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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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(U//~~FOUO~~) On 9 November 2012, the Inspector General (IG) received a referral from the NSA/CSS Information Systems Incident Response Team (NISIRT) identifying potential computer misuse by a non-Agency contractor, [redacted]. On 15 November 2012, the IG initiated an investigation of [redacted] use of NSA/CSS Information System (IS).

(U//~~FOUO~~) The preponderance of the evidence collected during the investigation substantiates that [redacted] misused his classified NSA/CSS IS while employed by [redacted] [redacted] from approximately February 2012 to April 2013. [redacted] used Government resources on non-contract related activities for as much as 6 to 8 hours per day, in violation of NSA/CSS Policies 6-4 and 6-12.

(U) [redacted] is considered a non-Agency contractor. He is a [redacted] cleared contractor. He does not work on a NSA/CSS contract.

(U//~~FOUO~~) A summary memorandum will be provided to the Contractor Clearances, ADS&CI; and Special Actions, ADS&CI for review and any action deemed appropriate. ADS&CI will disseminate the summary memorandum to the [redacted].

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II. (U) BACKGROUND

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(U) Introduction

(U//~~FOUO~~) [redacted] is a contractor affiliate currently with [redacted] assigned to NSA/CSS Georgia. [redacted] was formerly with [redacted] also assigned to NSA/CSS Georgia. He was [redacted]. He is a [redacted] cleared contractor. He does not work on a NSA/CSS contract; the actual contract number he is working under is unknown.

(U//~~FOUO~~) The NISIRT reviewed [redacted] classified U.S. Government account from 4 to 19 June 2012. The NISIRT provided their activity report to the Office of the Inspector General on 9 November 2012.

(U) Applicable Authorities

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(U//~~FOUO~~) NSA/CSS Policy 6-4, "CONTRACTOR USE OF NSA/CSS INFORMATION SYSTEMS," revised 7 June 2007:

(U//~~FOUO~~) NSA/CSS Policy 6-12, "COLLABORATIVE COMMUNICATION ON CLASSIFIED NSA/CSS INFORMATION SYSTEMS" revised date 27 June 2013:

(U) See Appendix A for full text of the applicable authorities.

III. (U) FINDINGS

(U//~~FOUO~~) Did [redacted] a former [redacted] employee, misuse his NSA/CSS IS in violation of NSA/CSS Policies 6-4 and 6-12?

(U//~~FOUO~~) CONCLUSION: Substantiated. The preponderance of the evidence supports the conclusion that while employed by [redacted] [redacted] misused his classified NSA/CSS IS. [redacted] used Government resources on non-contract related activities for as much as 6 to 8 hours per day from February 2012 to April 2013 in violation of NSA/CSS Policies 6-4 and 6-12.

(U) Documentary Evidence

(U) NISIRT Report

(U//~~FOUO~~) The NISIRT provided the OIG with an analysis of [redacted] activities on the classified NSA/CSS IS. [redacted] was observed chatting for extended periods of time. The full NISIRT report can be found at Appendix B.

(U) Testimonial Evidence

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

(U//~~FOUO~~) On 1 August 2013, [redacted] was interviewed and provided the following sworn testimony:

(U) From February 2012 to April 2013, [redacted] was [redacted] [redacted] He worked 12 to 14 hours per day and estimates approximately 6 to 8 hours of each shift was "downtime" where he engaged in personal chat on NSAnet using [redacted] an instant messaging chat program. When mission activity was required, there was little time to engage in personal chat. However when there was no mission activity or "downtime," there was plenty of time for personal chat. He stated that his coworkers were a social group and "chatting all day long." [redacted] was required to be present and billed the entire time he worked to the contract. [redacted] admitted that it was "more than likely" that he engaged in inappropriate and sexually explicit conversations. [redacted] also used the unclassified network and internet to check his personal email accounts and perform random searches. While [redacted] [redacted] also shopped on the unclassified information systems.

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

(U) Analysis and Conclusions

(U//FOUO) Contractor's use of Agency IS for personal use is extremely limited. Not only does [redacted] use fail to comply with that permitted by NSA/CSS Policy 6-4, but the content of his chat demonstrates poor judgment on his part. The excessive chatting on non contract material could impact resources by taking up valuable bandwidth and data storage.

(U//FOUO) [redacted] use of the NSA/CSS IS also violated Policy 6-12. The policy states users of collaboration tools and services, including chat, should be for work related purposes only. [redacted] used the NSA/CSS IS for personal and sometimes inappropriate chat.

(U) [redacted] testimony confirmed that from February 2012 to April 2013 he was spending an excessive amount of time (as much as 6 to 8 hours per day) on non contract activities. This activity was ultimately billed to a U.S. Government contract. Forensic evidence combined with [redacted] testimony supports the allegation that he misused his classified NSA/CSS IS.

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IV. (U) RESPONSE TO TENTATIVE CONCLUSION

(U//FOUO) [redacted] was provided the tentative conclusions on 29 August 2013.
[redacted] responded to the tentative conclusion stating:

While I do agree that there may have been certain days where the amount of chat traffic was high, I must contest the claims of 6-8 hours for every day. There were certainly slow days in the office that would have added up to 6-8 hours in chat that wasn't necessarily work-related but it is incorrect to assume that more than half of my time in the office was spent on non-contract activities every day. If I remember correctly, when I gave the answer of "6-8 hours" the question was along the lines of "On the days when your chat activity was at its highest, how long would you assume that you were on chat?" I apologize if that is inaccurate, but I will not say that I was on chat for more than half of my work day, every day, discussing things that were not related to contract requirements. I must also point out that minimum hours per week, mandated by contract, was 72 hours. If the days were very slow and everything was already caught up, we couldn't leave the office for the day just because it was slow. We had to be available for those hours just in case something came up or we were needed for something else.

I apologize for the amount that I was on chat [redacted] I probably should have spent more of my time on slow days mentoring and helping the junior military personnel or training my peers instead of spending some of that time being social on the NSA/CSS IS. While I will admit that I should have done more research on the regulations for IS chat systems, I will also say that the training or information given for these regulations is minimal to non-existent.

Chat times may have been high but the successes of myself and my team will also speak volumes to what was done [redacted]

Thank you for your time and I apologize for any inconvenience that this has caused those involved.

(U//FOUO) The conclusion of this investigation remains unchanged.

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V. (U) CONCLUSION

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(U//~~FOUO~~) The preponderance of the evidence supports the conclusion that [redacted] misused his classified NSA/CSS IS while employed by [redacted] from approximately February 2012 to April 2013. [redacted] used the Government resources to conduct non-contract related activities for as much as 6 to 8 hours per day from February 2012 to April 2013 in violation of NSA/CSS Policies 6-4 and 6-12.

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VI. (U) DISTRIBUTION OF RESULTS

(U//~~FOUO~~) A copy of this report of investigation will be maintained in the case file. A summary memorandum will be provided to the Contractor Clearances, ADS&CI and Special Actions, ADS&CI for review and any action deemed appropriate. ADS&CI will disseminate the summary memorandum to the [redacted]

[redacted]

Senior Investigator

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Concurred by:

[redacted]

Deputy 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," revised 7 June 2007:

1. (U) Contractors shall use NSA/CSS ISs only to perform tasks that are authorized by contract, approved by the Contracting Officer, or permitted by this policy.

4. (U) Contractors shall not make personal use of NSA/CSS ISs except for brief, infrequent communications to take care of unavoidable personal matters (e.g., contacting a spouse, dependent, or individual responsible for a dependent's care; scheduling a physician's appointment or car maintenance; etc.). This limited exception to the personal use prohibition applies only when:
 - a. (U) The communication could not have reasonably been made at another time (e.g., the physician is only available during working hours);
 - b. (U) The communication does not adversely affect the Agency mission or reflect poorly on the Agency;
 - c. (U) 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. (U) Time spent using the NSA/CSS IS for personal use is not billed to the contract; and
 - e. (U) The personal communication is of a non-commercial nature. This exception does not permit the use of NSA/CSS ISs in conjunction with a contractor employee's personal business activity.

10. (U) Contractor management may request that an exception be made to a provision of this policy unless:
 - a. (U) The exception requested requires NSA/CSS to establish new contractor connectivity with, or access to, NSA/CSS ISs, the installation or modification of hardware or software, or support from the NSA/CSS Information Technology Support Center (ITSC).
 - b. (U) The exception requested would allow contractors to use NSA/CSS ISs for general business purposes (e.g., to send and receive corporate newsletters, to announce company events such as picnics and retirement ceremonies, to announce job opportunities, etc.).

11. (U) Requests for exception from this policy not ruled out by paragraph 10 above shall be submitted in writing to the NSA/CSS Contracting Officer or Contracting Officer's Representative, by contractor management. Requests made by individual contractor employees directly will not be considered.

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13. (U) Before determining that an exception is in the best interest of NSA/CSS, NSA/CSS personnel responsible for exception decisions will consider whether the proposed exception would:

- a. (U) Be legal.
- b. (U) Affect the Agency's mission negatively.
- c. (U) Have a significant impact on Agency IT resources, including network bandwidth or data storage.
- d. (U) Reflect poorly on the Agency.
- e. (U) Involve more than minimal cost to the Agency.
- f. (U) Violate operational security (OPSEC) principles.

....

(U//~~FOUO~~) NSA/CSS Policy 6-12, "COLLABORATIVE COMMUNICATION ON CLASSIFIED NSA/CSS INFORMATION SYSTEMS" revised date 27 June 2013:

- 1. (U) Users shall use collaboration tools and collaboration services on classified NSA/CSS ISs for work-related purposes. ...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.

...

13. (U) Users of NSA/CSS collaboration tools and collaboration services shall:

- a. (U) Engage in the use of collaboration tools and services for work-related purposes and exercise discretion in posting information that will support or enhance productivity. Be mindful that all posted materials are NSA/CSS records and may be subject to disclosure under FOIA;
- b. (U) Comply with the approved procedures (e.g., Rules of Engagements, Standard Operation Procedures) for appropriate use of the collaboration tool or collaboration service and preserve NSA/CSS records....

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Appendix B

(U) NISIRT Report

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The NISIRT report

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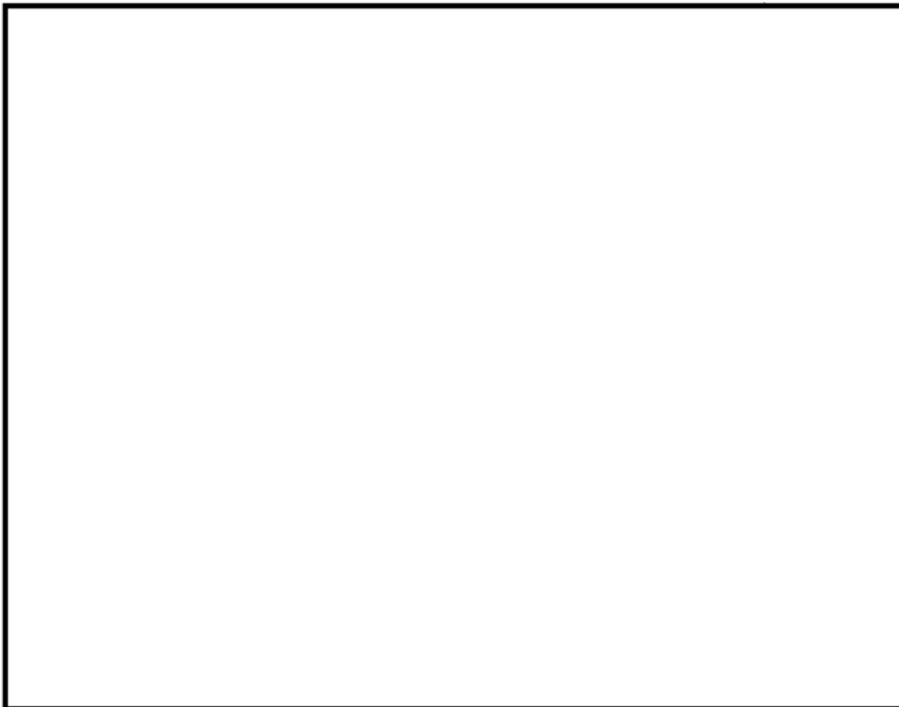


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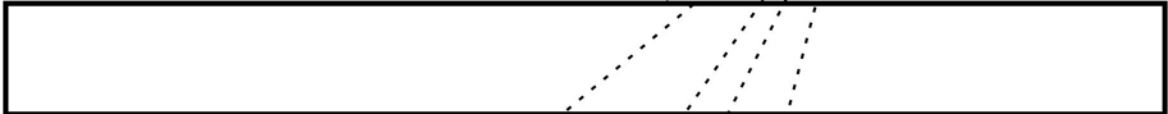
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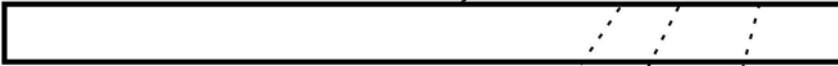


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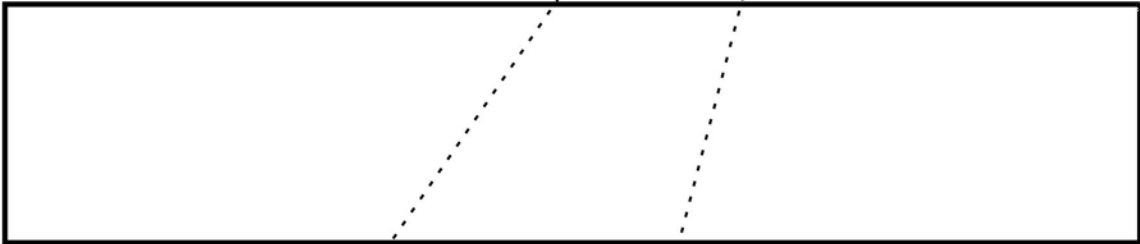
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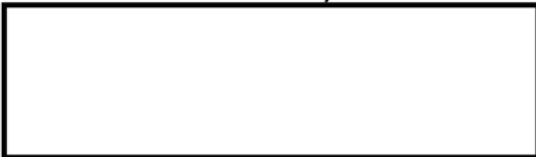
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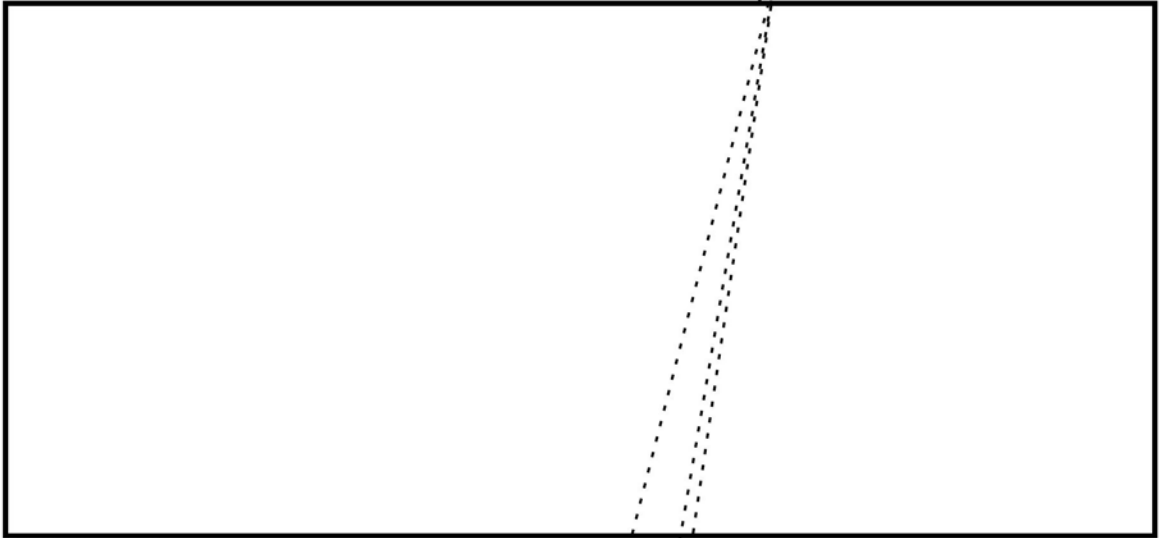
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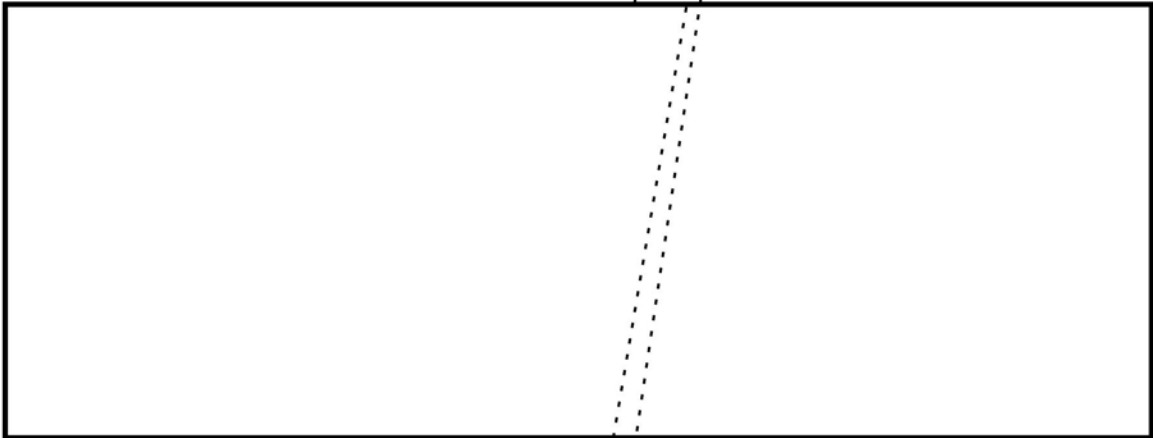
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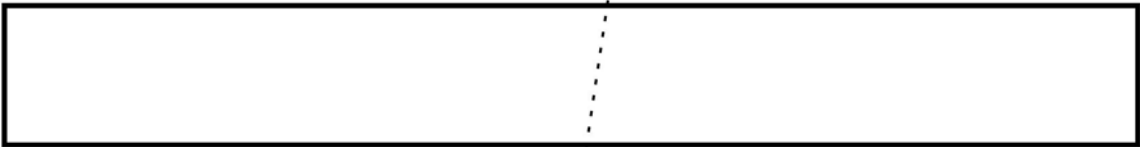
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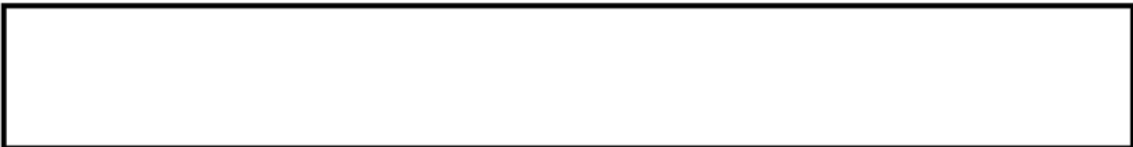
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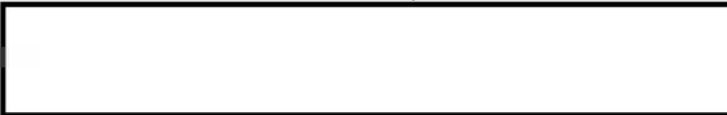


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