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**NATIONAL SECURITY AGENCY/CENTRAL SECURITY
SERVICE**



INSPECTOR GENERAL

REPORT OF INVESTIGATION

30 September 2016

IV-16-0037

Alleged Misuse of Government Resources

(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 30 November 2022, FOIA Case #85643 Litigation

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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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(U) SUMMARY

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(U//~~FOUO~~) The Office of the Inspector General (OIG) conducted this investigation in response to a 1 September 2016 allegation that [redacted] employed by [redacted] may have misused the NSA/CSS unclassified network while working on NSA contract [redacted]. The information regarding [redacted] alleged misuse was derived from routine monitoring of the NSA/CSS Information Systems (IS).

(U//~~FOUO~~) Security and Counterintelligence (A5) referred to the OIG a network activity report that contained approximately 148 posts that were linked to [redacted] assigned NSA/CSS unclassified network and assigned Standard Identifier (SID) [redacted]. Through analysis of the posts, the OIG discovered that all 148 were unrelated to work and/or contract functions and that most contained vulgar, profane, sexually-explicit and denigrating language.

(U//~~FOUO~~) [redacted] provided sworn testimony to the OIG on 29 September 2016. He testified to using the NSA/CSS unclassified network to access a chat room hosted by [redacted] called [redacted]. He testified to frequently communicating in the chat room and, when questioned, admitted that his comments were frequently vulgar, profane, sexually explicit, and denigrating.

(U//~~FOUO~~) We concluded, based on the preponderance of the evidence, that during the period of 18 July 2016 through 16 August 2016, [redacted] misused the NSA/CSS unclassified network by accessing non-contract-related chat rooms and engaging in vulgar, profane, sexually explicit, and denigrating communications with individuals in the chat room. His actions violated NSA/CSS Policies 6-4 and 6-8.²

(U//~~FOUO~~) The OIG will issue a notification to the Maryland Procurement Office (B3) outlining the misuse of the NSA/CSS unclassified network. The OIG will also issue a summary of investigative findings to Security and Counterintelligence, Special Actions (A5242).

¹ (U//~~FOUO~~) NSA contract [redacted] is a firm fixed price contract. Therefore, [redacted] labor hours were not directly billed to the government.

² (U//~~FOUO~~) Policy 6-8 was effective as of 1 August 2016, and therefore applies only to his conduct that occurred after that date.

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(U) SCOPE OF INVESTIGATION

(U//FOUO) The OIG interviewed [redacted] and reviewed his unclassified network use for the period of 18 July through 16 August 2016. The OIG also reviewed [redacted] contract [redacted]

(U) INVESTIGATIVE ACTIVITY

ALLEGATION: During the period of 18 July 2016 through 16 August 2016, [redacted] misused the NSA/CSS unclassified network by accessing non-contract-related chat rooms and engaging in vulgar, profane, sexually explicit, and denigrating communications with individuals in the chat room. In doing so, [redacted] violated NSA/CSS Policies 6-4 and 6-8.

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(U) Applicable Authorities

(U//FOUO) The investigation examined potential violations of the following authorities. Applicable excerpts are contained in Appendix A.

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

(U) NSA/CSS Policy 6-3, "Information System User and Supervisor Responsibilities," dated 12 November 2009 and revised 24 November 2015.

(U) NSA/CSS Policy 6-8, "NSA/CSS Information System User and Supervisor Security Responsibilities."

(U) Evidence

(U//FOUO) [redacted] has been employed as a contractor affiliate at NSA W since approximately April 2011. He is currently employed by [redacted] as a [redacted] [redacted]. For the period reviewed, he worked on the Business Acquisition Management (BAM) contract [redacted] and supported the [redacted] [redacted]

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(U//~~FOUO~~) [redacted] contract-related responsibilities included providing website development and help desk support to the Agency population. As a result of his responsibilities, [redacted] was authorized to use the NSA/CSS unclassified network for the purpose of researching items that pertain to website development and software development. He was also authorized to access his [redacted] email and timesheets.

(U//~~FOUO~~) Security and Counterintelligence referred to the OIG a network activity report that contained approximately 148 posts that were linked to [redacted] assigned NSA/CSS unclassified network and assigned Standard Identifier (SID), [redacted]. From 18 July 2016 through 16 August 2016, Mr. [redacted] repeatedly visited a chat room called [redacted] and engaged in communications with the chat room visitors. Of the 148 posts that [redacted] wrote between July and August on [redacted] the majority contained vulgar, profane, sexually explicit and denigrating language. The OIG reviewed each post and found no communications related to [redacted] contract or work assignment. Excerpts of [redacted] chat communication can be found in Appendix B.

(U//~~FOUO~~) [redacted] provided sworn testimony to the OIG on 29 September 2016. He admitted that he used the NSA/CSS unclassified network to access chat rooms to engage in non-work-related chat, and to review and post comments on the website [redacted]. Specifically, he used the NSA/CSS unclassified network to access a chat room hosted by [redacted] called [redacted]. He testified to frequently communicating in the chat room and when questioned, admitted that his comments were frequently vulgar, profane, sexually explicit, and denigrating.

(U//~~FOUO~~) [redacted] testified that he did these things to stay awake, remain occupied, and vent his frustrations throughout his work day. He testified to knowing that the NSA/CSS ISs were for work-related purposes; however, he was unaware of how "strict" the Agency was regarding the viewing of non-work-related items and chatting on websites.

(U) Analysis and Conclusion

(U//~~FOUO~~) NSA/CSS Policy 6-4, "Contractor Use of NSA/CSS Information Systems and Resources" specifically states that "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. Contractors shall not use NSA/CSS ISs or telephone services for personal use except for brief, infrequent communications to deal with urgent matters." NSA/CSS Policy 6-8, "NSA/CSS Information System User and Supervisor Security Responsibilities" specifically states that all users shall use Agency ISs for official government and/or mission-related purposes. [redacted]

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[redacted] use of the NSA unclassified system to engage in non-work-related chat and to post comments on websites was neither an official government nor mission-related purpose. Furthermore, it was not a task authorized by the contract and did not constitute a brief, infrequent communication to deal with an urgent matter.

(U//~~FOUO~~) NSA/CSS Policy 6-4 specifies that contractors are prohibited from engaging in communication that adversely affects the NSA/CSS mission or reflects poorly on the NSA/CSS. Additionally, NSA/CSS Policy 6-8 paragraph 5.k specifically states that users may not “store, access, process, distribute, transmit, or view material that is abusive, harassing, defamatory, vulgar, pornographic, profane, or racist; that promotes hate crimes; or that is subversive or objectionable by nature, including material encouraging criminal activity, or violation of local, state, tribal, federal, national, or international law...” [redacted] regularly used vulgar, profane, sexually explicit, and denigrating language in his chats on the unclassified network. Such language reflects poorly on the NSA/CSS and is a direct violation of NSA/CSS Policy. Furthermore, his use of the NSA/CSS unclassified network to promulgate such material is incompatible with public service.

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(U//~~FOUO~~) We concluded by a preponderance of the evidence that during the period of 18 July 2016 through 16 August 2016, [redacted] misused the NSA/CSS unclassified network by accessing non-contract-related chat rooms and engaging in vulgar, profane, sexually explicit, and denigrating communications with individuals in the chat room. In doing so, [redacted] violated NSA/CSS Policies 6-4 and 6-8.

(U) Response to Tentative Conclusion

(U//~~FOUO~~) On 11 October 2016, the OIG sent [redacted] the tentative conclusion reached in the investigation and gave him an opportunity to comment. On 11 October 2016, [redacted] declined to provide any additional information to the tentative conclusion. Because [redacted] did not provide information, the tentative conclusion became final.

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(U//~~FOUO~~) [redacted] emailed response can be found in Appendix C.

(U) Distribution of Results

(U//~~FOUO~~) The OIG will issue a notification to the Maryland Procurement Office (B3) outlining the misuse of the NSA/CSS unclassified network. The OIG will also issue a summary of investigative findings to Security and Counterintelligence, Special Actions (A5242).

(U) REPORT PREPARED BY:

Investigator

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Concurred by:

Assistant Inspector General
For Investigations

(U) List of Appendices and Documentary Evidence

	Appendix
• Applicable Authorities _____	A
• Excerpts from [redacted] Chat Communication _____ ○ <i>Obtained via Network Activity Report</i>	B
• [redacted] response to the Tentative Conclusion _____	C

[redacted] [redacted]
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Appendix A Applicable Authorities

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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.
9. (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 prohibited applies only when:
 - a. (U) Unavoidable personal matters arise such as, but not limited to, contacting a spouse, dependent family member, or other individuals responsible for a dependent's care; scheduling a physicians appointment; or vehicle maintenance;
 - b. (U) The communication does not adversely affect the NSA/CSS mission or reflect poorly on NSA/CSS;
 - d. (U) Time spent using the NSA/CSS IS or resource is not billed to the contract; and...

NSA/CSS Policy 6-8*NSA/CSS Information System User and Supervisor Security Responsibilities***(U) Policy**

1. (U) All users of Agency ISs shall comply with the contents of this policy to support a culture of security and accountability for Agency ISs and data.

(U) Responsibilities

4. (U) All IS users shall:
 - b. (U) Use Agency ISs for official government and/or mission-related purposes. Users may, with supervisory approval, conduct limited personal communications while using an Agency-sponsored account or while using U.S. Government resources per NSA/CSS Policy 6-4, "Contractor Use of NSA/CSS Information Systems and Resources."
 - d. (U) Comply with... laws, regulations, and procedures...

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s. (U) Fully cooperate with the appropriate officials during the investigation of computer security incidents. Investigative officials may include, but are not limited to: ADS&CI, NISIRT, OGC and OIG.

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Appendix B

Excerpts of [] Chat Communications

Obtained via the Network Activity Report

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SAMPLE Communications [redacted]

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OIG Edited for Readability Purposes

[redacted]

Date: 7/18/2016 through 8/16/2016

There were **148 posts** between 7/18/2016 and 8/16/2016 – all are not represented here.

(b) (6)

7/18/2016

[redacted]

7/18/2016

[redacted]

07/19/2016

[redacted]

7/20/2016

[redacted]

7/20/2016

[redacted]

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[Redacted]

7/21/2016

[Redacted]

7/22/2016

[Redacted]

(b) (6)

07/25/2016

[Redacted]

07/25/2016

[Redacted]

07/26/2016

[Redacted]

07/26/2016

[Redacted]

7/28/2016

[Redacted]

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8/1/2016: [Redacted]
8/2/2016: [Redacted]
8/4/2016: [Redacted]
8/8/2016: [Redacted]
[Redacted]
8/9/2016: [Redacted]
[Redacted]
8/10/2016: [Redacted]
[Redacted]
8/11/2016: [Redacted]
[Redacted]
8/16/2016: [Redacted]
[Redacted]

(b) (6)

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Appendix C

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[Redacted]

Response to Tentative Conclusion

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[Redacted]

From: [Redacted]
Sent: Tuesday, October 11, 2016 10:18 AM
To: [Redacted]
Subject: RE: (U) OIG Notice of Tentative Conclusion
Signed By: [Redacted]

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I have nothing to provide

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~~(U//FOUO)~~

[Redacted]

From: [Redacted]
Sent: Tuesday, October 11, 2016 10:17 AM
To: [Redacted]
Subject: RE: (U) OIG Notice of Tentative Conclusion

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INSPECTOR GENERAL, SENSITIVE INFORMATION: This email, including any attachments, is intended only for authorized recipients. This email message may contain information that is confidential, sensitive, and/or protected by Federal Law, including the Privacy Act of 1974, as amended.

[Redacted]

The OIG is not responsible for applying any penalties as a result of our investigations.

Regarding your statement of not knowing what input you could provide – are you indicating that you have nothing to provide or would you like to use the time given (October 24, 2016) to provide any mitigation, facts, information, or evidence that might not have been considered in reaching our conclusion?

V/r,

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[Redacted]
Investigator
NSA Office of the Inspector General
[Redacted]
[Redacted] 969-6296(s)

PRIVACY SENSITIVE – any misuse or unauthorized disclosure may lead to disciplinary action.

From: [redacted]
Sent: Tuesday, October 11, 2016 10:01 AM
To: [redacted]
Subject: RE: (U) OIG Notice of Tentative Conclusion

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I don't know what input I could provide at this point. What's the typical penalty for violating policies 6-4 and 6-8?

(U//FOUO)

[redacted]

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From: [redacted]
Sent: Tuesday, October 11, 2016 7:09 AM
To: [redacted]
Subject: (U) OIG Notice of Tentative Conclusion
Importance: High

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INSPECTOR GENERAL SENSITIVE INFORMATION: This email, including any attachments, is intended only for authorized recipients. This email message may contain information that is confidential, sensitive, and/or protected by Federal Law, including the Privacy Act of 1974, as amended.

[redacted]

(U//FOUO) The OIG has completed the field work associated with our investigation into allegations that you misused NSA/CSS Information Systems (ISs).

(U//FOUO) Prior to finalizing the Report of Investigation, we are notifying you of our tentative conclusion and extending an opportunity for you to provide a response. We include this step in our investigation process to ensure that subjects are afforded the opportunity to review our findings and reply with any mitigation, facts, information, or evidence that might not have been considered in reaching our conclusion.

Tentative Conclusion:

(U//FOUO) NSA/CSS Policy 6-4, "Contractor Use of NSA/CSS Information Systems and Resources" specifically states that "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. Contractors shall not use NSA/CSS ISs or telephone services for personal use except for brief, infrequent communications to deal with urgent matters." NSA/CSS Policy 6-8, "NSA/CSS Information System User and Supervisor Security Responsibilities" specifically states that all users shall use Agency ISs for official government and/or mission-related purposes. [redacted] use of the NSA unclassified system to engage in non-work-related chat and to post comments on websites was neither an official government nor mission-related purpose. Furthermore, it was not a task authorized by the contract and did not constitute a brief, infrequent communication to deal with an urgent matter.

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(U//~~FOUO~~) We concluded by a preponderance of the evidence that during the period of 18 July 2016 through 16 August 2016, [redacted] misused the NSA/CSS unclassified network by accessing non-contract-related chat rooms and engaging in vulgar, profane, sexually explicit, and denigrating communications with individuals in the chat room. In doing so, [redacted] violated NSA/CSS Policies 6-4 and 6-8.

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(U//~~FOUO~~) Please take the following actions:

1. (U//~~FOUO~~) Immediately confirm receipt of this email.
2. (U//~~FOUO~~) Although you are not required to provide any input, if you choose to do so, please provide your input by Monday October 24, 2016. Your reply can be in the form of an email, memo, or any format you choose. Please provide as much detail as possible, including dates, facts, names, and supporting documentation.
3. (U//~~FOUO~~) If you choose not to provide any input, please let us know as soon as practicable, but no later than Monday October 24, 2016.

(U//~~FOUO~~) Feel free to contact me if you have any questions.

V/r,

[redacted]

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Investigator
NSA Office of the Inspector General

[redacted]

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