

UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~



**OFFICE OF THE INSPECTOR GENERAL
NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE**

Date: 04 January 2012

To: Chief, D14

From: Investigator [redacted]

Subject: Misuse of Government Resources

File No: IV-12-0098

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

Precedence: Routine

Purpose: To provide a summary report of investigation and to refer this matter to the Maryland Procurement Office (MPO) and Special Actions in the Associate Directorate for Security and Counterintelligence (ADS&CI) for review and any action deemed appropriate.

Details:

I. (U) Background:

(U//FOUO) [redacted] was a contractor affiliate with [redacted] assigned to [redacted] The NSA/CSS Information Security Incident Response Team (NISIRT) detected misuse on [redacted] classified account between 12 April and 31 May 2012. [redacted] was in the process of changing contractors and organizations when he was detected.

(U//FOUO) NISIRT assigned tracking number [redacted] to this violation. NISIRT provided the activity report to the Office of the Inspector General on 4 June 2012.

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

II. (U) Issue(s):

(U//FOUO) Did [redacted] misuse his Agency sponsored classified account and U.S. Government resources?

UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

III. (U) Applicable Standard(s):

(U//~~FOUO~~) NSA/CSS Policy 6-4, "CONTRACTOR USE OF GOVERNMENT INFORMATION SYSTEMS," Policy Section:

3. (U) Personal use of Government ISs by contractor personnel is prohibited except for brief, infrequent communications to take care of unavoidable personal matters (e.g., contacting a spouse, dependent, or individual responsible for their care; scheduling a physician's appointment or car maintenance; etc.). This limited exception to the personal use prohibition applies only when

- a. the communication could not have reasonably been made at another time (e.g., the physician is only available during working hours),
- b. the communication does not adversely affect the Agency mission or reflect poorly on the Agency,
- c. the communication does not result in other than minimal expense to the Government (e.g., the call is local, toll-free, or charged to a personal telephone calling card),
- d. time spent using the Government IS for personal use is not billed to the contract, and
- e. the communication is of a non-commercial nature.

(U) This exception does not permit any personal commercial use of Government ISs (e.g., use in conjunction with a contractor employee's personal business activity for financial or other gain).

....

(U//~~FOUO~~) NSA/CSS Policy 6-12, dated 17 January 2012, Collaborative Communications on Classified NSA/CSS Information Systems.

(U) Users shall use collaboration tools and collaboration services on classified NSA/CSS ISs for work-related purposes. Misuse of government resources is addressed in the Standards of Ethical Conduct for Employees of the Executive Branch and the DoD Regulation 5500.7-R, "Joint Ethics Regulation."... Information posted using collaboration tools is generally considered to reflect the view of the Agency, as well as the professional opinion of the person posting. As such, NSA/CSS may be held accountable for information posted on any Agency system. Additionally, posted materials are NSA/CSS records and may be subject to disclosure under the Freedom of Information Act (FOIA).

Personnel Privileged Information

2

UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

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

IV. (U) Investigative Activity:

A. (U//~~FOUO~~) NISIRT Forensic Analysis

(U//~~FOUO~~) A NISIRT Network Analyst provided the OIG with an analysis of [redacted] activities on the classified network. It appears that [redacted] chat is non-work related material. [redacted] talks about [redacted] [redacted] A sampling of the chat sessions are included below. Edits were made for readability purposes.

05/10/2012

[Large redacted area]

(b) (6)

05/17/2012

[Large redacted area]

Personnel Privileged Information

UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

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

[Redacted]

(b) (6)

[Redacted]

(U//~~FOUO~~) NISIRT did not provide estimated time spent on 10 and 17 May 2012 in the activity detailed above. However, NISIRT did provide the OIG with the amount of time [Redacted] spent on non-work related activities from 9 April to 31 May 2012. See below for the time estimated per day

Date	Est Time
4/9	6:20
4/10	5:14
4/11	7:32
4/12	5:46
4/18	4:02
4/19	4:10
4/20	4:58
4/26	5:35
4/30	6:20
5/3	4:58
5/9	4:26
5/16	4:58
5/18	4:02
5/23	3:52
5/25	3:52
5/31	5:06

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

B. (U) Interview of [Redacted]

(U//~~FOUO~~) On 13 June 2012, the OIG interviewed [Redacted]. He admitted to typing non work related material on the classified chat system. [Redacted] stated that he did not realize how much time he was spending chatting until we discussed the amount of time. He agreed that it was excessive. [Redacted] said he was unaware that it was against Agency policy. [Redacted] now understands that this type of activity is against policy and that all resources are monitored.

UNCLASSIFIED//~~FOR OFFICIAL USE ONLY~~

(U//~~FOUO~~) After the interview, [redacted] was provided information in an email regarding the current policy and guidance. He was asked to respond to the OIG with regard to his intent to follow the policies in the future. Later that day, [redacted] responded, stating "Policies have been reviewed and I will adhere to them."

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

V. (U) Analysis and Conclusion:

(U//~~FOUO~~) Forensic evidence indicates [redacted] misused his Agency sponsored classified account and U.S. Government resources. [redacted] failed to exercise good judgment and used Agency systems in a manner that would reflect negatively on the Agency. His actions were in violation of the NSA/CSS Policies 6-4 and 6-12.

VI. (U) Recommendation(s):

(U//~~FOUO~~) In accordance with the above, this case should be closed and this summary memorandum provided to the MPO and Special Actions, ADS&CI, for review and any action deemed appropriate.

cc:
IV-12-0098
OGC

*** (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.**