauthorized use of the unclassified IS, however slight, is a violation of NSA/CSS Policy 6-4. While it is possible, even likely, that [redacted] billed some amount of time engaged in non-contract-related activity to the [redacted] contract, the lack of conclusive evidence prevents a definitive finding that he did in fact do so. As a result, no conclusions are made with respect to the allegation that [redacted] billed time spent conducting non-contract-related activity to the [redacted] contract, in violation of NSA/CSS Policy 6-4, Paragraph 9.

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(U//FOUO) Finally, [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," including "accessing pornography."⁷ The network activity reports revealed that [redacted] conducted image searches on *Google.com* for pornographic content by inputting sexually-explicit search terms into the *Google.com* search field. These searches returned pornographic content related to his search in the form of digital images and GIFs. Though [redacted] did not click on any particular image or GIF to open it, he nevertheless viewed the images as they appeared within the Google search results, and "moused" over the GIFs in order to view their brief animation. [redacted] confirmed these activities during his interview with the OIG when he admitted that he had in fact searched for and viewed pornographic material in the manner described above. In addition, he also admitted that he had requested and viewed nude photographs of his spouse via his personal Verizon email account, while using the unclassified NSA/CSS IS. As a result of these actions, we conclude that [redacted] accessed pornography on the unclassified NSA/CSS IS in violation of NSA/CSS Policy 6-6.

(U//FOUO) The OIG finds that a preponderance of the evidence exists to support the conclusion that, during the period 23 September 2015 to on or about 1 October 2016, [redacted] misused the unclassified NSA/CSS IS by searching for and viewing pornographic material, conducting sexually-explicit chat and email conversations, requesting and viewing nude

⁷ See NSA/CSS Policy 6-6, Paragraph 68;

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photographs of his spouse; and engaging in other non-contract-related personal use of the unclassified IS, such as: accessing and reviewing his personal email account, generally browsing news and sports websites on the internet, and shopping online, in violation of NSA/CSS Policy 6-4, Paragraph 9 and NSA/CSS Policy 6-6, Paragraph 18.

VI. (U) Response to Tentative Conclusion:

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(U//~~FOUO~~) The tentative conclusion was provided to [REDACTED] on 14 December 2016. On 14 December 2016, [REDACTED] responded to the tentative conclusion by stating the following:

(U) "I have spent the last 16 years supporting the agency, over which time I have done great work for my client. I have no excuse for the lapse in judgement (sic) in the google searches and the intimate interactions with my wife while on that computer. As for the other computer violations, I honestly was not aware that contractor use was so limited. I believed we were not allowed to charge time while attending to personal matters, which I never did, but was not aware that they were prohibited. I know now, and none of these actions will ever happen again. I hope my long service record to the agency will account for something in the final decision."

(U//~~FOUO~~) [REDACTED] response to the tentative conclusion provided no new information or mitigation that would impact our analysis, therefore, our preliminary conclusion became final.

VII. (U) Conclusion(s):

(U//~~FOUO~~) **Substantiated.** The preponderance of the evidence supports the conclusion that, during the period 23 September 2015 to on or about 1 October 2016, [REDACTED] [REDACTED] misused the unclassified NSA/CSS IS by searching for and viewing pornographic material, conducting sexually-explicit chat and email conversations, requesting and viewing nude photographs of his spouse; and, engaging in other non-contract-related personal use of the unclassified IS, such as: accessing and reviewing his personal email account, generally browsing news and sports websites on the internet, and shopping online, in violation of NSA/CSS Policy 6-4, Paragraph 9 and NSA/CSS Policy 6-6, Paragraph 18.

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(U) APPENDIX

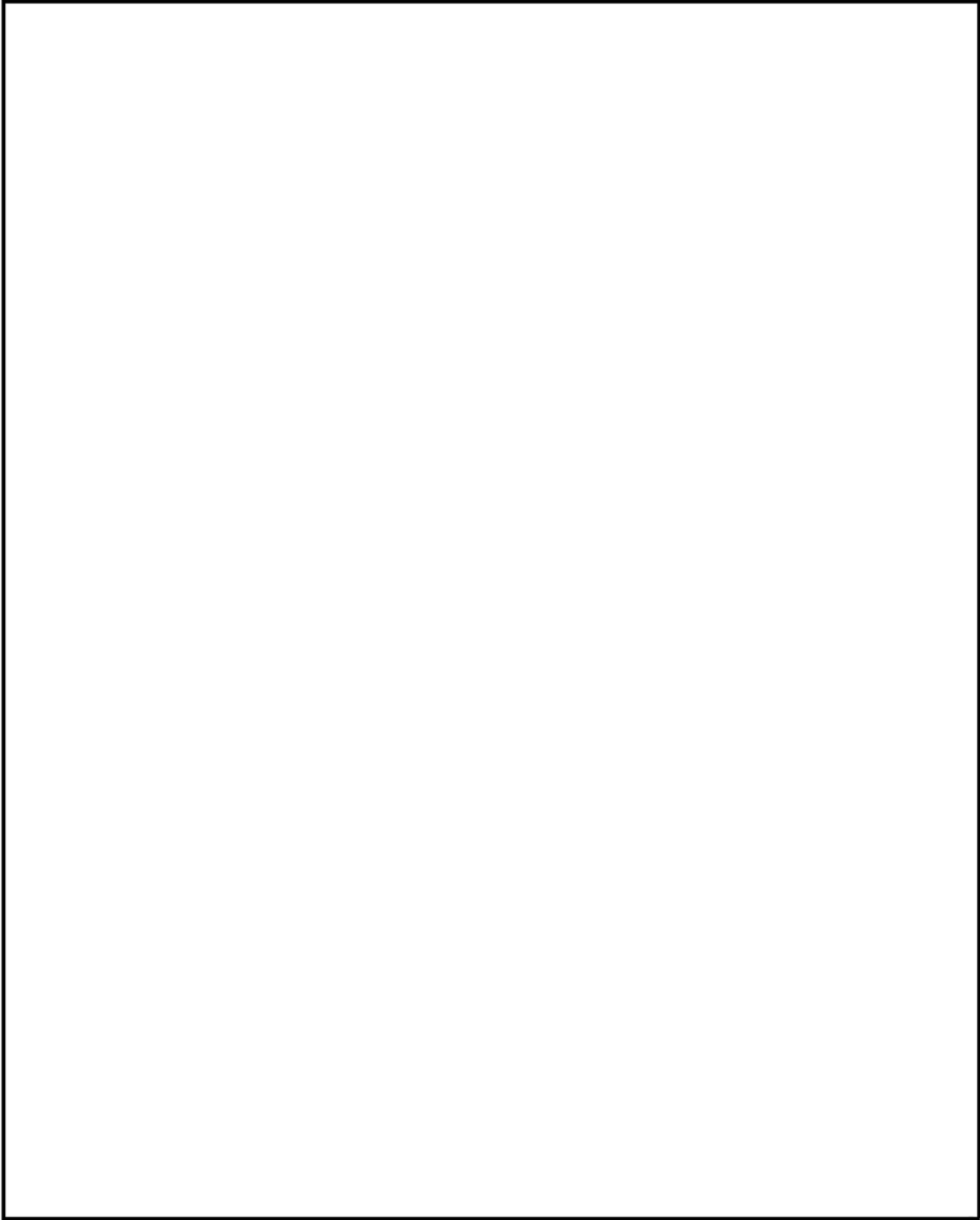
(U) Unclassified Activity

(U) *(Edits were made by the OIG for readability purposes)*

(U) (WARNING: GRAPHIC MATERIAL)

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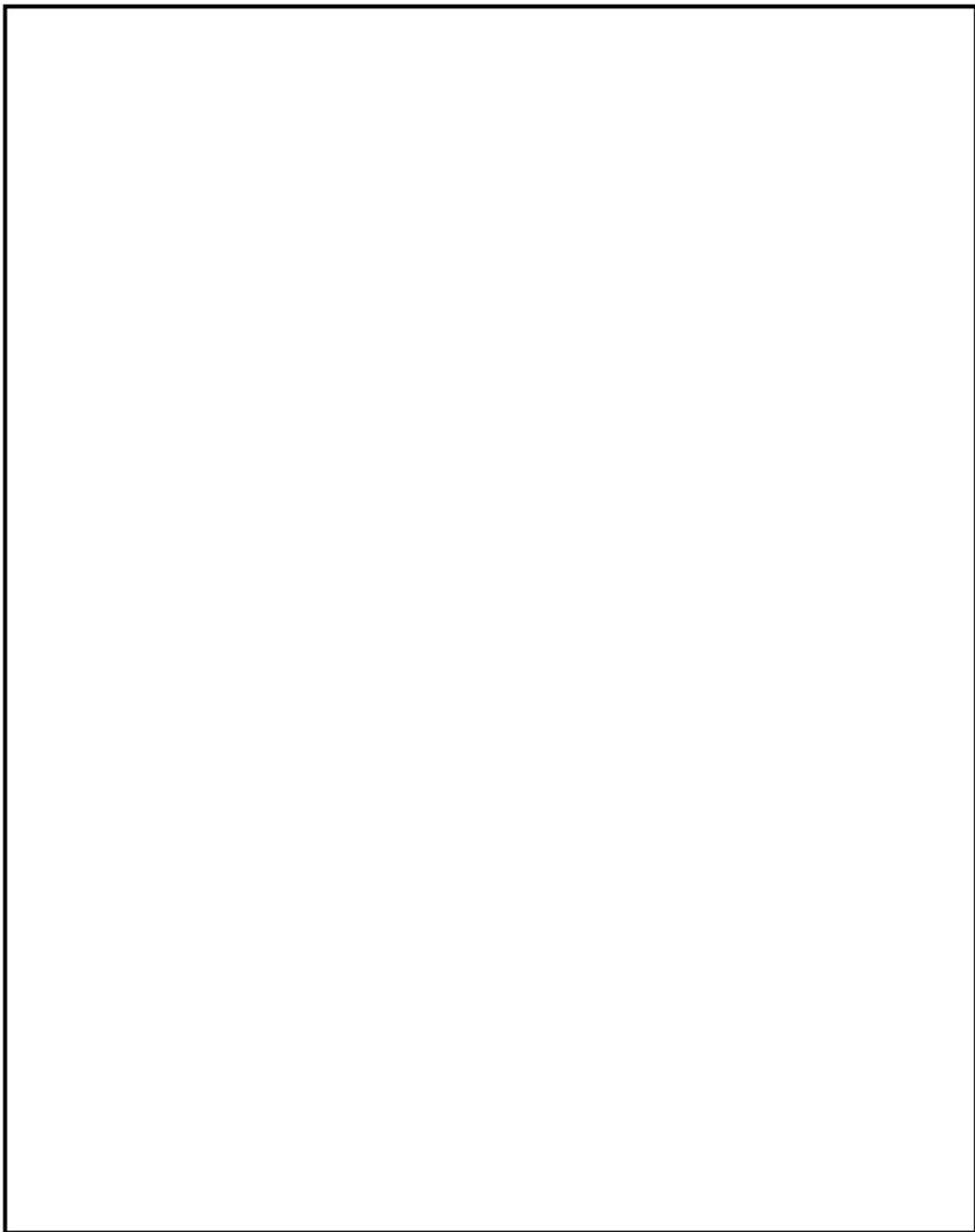


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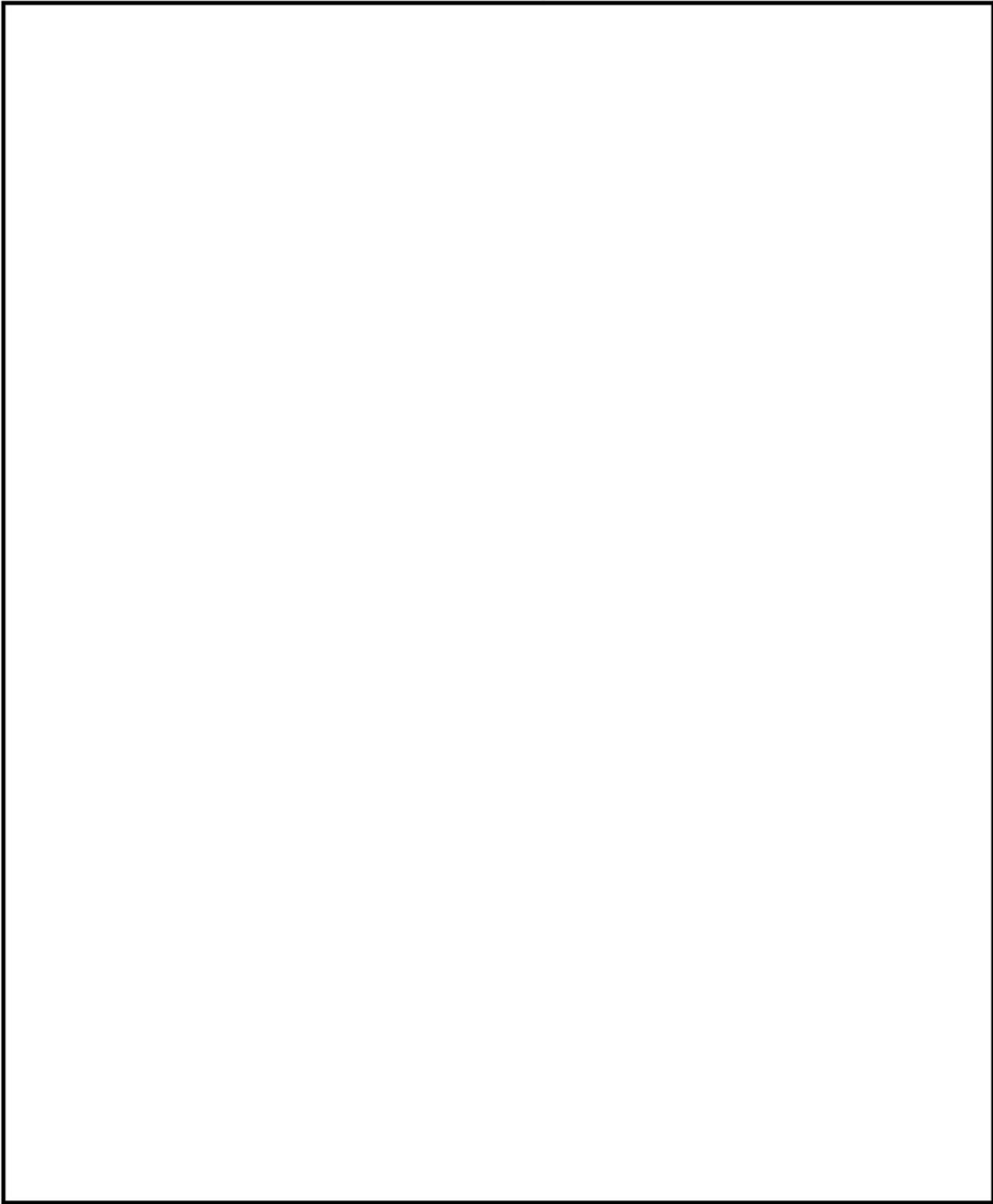
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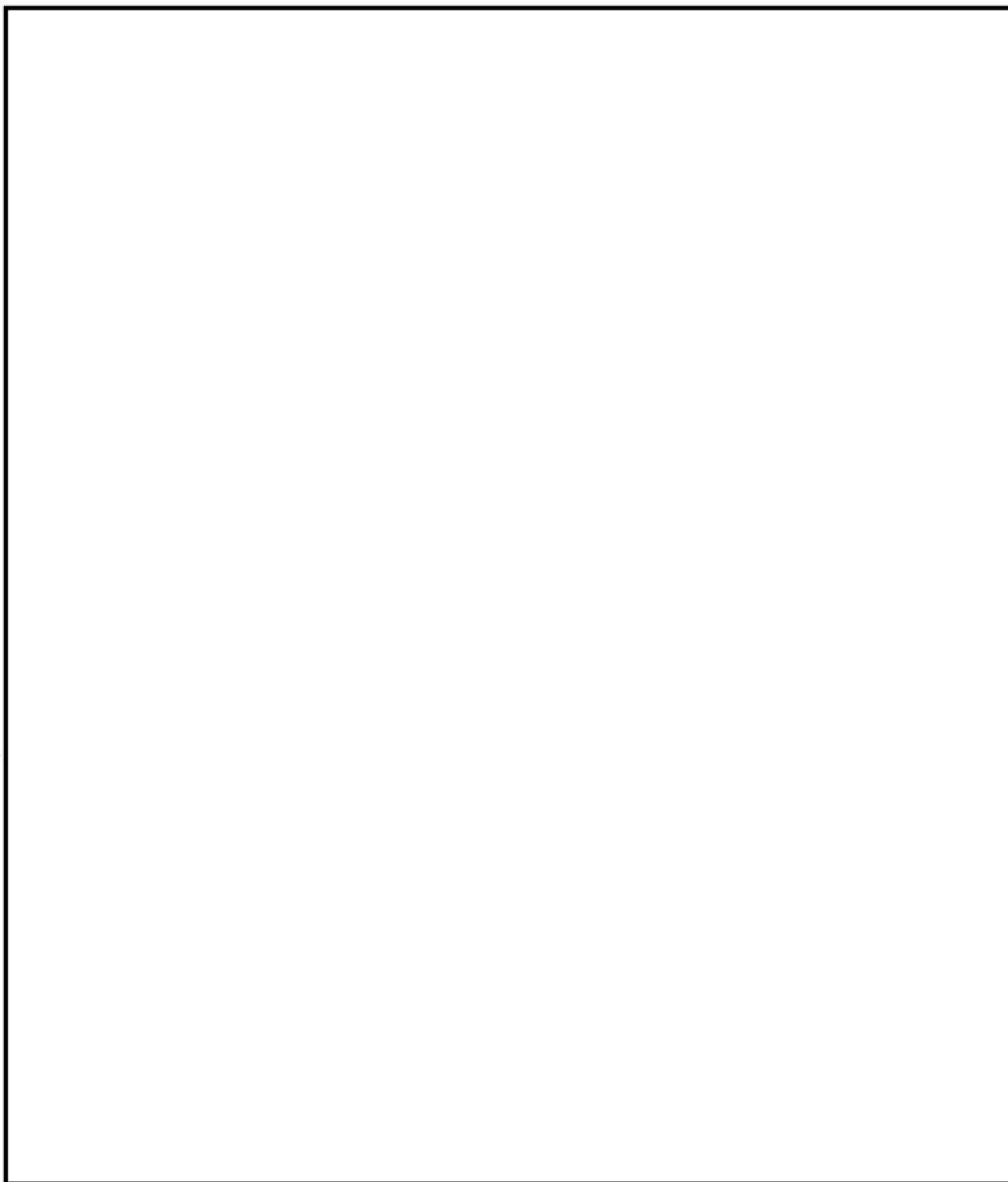
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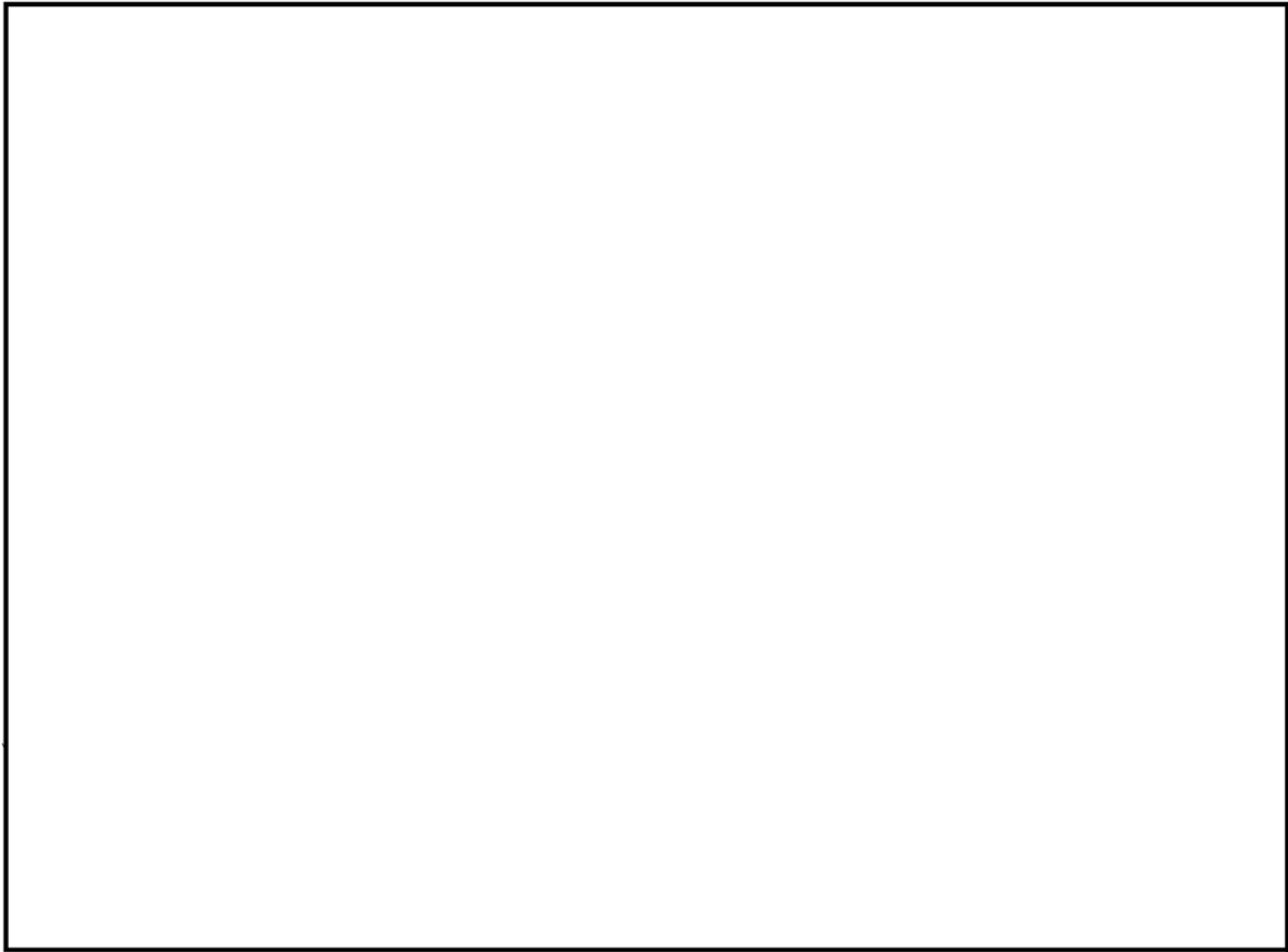
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