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**NATIONAL SECURITY AGENCY/CENTRAL SECURITY
SERVICE**



INSPECTOR GENERAL

REPORT OF INVESTIGATION

17 October 2013

IV-13-0022

Misuse of Government Resources

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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

(U//~~FOUO~~) On 26 October 2012 the Inspector General (IG) received a referral from the NSA/CSS Information Systems Incident Response Team (NISIRT) identifying potential computer misuse by a NSA/CSS 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. [REDACTED] used Government resources to engage in non-work related chat, in violation of NSA/CSS Policies 6-4 and 6-12. Based on NISIRT estimates, [REDACTED] engaged in approximately 4 to 7 hours of non-work related instant messaging each day during the sampled period, 15 to 24 October 2012.

(U//~~FOUO~~) A copy of this report of investigation will be maintained in the case file. A summary memorandum will be provided to the NSA/CSS Senior Acquisition Executive; Maryland Procurement Office; Contractor Clearances, ADS&CI; and Special Actions, ADS&CI for review and any action deemed appropriate.

[REDACTED]
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II. (U) BACKGROUND

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(U) Introduction

(U//~~FOUO~~) [redacted] is a contractor affiliate with [redacted] currently assigned to the [redacted] From December 2012 to July 2013, [redacted] was assigned to [redacted] Prior to December 2012 and during the time of the detected possible misuse, [redacted] was assigned to [redacted] [redacted] working under contract number [redacted] on the [redacted] contract.

(U//~~FOUO~~) The NISIRT reviewed [redacted] classified U.S. Government account from 15 to 24 October 2012. The NISIRT provided their activity report to the Office of the Inspector General on 26 October 2012.

(U) Applicable Authorities

(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 the full text of the applicable authorities.

III. (U) FINDINGS

(U//~~FOUO~~) Did [redacted] a [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 [redacted] misused his classified NSA/CSS IS. [redacted] used Government resources to engage in non-work related chat, in violation of NSA/CSS Policies 6-4 and 6-12.

(U) Documentary Evidence

[redacted] (b) (3) - P.L. 86-36
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(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 regarding non worked related material. Based on NISIRT estimates, [redacted] engaged in approximately 4 to 7 hours of non-work related instant messaging each day during the sampled period, 15 to 24 October 2012. The full NISIRT report can be found at Appendix B.

(U) Testimonial Evidence

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

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

(U) When confronted with the NISIRT estimates of 4 to 7 hours of non work related chat, [redacted] admitted to the misuse. He stated that in [redacted] there was little work for him to complete since the mission requirements had decreased. With "less to do," [redacted] participated in more personal chat to fill the time. He requested more work and a move to a new office. Ultimately, [redacted] request was granted and he was moved to an office with more mission work. [redacted] bills all of his time including the personal use to the contract. He believes that the technical task order is being phased out or changed on the contract due to the lack of work in the [redacted] organization and stated his management is aware of the lack of work in that organization.

(U) Since the end of July 2013 and after moving to [redacted] [redacted] has considerably less downtime to engage in personal activities on the internet. On the unclassified system, [redacted] admitted to checking Gmail (personal email) account and performing on line banking activities. He also checked his [redacted] work email account. He estimated that his personal use activity would last no more than 30 minutes each day and admitted that this time is billed to the contract. On the classified system, [redacted] estimated his personal chat would last

approximately an hour each day. As part of his job [redacted] performs a number of queries and chats while the queries are running.

(U) Analysis and Conclusions

(U//~~FOUO~~) Contractor's use of Agency IS for personal use is extremely limited. [redacted] personal use of the IS was not authorized by contract, approved by the Contracting Officer, and it clearly exceeded the brief, infrequent communications permitted by NSA/CSS Policy 6-4. The fact that [redacted] billed the time spent conducting personal chat to the government is an additional violation of NSA/CSS Policy 6-4.

(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, non-work related chat.

(U) [redacted] testimony confirmed that he was spending an excessive amount of time (4 to 7 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 17 October 2013.
[redacted] responded to the tentative conclusion stating:

I agree with the conclusions, and as I said during our interview the OPTEMPO had slowed down significantly and I was searching for a new shop to work in so that I could have more mission related to do. I succeeded in doing so and moved to [redacted] where the work load is much higher. I apologize for my actions, as it was a lapse in judgment to use chat for personal use for long durations.

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

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V. (U) CONCLUSION

(U//FOUO) The preponderance of the evidence supports the conclusion that [redacted] misused his classified NSA/CSS IS. [redacted] used the Government resources to engage in non-work related chat, in violation of NSA/CSS Policies 6-4 and 6-12. Based on NISIRT estimates, [redacted] engaged in approximately 4-7 hours of non-work related instant messaging each day during the sampled period, 15 to 24 October 2012.

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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 NSA/CSS Senior Acquisition Executive; Maryland Procurement Office; Contractor Clearances, ADS&CI and Special Actions, ADS&CI for review and any action deemed appropriate.

Concurred by:

[Redacted Signature]

Senior Investigator

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

[Redacted Signature]

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

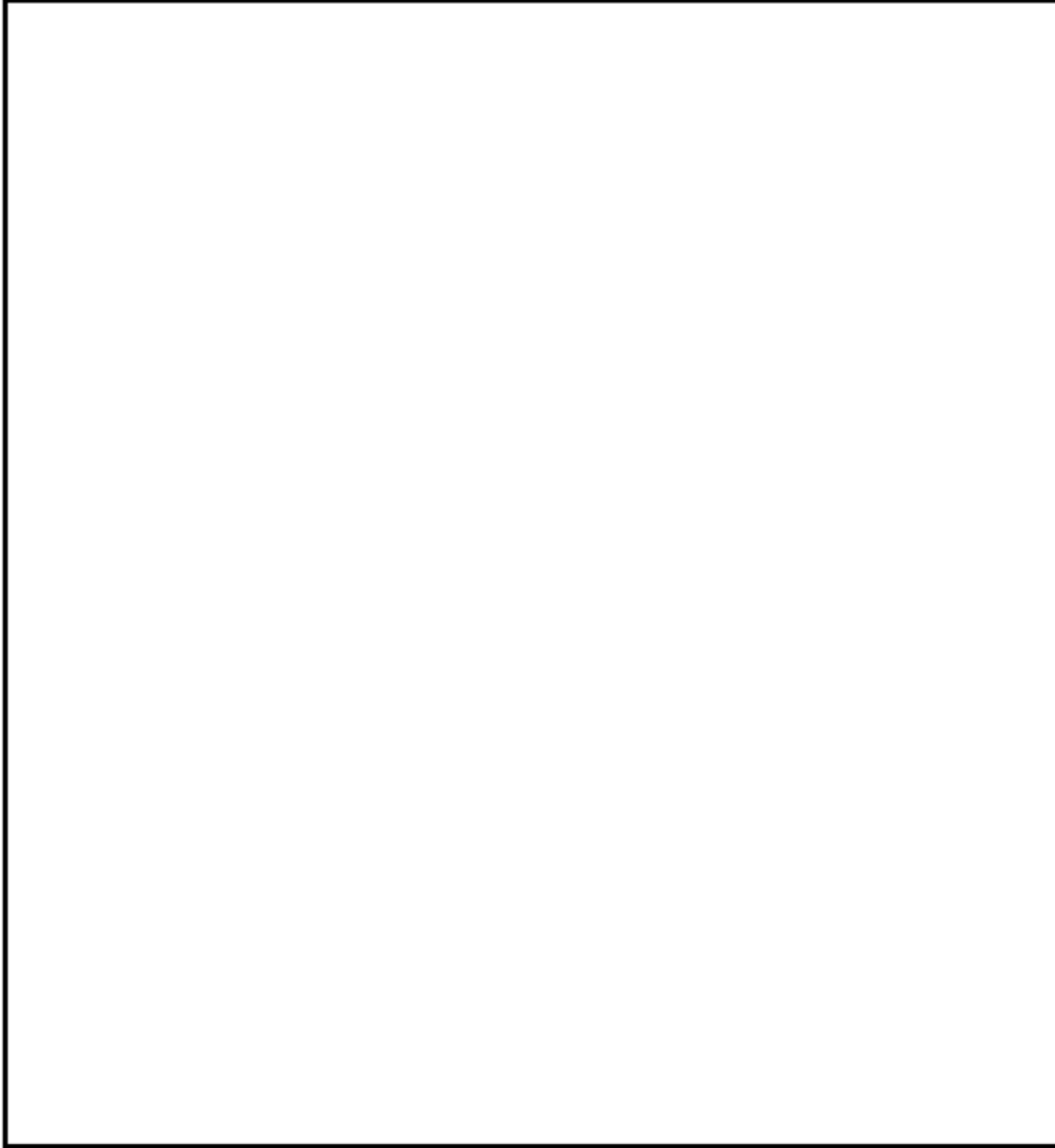
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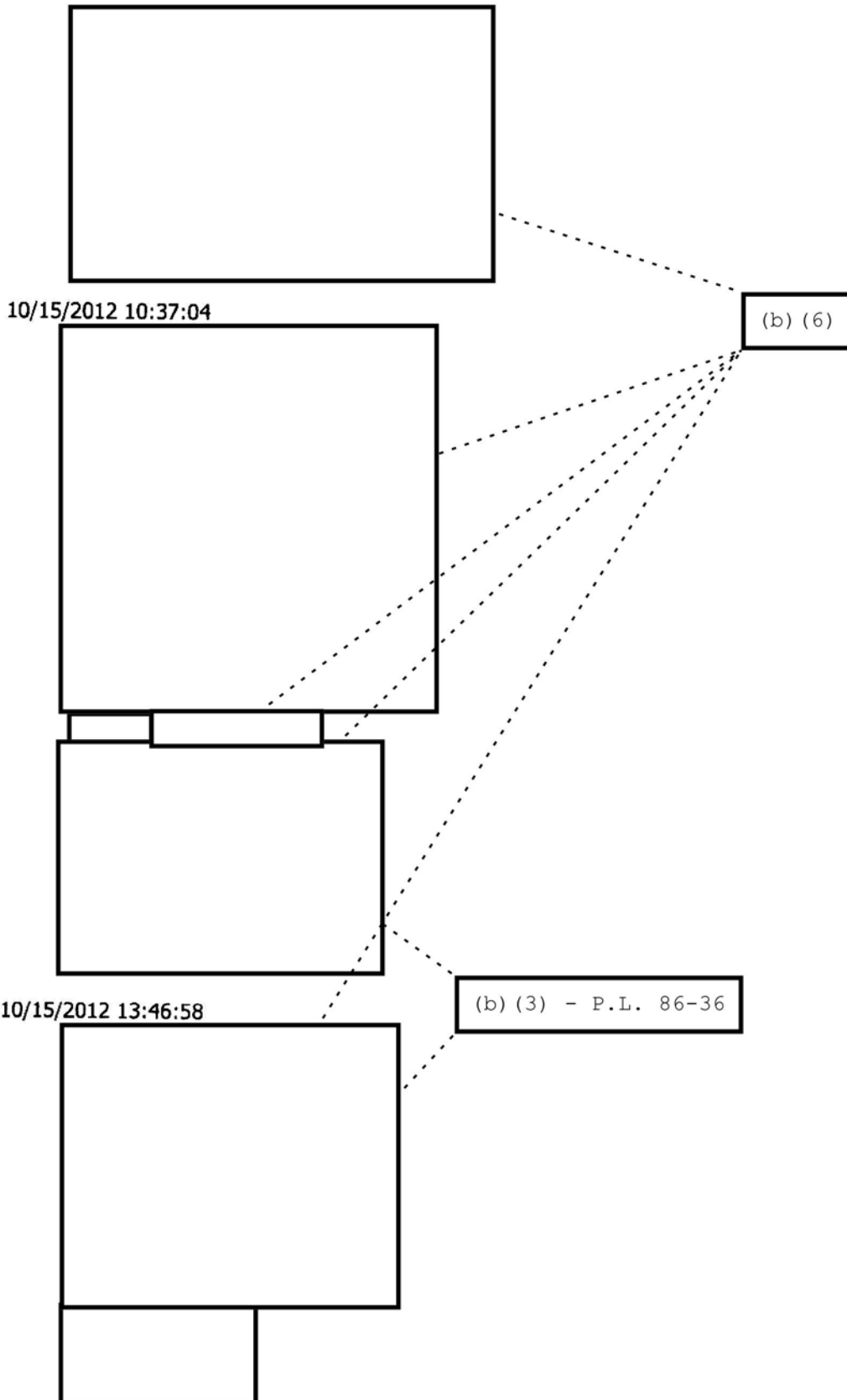
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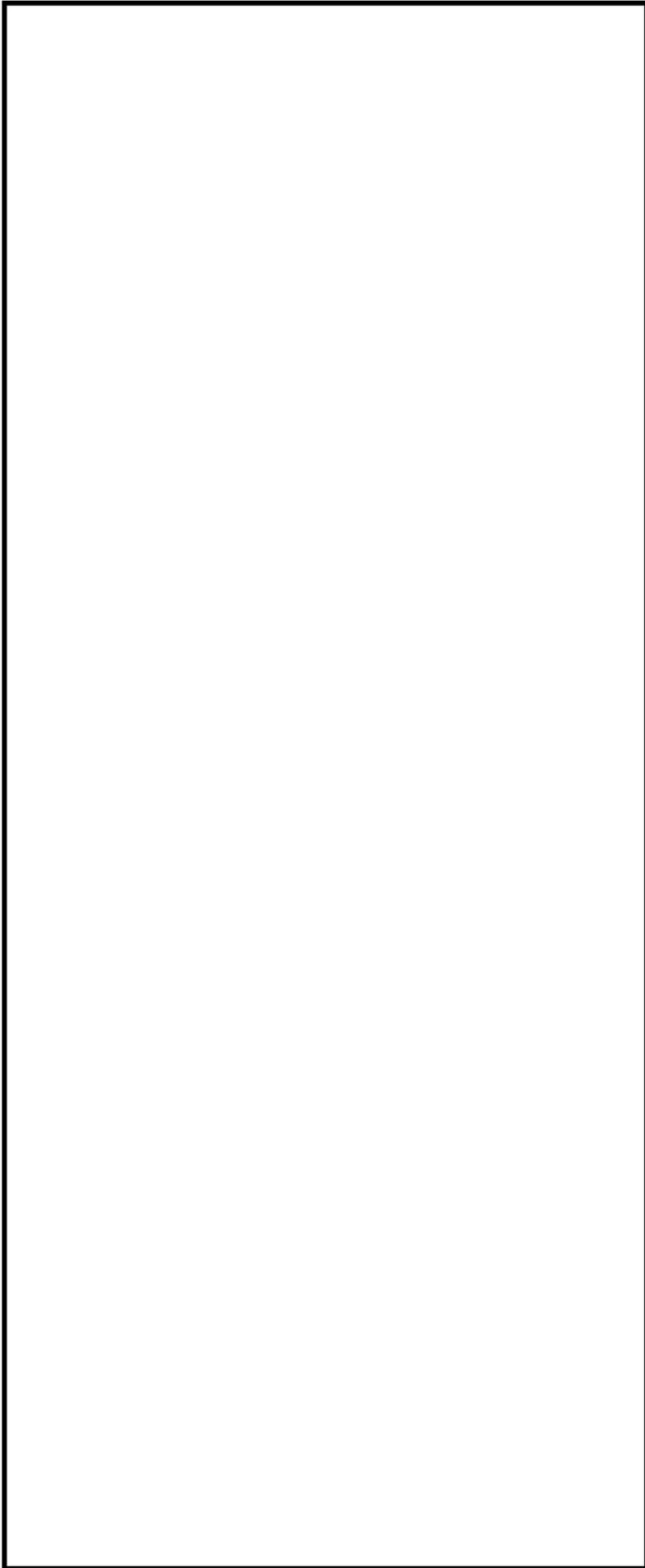
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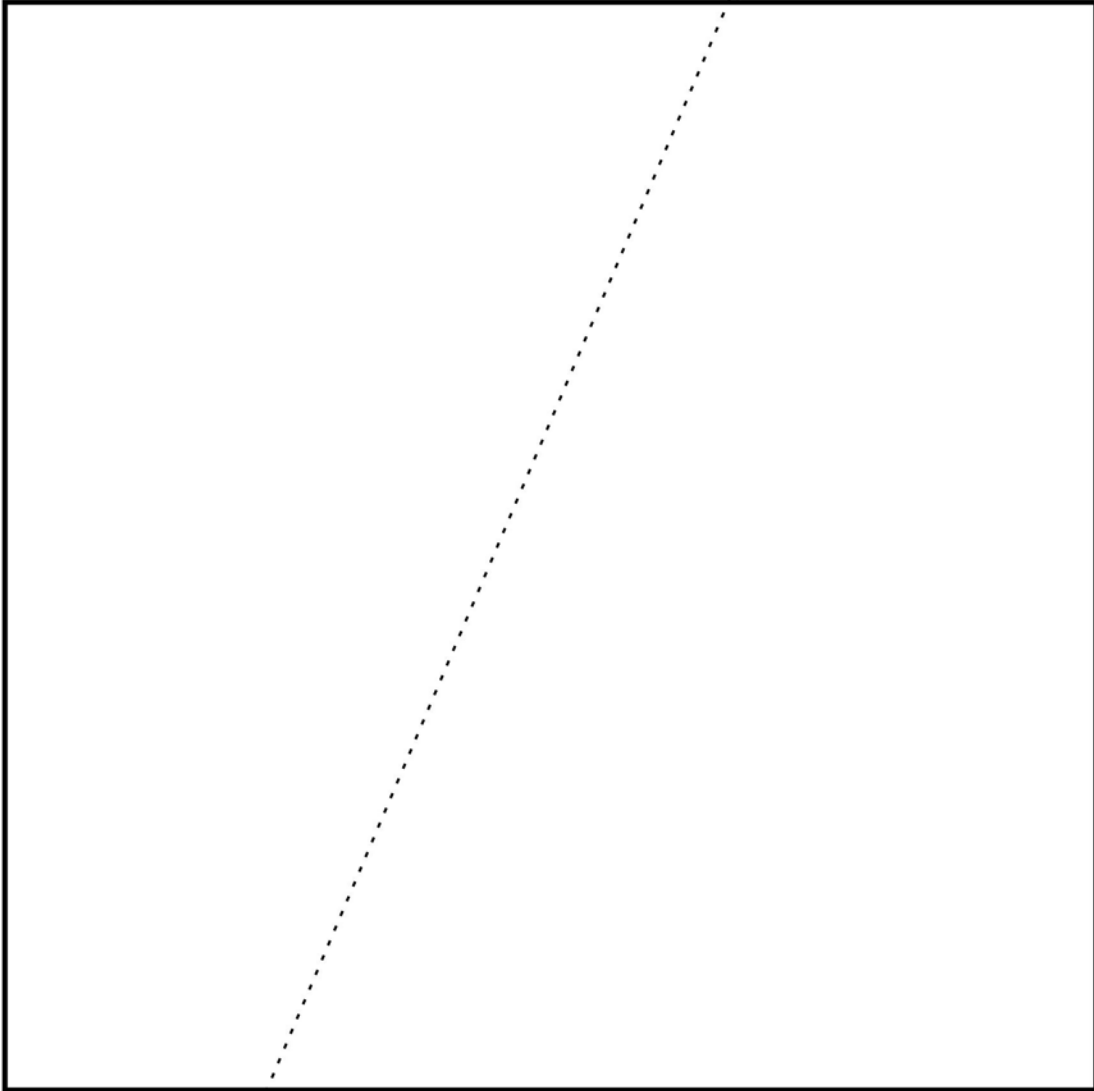
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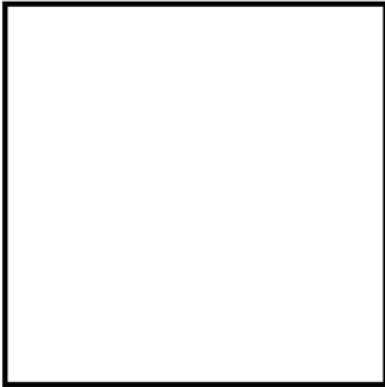
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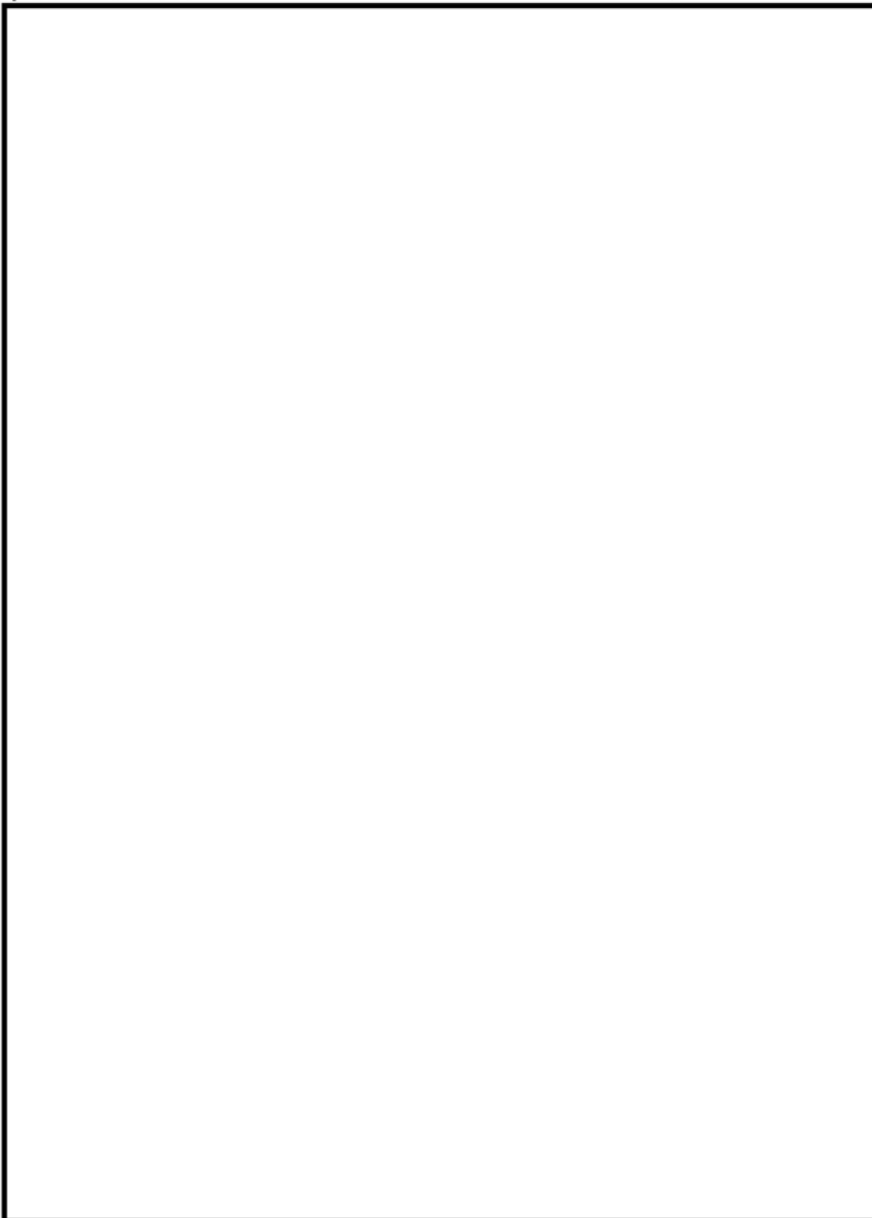
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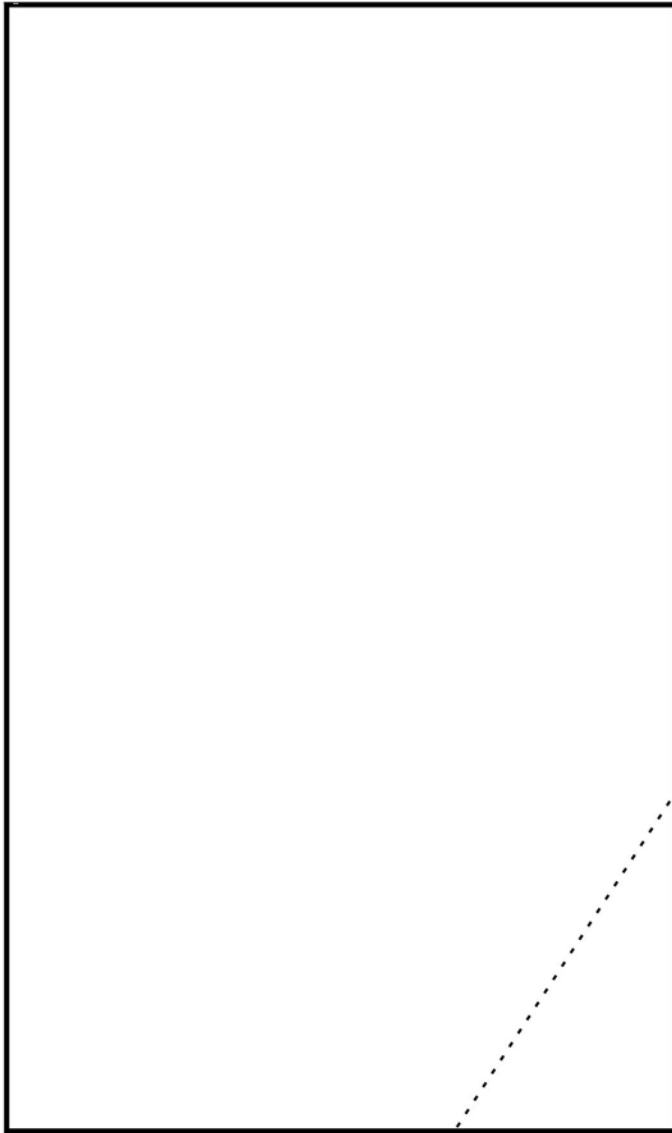


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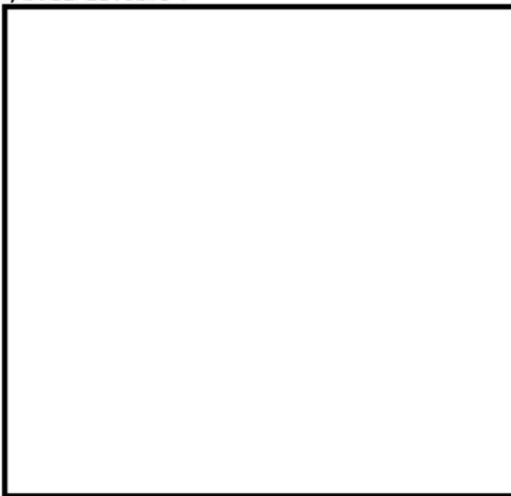


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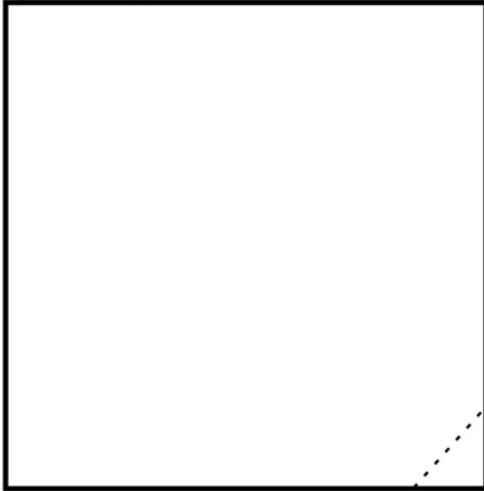
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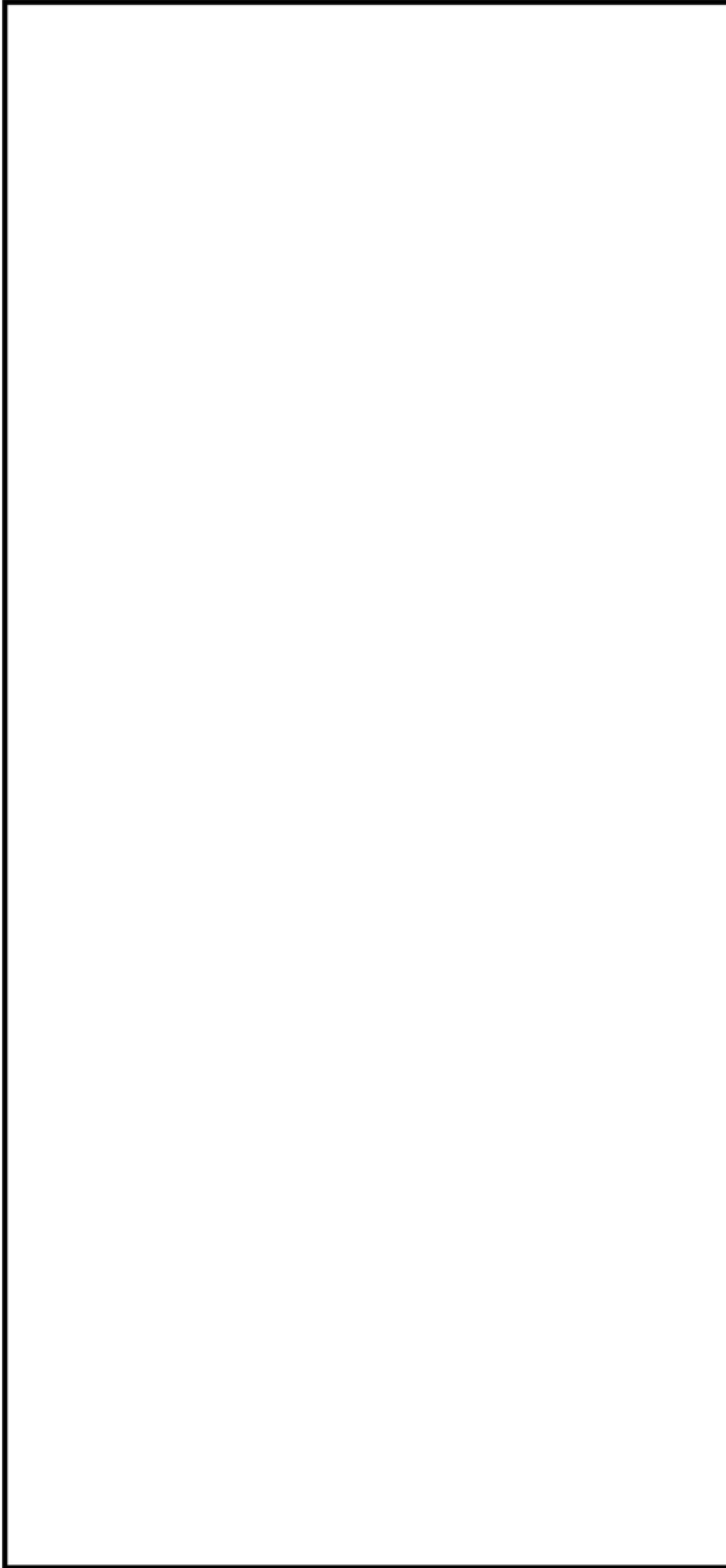


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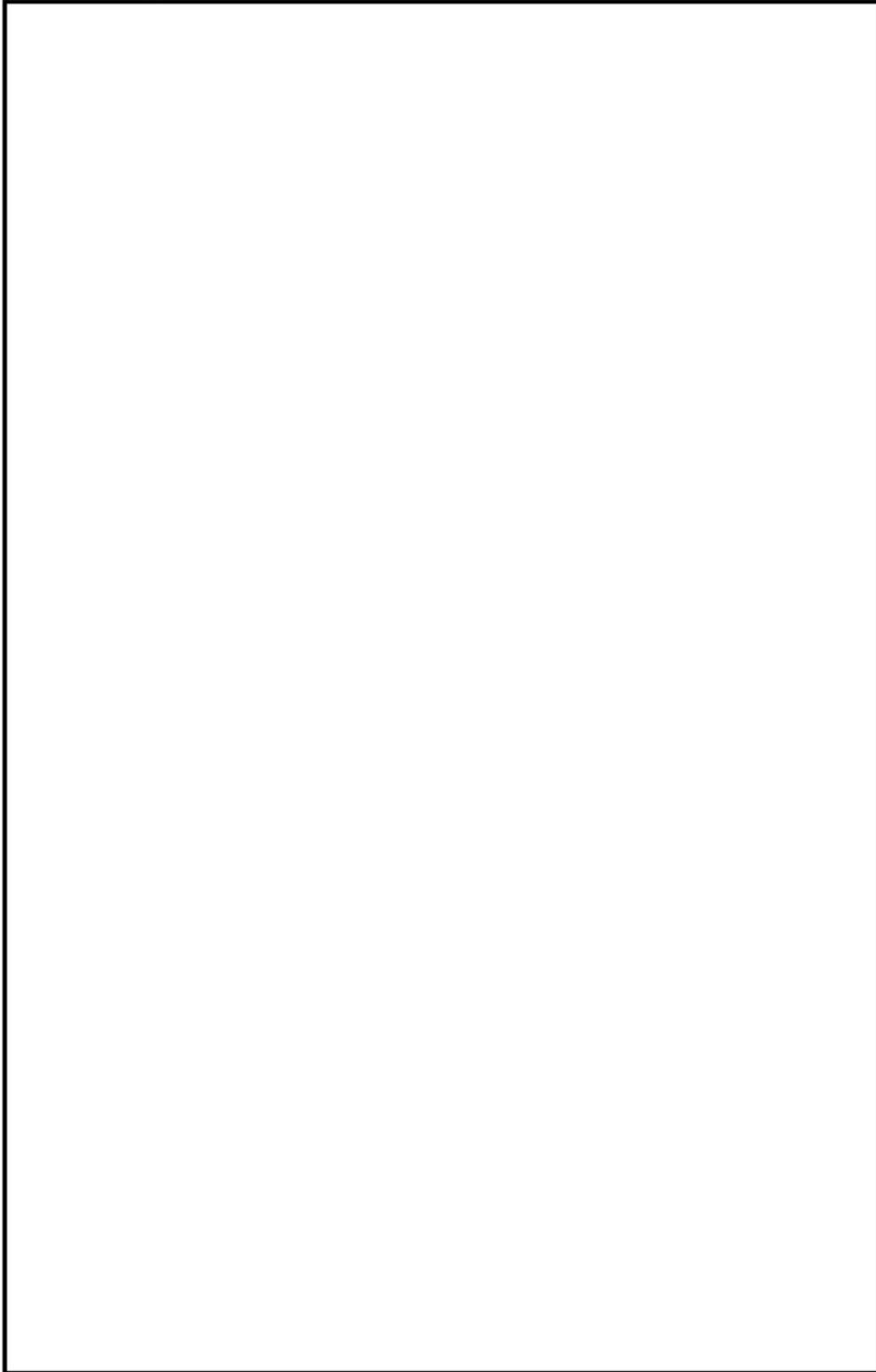
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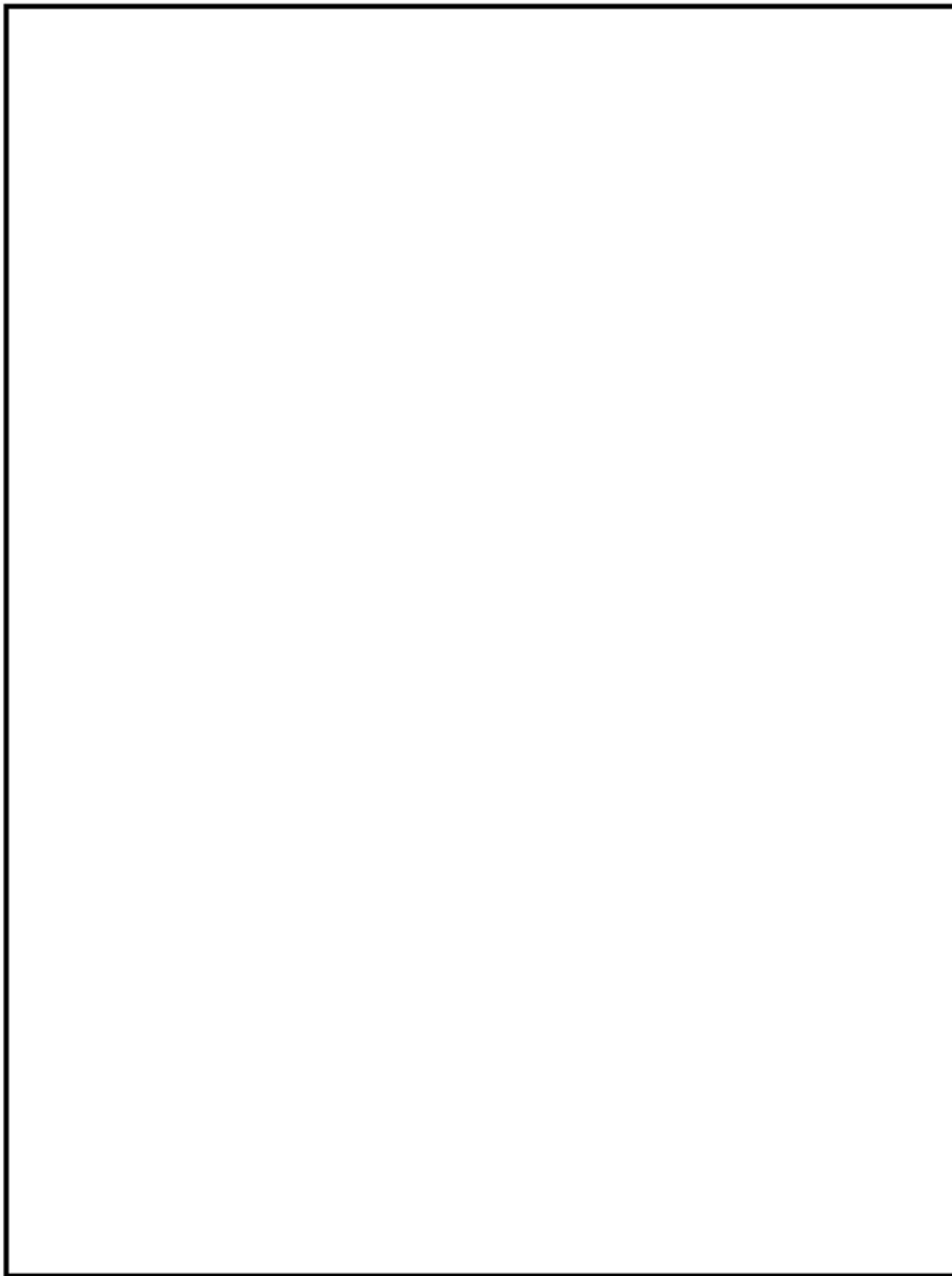
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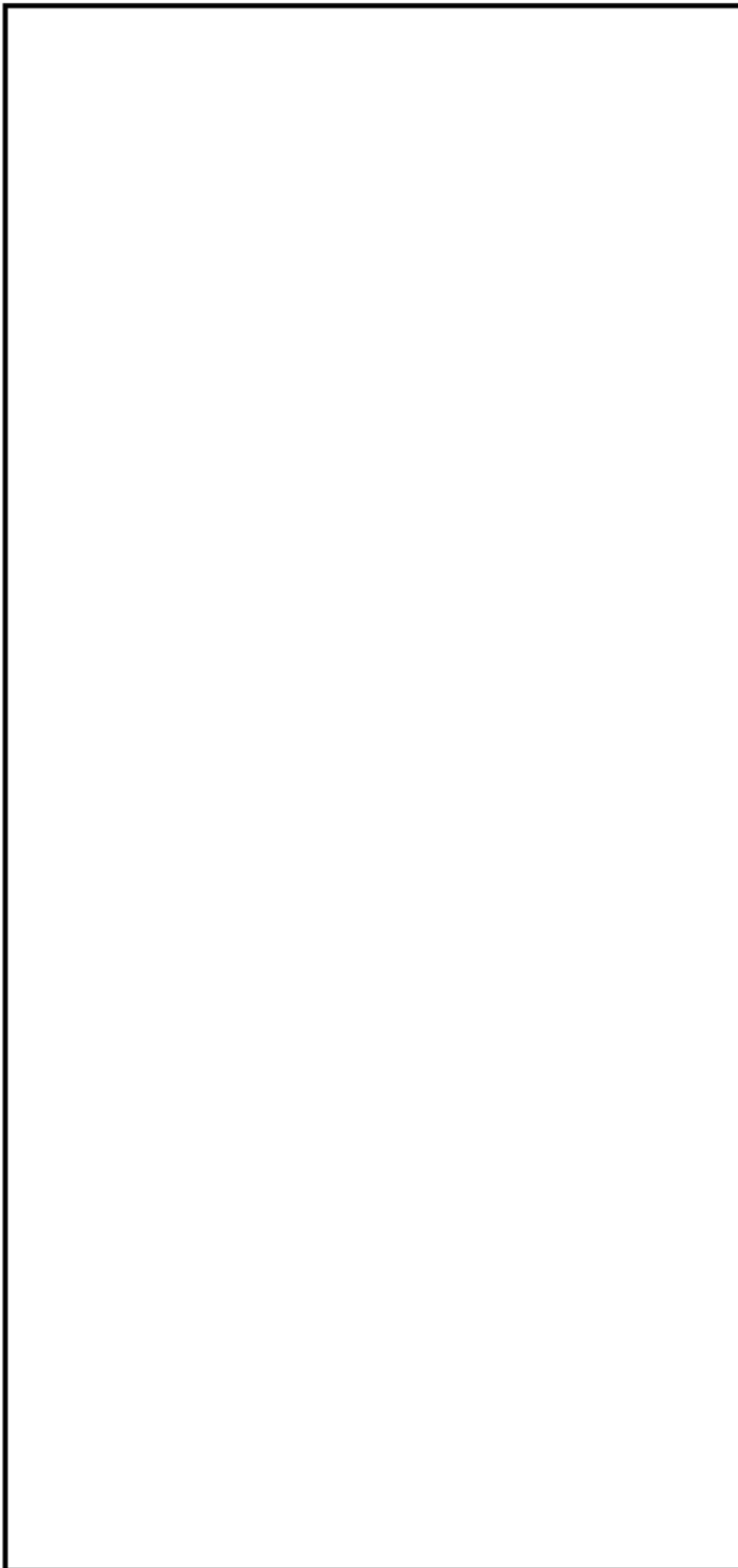
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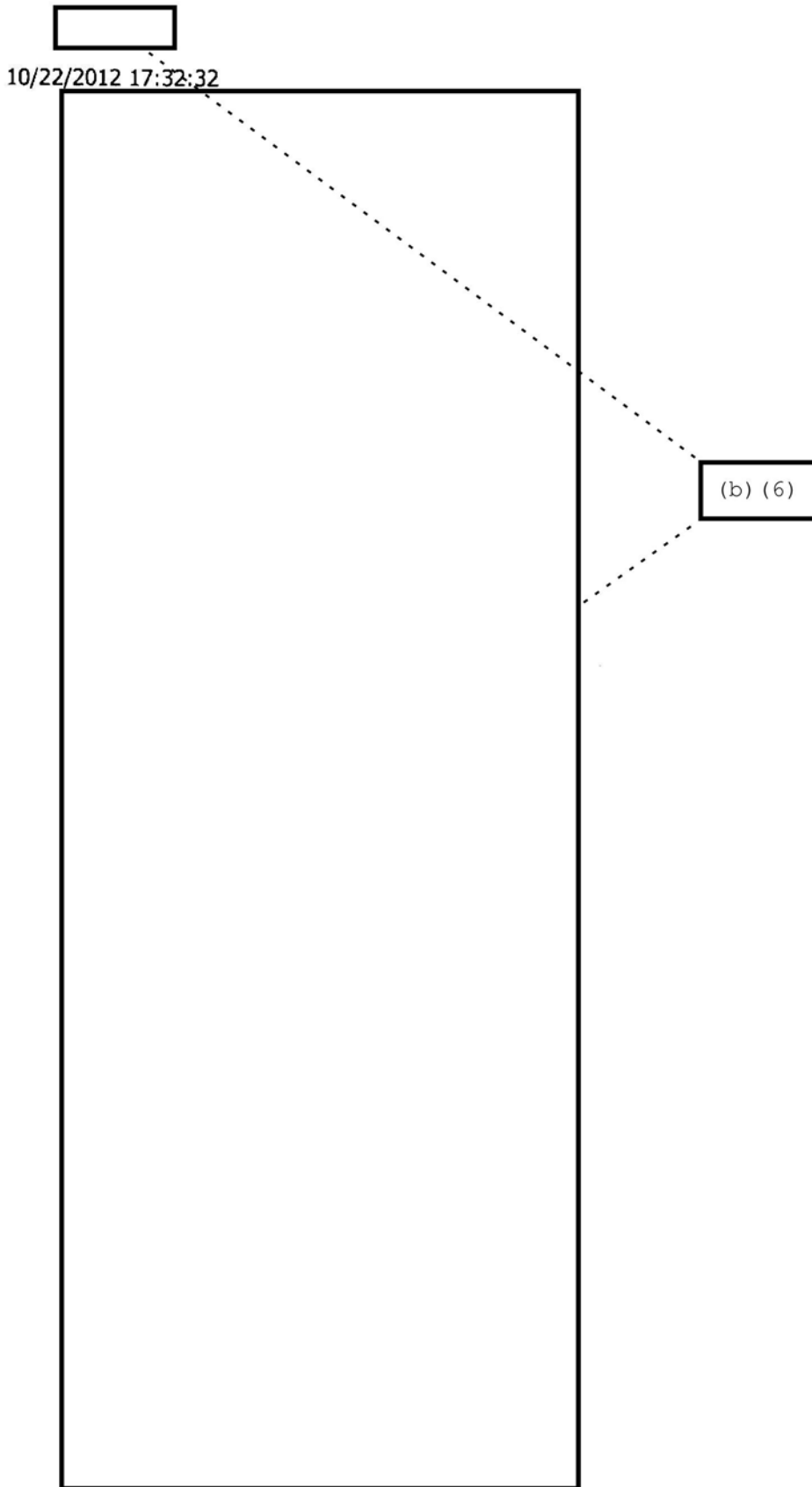
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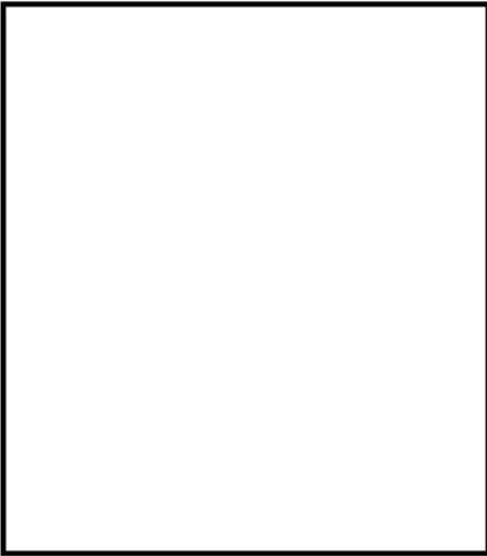
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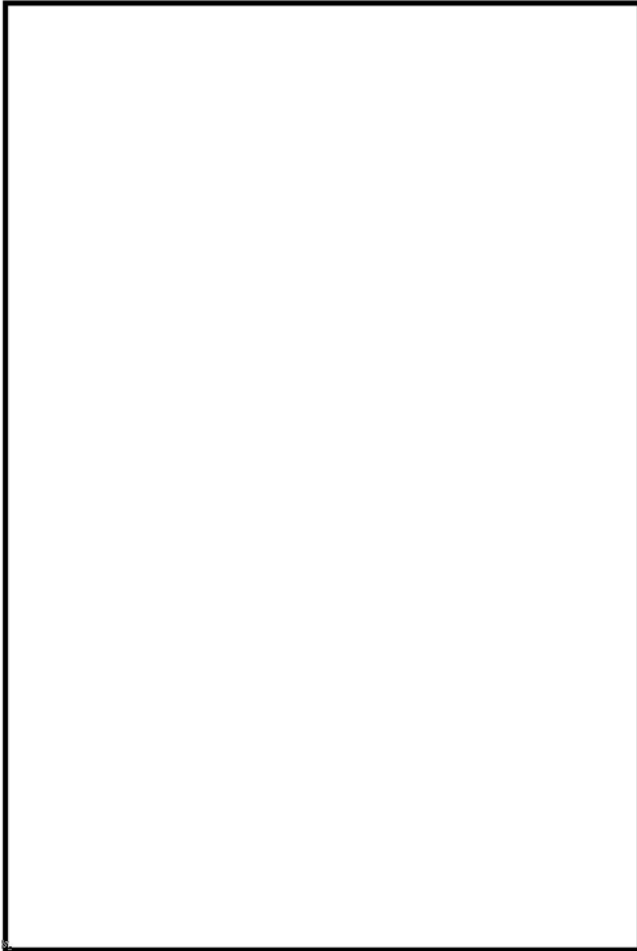


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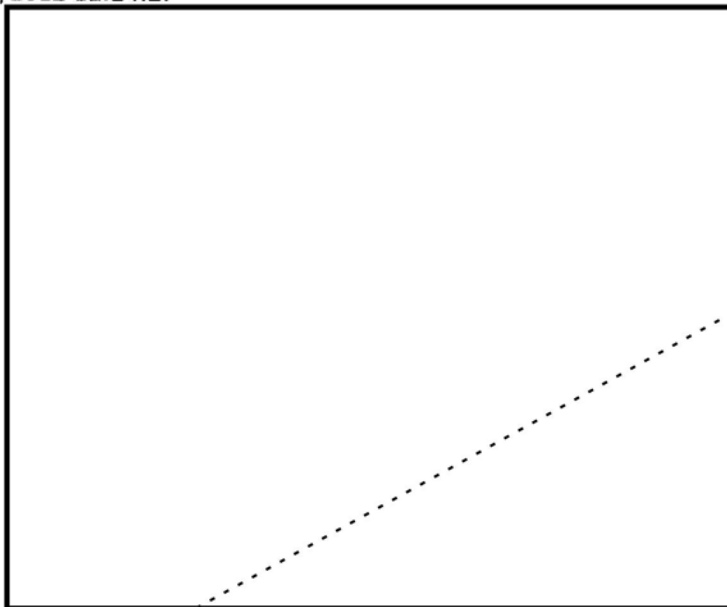
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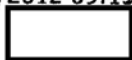
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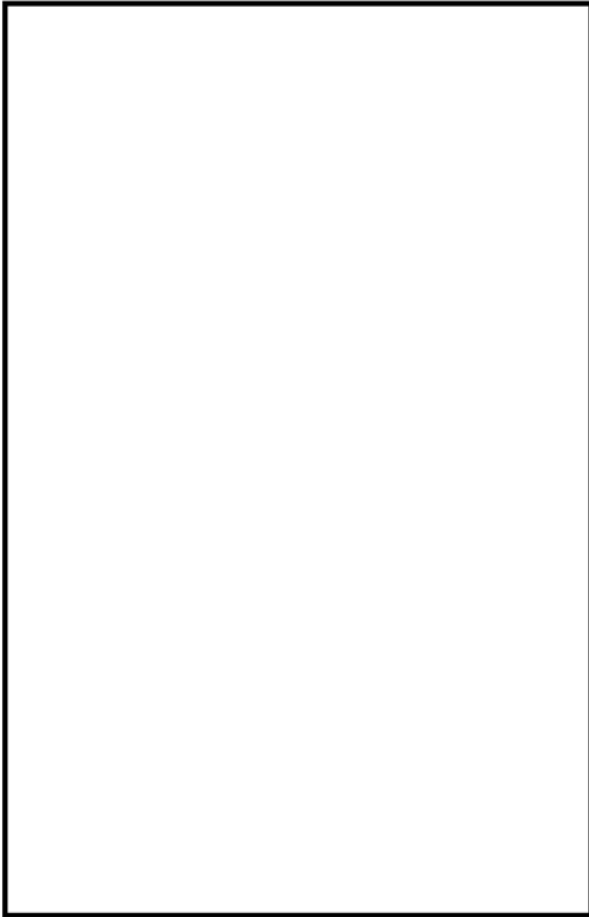
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