NATIONAL SECURITY AGENCY/CENTRAL SECURITY SERVICE

OFFICE OF THE INSPECTOR GENERAL

REPORT OF INVESTIGATION

15 May 2015

IV-15-0022

Misuse of Government Resources

WARNING: THIS REPORT MAY CONTAIN GRAPHIC IMAGES AND/OR LANGUAGE

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SECRET//REL TO USA,FVEY

Approved for Release by NSA on 08-29-2019, FOIA Case # 85643 (litigation)
(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.
I. (U) SUMMARY

(U//FOUO) During routine network monitoring, an Agency contractor employee, was detected potentially misusing his NSA/CSS Information System (IS). The NSA/CSS Office of the Inspector General (OIG) subsequently opened an investigation into his activity.

(U//FOUO) An analysis of unclassified Internet usage revealed extensive use not related to his contract duties. was detected, using NSA/CSS IS, searching for images of actresses by combining their names with the word “sexy” or “hot.” spent an estimated 32-55 minutes nightly searching for and viewing (often pornographic) images of actresses between July-November 2014.  

(U//FOUO) During his interview with the OIG, denied visiting pornographic websites, searching for adult film stars, or searching for any nude photographs. However, admitted that he sometimes searched for the name of an actress combined with the term “sexy” or “hot.” stated that sometimes his search results included an inappropriate image, such as an actress undressed. He was shown a sampling of the pornographic images that he was detected viewing and admitted that he had searched for those individuals and that the images shown to him might have been some that were returned to him after his search. When asked to quantify the amount of time he spent searching for images of actresses, he estimated that he did it nightly, for as few as 10 minutes or as many as 30 minutes.

(U//FOUO) The OIG had previously warned on 8 March 2006 that he had been detected accessing adult-oriented material. was asked to review and acknowledge the relevant policies. indicated in his reply of that same date that he read the policies and would adhere to them in the future.

(U//FOUO) The preponderance of the evidence supports the conclusion that, from April 2014 through November 2014,

- (U//FOUO) violated NSA/CSS Policy 6-4 and NSA/CSS Policy 6-6 by using an NSA/CSS IS for purposes unrelated to the performance of the contract and disallowed under the limited personal use exception (Policy 6-4).  
- (U//FOUO) engaged in prohibited activity on an NSA/CSS IS by viewing pornography in violation of NSA/CSS Policy 6-6, dated 1 August 2014.

1 (U//FOUO) was detected misusing his IS between April-November 2014, but the time estimate was limited to July-November 2014.

2 (U//FOUO) NSA/CSS Policy 6-6 was revised on 1 August 2014; thus, the OIG examined conduct against both Policy 6-6 dated 1 August 2014 and its predecessor.
(U//FOUO) A summary of the findings will be provided to the Maryland Procurement Office (BA3) for review and any appropriate action. A copy of the summary of the findings will be forwarded to the NSA/CSS Senior Acquisition Executive; Contractor Clearances, ADS&CI; and Special Actions, ADS&CI.
II. (U) BACKGROUND

(U) Introduction

(U/FOUO) __________ is a contractor affiliate with __________. He is currently working under contract number __________, on the __________ Contract, for which __________ is the prime contractor. __________ has only worked on the Fixed Unit Price __________ program. Because of the nature of the contract, __________ time has never been billed to the government under a cost reimbursable or time and materials arrangements. __________ is a systems administrator.

(U/FOUO) On 17 February 2006, the NSA/CSS Information Security Incident Response Team (NISIRT) detected __________ performing Google Image searches for actresses. Some of the images returned were adult-oriented and his search terms indicated that he attempted to access adult-oriented material by searching for images of an actor and actress in pornographic movies.

(U/FOUO) On 8 March 2006, the OIG sent __________ an email stating that he had been detected accessing adult-oriented material, which was prohibited. __________ was asked to review and acknowledge the relevant policies. __________ indicated in his reply of that same date that he read the policies and would adhere to them in the future.

(S/REL) __________ referred the information to the OIG and the OIG opened an investigation on 9 December 2014.

(U) Applicable Authorities

(U) This investigation looked at possible violations of the following authorities. See Appendix A for the full citations.


(U/FOUO) NSA/CSS Policy 6-6, “Use of Unclassified Information Systems Such as the Internet,” revised 15 October 2013.

(U/FOUO) NSA/CSS Policy 6-6,” Use of Unclassified Information Systems and Internet-Based Capabilities,” dated 1 August 2014.
III. (U) FINDINGS

(U//FOUO) ALLEGATION: Did □ □ employee, violate NSA/CSS Policy 6-4 and NSA/CSS Policy 6-6 by using an NSA/CSS IS for purposes unrelated to the performance of the contract and disallowed under the limited personal use exception (Policy 6-4)?

(U//FOUO) CONCLUSION: Substantiated.

(U//FOUO) ALLEGATION: Did □ □ engage in prohibited activity on an NSA/CSS by viewing pornography in violation of NSA/CSS Policy 6-6, dated 1 August 2014?

(U//FOUO) CONCLUSION: Substantiated.

(U) Documentary Evidence

(U//FOUO) Reports

(S//REL) In April 2014, searched Google for pictures of celebrities followed by "sexy" in the search bar. Initially, searches resulted in images of celebrities in bikinis and various "not safe for work" images. However, the "safe search" feature was apparently disabled at some point, because on 25 August 2014, his searches for "kaley cuoco sexy" resulted in numerous nude and pornographic images.

(S//REL) On 21 January 2015, the OIG requested that □ □ □ □ □ □ □ An updated analysis of unclassified network usage was performed for the dates 1 July 2014 to 31 January 2015.

3 (S//REL) Although the □ □ analyst originally believed that □ □ had disabled the safe search feature himself, the OIG determined that some computers have as their default the safe search "off." □ □ did not necessarily have to disable the safe search for the explicit images to be returned, depending upon his system settings.
### Table

<table>
<thead>
<tr>
<th>Month</th>
<th>Total Minutes Spent Viewing Material Per Month</th>
<th>Number of Shifts Worked Per Month</th>
<th>Average Amount of Time Spent Viewing Material Per Shift Worked</th>
</tr>
</thead>
<tbody>
<tr>
<td>July</td>
<td>~820 Minutes</td>
<td>15 shifts</td>
<td>~55 Minutes per shift worked</td>
</tr>
<tr>
<td>August</td>
<td>~760 Minutes</td>
<td>15 Shifts</td>
<td>~51 Minutes per shift worked</td>
</tr>
<tr>
<td>September</td>
<td>~550 Minutes</td>
<td>12 Shifts</td>
<td>~46 Minutes per shift worked</td>
</tr>
<tr>
<td>October</td>
<td>~375 Minutes</td>
<td>10 Shifts</td>
<td>~38 Minutes per shift worked</td>
</tr>
<tr>
<td>November</td>
<td>~595 Minutes</td>
<td>19 Shifts</td>
<td>~32 Minutes per shift worked</td>
</tr>
</tbody>
</table>

### (U) Testimonial Evidence

(U/FOUO) In an email of 16 April 2015, the OIG inquired of [Person A] whether she had ever authorized [Person B] to use government information systems for personal use. [Person B] replied negatively on 24 April 2015. She also wrote that the contract contained no clause granting permission for personal use of government information systems.

(U/FOUO) On 05 February 2015, [Person C] was interviewed and provided the following sworn testimony:

(U/FOUO) As a Systems Administrator, [Person C]'s job consisted of monitoring three networks (Top Secret, Secret, and Unclassified) for outages. He also completed operating system "refreshes." He spent most of his work hours on the Top Secret network, but had work on the Unclassified network as well. [Person C] had Systems Level 2 PRIVAC, which gave him root access to Windows on any system.

(U/FOUO) In December 2014, [Person D] was told by [Person E] administrators that contractors were to cease all use of the Unclassified system for personal use. They were restricted to using it for timesheets, company email, and training. He thought the contract officials issued this guidance because of concerns related to intelligence compromises by Mr. Snowden. Prior to December, he had occasionally visited Fox News, CNN, and sports...
pages. He also “Googled” things that he wanted to purchase, but made no online purchases from work. However, after the December guidance, he ceased all personal use of the Unclassified system.

(U//FOUO) Prior to the warnings from administrators, believed that his use of Government information systems was restricted to “limited personal use.” For instance, he knew he was not supposed to stream media, watch YouTube, or visit “adult websites.”

(U//FOUO) recollected receiving an email from the OIG (in March 2006) telling him that he had been detected accessing adult-oriented material. He also recollected having to respond to the email and verify that he had read/reviewed internet usage policies. declared that, at the time, he had merely been searching for images of actresses online. He had never been to an adult website. Nevertheless, he stopped “Googling” for actresses when he received the OIG notification.

(U//FOUO) admitted that he resumed querying Google for images of actresses about two or three years later, in approximately 2008/2009. Occasionally, his searches would return an inappropriate image, such as an actress undressed. He was surprised by this, because the Google “safe search” feature was activated. He even remarked to a co-worker that he could not believe the results he received. Initially, denied combining the name of the actress with any other search term. Later in the interview, he admitted that he sometimes searched for the name of the actress combined with the term “sexy” or “hot.” However, he denied repeatedly ever searching for any “porn stars.” He denied combining the name of the actress with the term “nude.” He also denied clicking on (selecting) any of the images. He did not click on the images because he knew it would take him to the website where the image was housed.

(U//FOUO) The investigator showed some of the pornographic images that he was detected viewing. When shown the images, admitted that he had “googled” and along with the word “sexy.” He deferred that the explicit images the investigator showed him might have been some that were returned to him after his search.

(U//FOUO) denied several times disabling the Google safe search feature. He said that he did not think it could be bypassed and did not know how to disable it.

(U//FOUO) When asked to quantify the amount of time he spent searching for images of actresses, he estimated that he did it nightly, for as few as 10 minutes or as many as 30 minutes. He admitted that searching for images of actresses was not work authorized by the contract. He also admitted that he billed the time he spent searching for actresses to the contract.

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4 (U//FOUO) Using Firefox as one’s browser, and Google images as the search engine, a user can browse through dozens of images without visiting the source website. One merely has to click an image, then click the right arrow to page through the next set of images.

5 (U//FOUO) The OIG determined that some computers have as their default the safe search “off.” may not have had to disable the safe search for the explicit images to be returned depending upon his system settings.
agreed that it was not “smart” to use his government-issued information system in this manner. He stopped doing so in December and does not intend to misuse his system in the future.

(U) Analysis and Conclusions

(U//FOUO) Network analysis revealed that [redacted] using the NSA/CSS IS, searched for images of actresses by combining their names with the word “sexy” or “hot.” [redacted] spent an estimated 32-55 minutes nightly searching for and viewing (often pornographic) images of actresses between July-November 2014. In his testimony, [redacted] admitted that he spent between 10 and 30 minutes nightly searching for images of actresses (combined with the search terms “sexy” and “hot”).

(U//FOUO) According to NSA/CSS Policy 6-4, contractors shall only use NSA/CSS ISs to perform tasks that are authorized by contract, approved by the Contracting Officer, and permitted by Policy 6-4, and shall not use NSA/CSS ISs for personal use except for brief, infrequent communications to deal with urgent matters. This limited exception to the personal use prohibition applies only when 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. NSA/CSS Policy 6-6, revised 15 October 2013, states that unclassified information systems (ISs) are for purposes directly related to “official unclassified U.S. Government business.” The policy’s successor, NSA/CSS Policy 6-6, dated 1 August 2014, also states that NSA/CSS ISs are to be used to “conduct authorized, official business.” [redacted] use of the unclassified network to search for images of actresses was not authorized by the contractor or contracting officer, did not constitute a brief, infrequent use to deal with an urgent matter, and was not related to authorized, official business.

(U//FOUO) NSA/CSS Policy 6-6, dated 1 August 2014 specifically prohibits accessing pornography. [redacted] denied visiting pornographic websites, searching for adult-film stars, or searching for any nude photographs. However, [redacted] admitted that he viewed the “adult images” when they resulted from his searches of actresses. Whether the images resulted by design or accident, the fact remains that [redacted] viewed the inappropriate images regularly using a government IS. Furthermore, by combining the word “sexy” and “hot” with the name of an actress he “googled”, the OIG concluded that [redacted] intentionally attempted to retrieve illicit images.

(U//FOUO) NSA/CSS Policy 6-4 requires all users to exercise good judgment and common sense when accessing or communicating on unclassified information systems. By viewing pornographic images on government information systems, [redacted] exercised very poor judgment. He had already been warned in March 2006 that he was detected misusing the

6 (U//FOUO) According to NSA/CSS Policy 6-4, contractor employees using NSA/CSS ISs are subject to the entire NSA/CSS Information Technology Policy Series the same as Government employees.
government IS, yet by his own admission, resumed his searches two or three years later.

Testified that he was careful not to "click" on any of the inappropriate images that were returned to him because he knew it would take him to the host website. The OIG assessed that attempted to circumvent the systems' monitors by viewing the images through the Google search preview pane rather than visiting the host pornographic websites. This, too, reflects an intentional effort on the part of to engage in activity he knew to be prohibited.

(U//FOUO) Thus, the OIG concluded by a preponderance of the evidence that, from April 2014 through November 2014, violated NSA/CSS Policy 6-4 and NSA/CSS Policy 6-6 by using an NSA/CSS IS for purposes unrelated to the performance of the contract and disallowed under the limited personal use exception (Policy 6-4).

(U//FOUO) engaged in prohibited activity on an NSA/CSS by viewing pornography in violation of NSA/CSS Policy 6-6, dated 1 August 2014.
IV. (U) RESPONSE TO TENTATIVE CONCLUSION(S)

(U//FOUO) On 7 May 2015, the OIG sent the tentative conclusion reached in the investigation. On 12 May 2015, indicated that declined to make a response. Because provided no new information that would impact our analysis, our preliminary conclusion became final.

(b)(1)
(b)(3) - P.L. 86-36
(b)(6)
V. (U) CONCLUSION

(U//FOOU) The preponderance of the evidence supports the conclusion that, from April 2014 through November 2014,

- (U//FOOU) violated NSA/CSS Policy 6-4 and NSA/CSS Policy 6-6 by using an NSA/CSS IS for purposes unrelated to the performance of the contract and disallowed under the limited personal use exception (Policy 6-4).
- (U//FOOU) engaged in prohibited activity on an NSA/CSS by viewing pornography in violation of NSA/CSS Policy 6-6, dated 1 August 2014.
VI. (U) DISTRIBUTION OF RESULTS

(U//FOUO) A summary memorandum will be provided to the Maryland Procurement Office (BA3) for review and any action deemed appropriate. A copy of the summary memorandum will be provided to the NSA/CSS Senior Acquisition Executive; Contractor Clearances, ADS&CI; and Special Actions, ADS&CI.

Senior Investigator

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

Concurred by:

Deputy Assistant Inspector General For Investigations
APPENDIX A

(U) Applicable Authorities
(U//FOUO) 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.

2. (U) Contractor employees using NSA/CSS ISs are subject to the entire NSA/CSS IT Policy Series the same as Government employees...

3. [omitted for brevity]

8. (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 prohibition 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.

   4. [omitted for brevity]

   d. (U) Time spent using the NSA/CSS IS or resource is not billed to the contract.

   5. [omitted for brevity]

(U) Responsibilities.

6. [omitted for brevity]

25. (U) All users shall:

   1. [omitted for brevity]

   n. (U) Use good judgment and common sense when accessing and/or communicating on unclassified ISs;

   2. [omitted for brevity]
(U/FOUO) NSA/CSS Policy 6-6: Use of Unclassified Information Systems and Internet-Based Capabilities (dated 1 August 2014).

(U) Prohibited Activities.

...

18. (U) Users shall avoid all prohibited activity and must not take any action (e.g., email, web-site registrations, web-site access) that potentially circumvents security protections and/or presents a security risk to the NSA/CSS information technology infrastructure. When using an associated access account, the following actions are prohibited:

...

h. (U) Violating laws or regulations or participating in other uses of any NSA/CSS IS that are incompatible with public service.

(U) Incidents and Exceptions

(U) RESPONSIBILITIES

...

39. (U) Users of associated access shall:

...

d. (U) Use an unclassified NSA/CSS IS or other IS permitted under paragraph to conduct authorized, official business;

(U) DEFINITIONS

...

69. (U) Prohibited Activity – Download, installation, or use of unauthorized software (e.g. applications, games, peer-to-peer software, movies, music videos, files); accessing pornography; unofficial advertising, selling, or soliciting; improperly handling classified information; using an NSA/CSS or DoD IS to gain unauthorized access to other systems or networks; endorsing non-[U.S. Government] products or services; participating in any lobbying activity or engaging in any prohibited partisan activity; posting NSA/CSS or DoD information to external newsgroups, bulletin boards, or other public forums without authorization; other uses incompatible with public service.
(U//FOUO) NSA/CSS Policy 6-6: Use of Unclassified Information Systems Such as the Internet (dated 30 September 2004, revised 15 October 2013; the policy in effect prior to 1 August 2014)

(U) Policy

1. (U) NSA/CSS provides authorized users with access to unclassified information systems (ISs) for the purpose of research, training, and/or communications that are directly related to official unclassified U.S. Government business. . . .

3. (U) Supervisors may authorize NSA/CSS affiliates to conduct limited personal communications while using an NSA/CSS-sponsored account for official business, or while using U.S. Government resources such as ISs consistent with . . . [for contractors, NSA/CSS Policy 6-4].

(U) DEFINITIONS

41. (U) Authorized User – An individual who has received approval to utilize an unclassified IS for the purpose of conducting research, training, and/or communications that are directly related to official U.S. Government business.
APPENDIX B

(U) Sampling of the Images ___ was Detected Viewing

WARNING: THIS REPORT MAY CONTAIN GRAPHIC IMAGES AND/OR LANGUAGE