NATIONAL SECURITY AGENCY/CENTRAL SECURITY SERVICE

INSPECTOR GENERAL

REPORT OF INVESTIGATION

16 May 2013

IV-13-0036

Computer Misuse

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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.
I. (U) SUMMARY

(U/FOUO) On 27 November 2012, the IG received a referral from the NSA/CSS Information Systems Incident Response Team (NISIRT), identifying potential computer misuse by an NSA contractor. On 15 January 2013, the IG opened an investigation on currently a ___________ contractor assigned to the ______ as a _____________ lead, alleging the misuse of an NSA Information System (IS) and U.S. Government resources in November 2012. During the time of detected misuse, ______ was employed by ______ and assigned to the ______.

The preponderance of the evidence collected during the investigation substantiated that ___________ misused his IS and U.S. Government resources through excessive use of his personal email account and attempts to access prohibited adult-oriented websites in violation of NSA/CSS Policies 6-6 and 6-4.

(b)(3) – P.L. 86-36
(b)(6)
II. (U) BACKGROUND

(U) Introduction

(U//FOUO) is currently a contractor affiliate with assigned to the detected misuse was employed by and assigned to the

(U//FOUO) NSA/CSS Information Systems Incident Response Team (NISIRT) detected misuse on unclassified account between 11 October and 15 November 2012. The NISIRT assigned tracking number to this violation. NISIRT provided the activity report to the Office of the Inspector General on 27 November 2012.

(U) Applicable Authorities

(U//FOUO) NSA/CSS Policy 6-6, “USE OF UNCLASSIFIED INFORMATION SYSTEMS SUCH AS THE INTERNET,” revised 20 June 2012:

25. (U) All Users shall:

[...]

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

[...]

(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.
III. (U) FINDINGS

(U/FOUO) Did a former contractor assigned to the misuse his Agency IS and U.S. Government resources in violation of the NSA/CSS Policies 6-6 and 6-4?

(U/FOUO) CONCLUSION: Substantiated. The preponderance of the evidence supports the conclusion that _____ misused his Agency IS and U.S. Government resources. _____ excessively used his personal email account and attempted to access prohibited adult-oriented websites in violation of NSA/CSS Policies 6-6 and 6-4.

(U) Evidence: NISIRT Analysis

(U/FOUO) NISIRT provided the OIG with an analysis of _____ activities on the unclassified NSA/CSS Information System. _____ was observed spending a large amount of time on the unclassified network performing communication with numerous subjects via personal web mail. NISIRT observed that a user logged into _____ account attempted to access two adult-oriented websites which were blocked by the filtering software. The websites are:

The full NISIRT report can be found as attachment 1.

(U) Interview

(U/FOUO) On 4 March 2013, the OIG interviewed _____ During the time of detected misuse, _____ was employed by _____ and assigned to the _____ On 1 December 2012, _____ began working for _____ in a contractor building with more restrictive internet access.

(U) _____ had a good understanding of the policies governing use of resources. He stated that his IS activity shouldn’t cost the Government money, that the activity “shouldn’t take away from your job and things that you can’t do elsewhere like during business hours.”

(U) While employed by _____ for the last 7 years, _____ was a developer with internet access on his desktop computer. He admitted to sending personal emails to his
and with whom he communicated for the period of time they were together.  

(U//FOUO) _______ admitted to using the _______ website and communicating with individuals from that website during the October/November 2012 timeframe. He does not recall having any adult oriented conversations but admitted there may have been a few.  

(U//FOUO) _______ was asked about the attempts to access blocked sites. His response was he tried to go to _______ The websites were part of Yahoo groups and listed under an adult oriented section of Yahoo groups.  

(U//FOUO) _______ stated he is a “fast typer” and “has lots of time on his hands.” _______ felt his performance is excellent. _______ testified that his software has “saved lives and the customers are extremely satisfied” with the software during this time frame. _______ was a developer and in his words “you can’t just sit there 8 hours a day a write code, it’s impossible.” _______ would access the internet for short durations as a “mental break.” If the personal activity lasted a couple minutes, _______ would bill for that time; however, if it was longer than a couple of minutes, he would not bill time the time.  

(U//FOUO) After the interview, _______ was provided information in an email regarding the current policy and guidance. See attachment 1 for the OIG policy email sent to _______. He was asked to respond to the OIG acknowledging the requirement to comply with the policies in the future. On 5 March 2013, _______ responded, stating “I have read the policies and guidance and will adhere to them in the future.”  

(U//FOUO) Forensic evidence combined with _______ testimony supports the allegation that he misused his Agency IS and U.S. Government resources.
IV. (U) RESPONSE TO TENTATIVE CONCLUSION

(U//FOUO) [Redacted] was provided the tentative conclusions on 5 March 2013. [Redacted] responded to the tentative conclusion stating:

It was not my intention to engage in communications that could reflect poorly on the Agency and regret doing so. I first started working at NSA [Redacted] years ago and am very proud of it and its mission. The time I spent communicating via email was either not billed to my contract or was time that I had work processing on my high side computer (e.g. compilations, tests, debugging).

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

(b)(6)
V. (U) CONCLUSION

(U//FOOU) The preponderance of the evidence supports the conclusion that [redacted] misused his unclassified Agency IS and U.S. Government resources through excessive use of his personal email account and attempts to access prohibited adult-oriented websites in violation of NSA/CSS Policies 6-6 and 6-4.
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 Maryland Procurement Office, Contractor Clearances, ADS&CI and Special Actions, ADS&CI for review and any action deemed appropriate.

Deputy Assistant Inspector General
For Investigations

(b)(3) - P.L. 86-36
Attachment 1

NISIRT report
### NISIRT Report

<table>
<thead>
<tr>
<th>Date/time</th>
<th>Info/Resource</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thu, Oct 11, 2012, 11:18:35 AM (EDT)</td>
<td>Hi [Redacted] Before we go any further, I have to ask you a question because of my job. How are you in the USA? Are you a citizen, on a green card, or some other way?</td>
</tr>
<tr>
<td>Wed, Oct 17, 2012, 11:33:30 AM (EDT)</td>
<td>Hi [Redacted] Things never seem to calm down, do they? Please try to keep the fact that we're even talking at all secret, I don't want you feeling stress from them about talking to me. You asked me to move on and I'm trying.</td>
</tr>
<tr>
<td>Fri, Oct 19, 2012, 03:04:47 PM (EDT)</td>
<td>[Redacted] but I told you how I feel yesterday. I do love you still, so much. It is only with profound sadness that I can let you go. Please let me know what you decide either way. It's your decision and I will respect what you do without comment, unless you ask me. Love always [Redacted] I saw you played scrabble, be careful they don't know who you're playing with, and I mean profound sadness like I've never known.</td>
</tr>
<tr>
<td>Mon, Oct 22, 2012, 10:26:07 AM (EDT)</td>
<td>Hi [Redacted] Did you ever find your underwear?</td>
</tr>
</tbody>
</table>

**Notes:**
- (b) (3) - P.L. 86-36
- (b) (6)
Sorry, after looking more closely, I see that one of your tattoos is a memorial tattoo, so "loving it" probably wasn't the correct thing to say. In case my profile didn't come across that well, I'm a and am doing pretty well. I'm looking for someone who is bright, fun, and enjoys watching TV on the couch as well as going out. I normally wouldn't send a second, nor a third message without getting one back, but I'm making an exception cuz I really like your profile. I'll get the message if I don't hear from you, promise. Sorry, after looking more closely, I see that one of your tattoos is a memorial tattoo, so "loving it" probably wasn't the correct thing to say. In case my profile didn't come across that well, I'm a and am doing pretty well. I'm looking for someone who is bright, fun, and enjoys watching TV on the couch as well as going out. I normally wouldn't send a second, nor a third message without getting one back, but I'm making an exception cuz I really like your profile. I'll get the message if I don't hear from you, promise. Back this time.

everything is fine, I've fixed all the problems so I'm just hanging out :) I'm kidding, I've moved back to older work, which I don't like, but it needs to be done. Did you see we are going to get hit with a hurricane around Halloween? I should be fine in it is the coast the gets flooded. I could barely hear you at times on your iphone last night. What did they say? They think you're crazy for talking to me, right? ok They are the ones who are certifiably crazy...everything is fine,

Hi Just so we're straight, you changed your phone number, then called me and gave it to me. Then you called me twice and asked me to call you, which I did. I haven't called you without you asking. Also, I was texting you and you asked me to stop, so I did. Then you started texting me night before last, which ended up in a phone call.

that you asked for. I didn't text you without you texting first. I guess blocking me relieves you of the curiosity that I've tried to call or text since you know it is blocked. If that is what you need, just tell me before hand, so I don't try. It's not nice to do that to me and let me find out my calling your number and finding I've been locked. I'd never do that to you. The whole blocking thing sounds like another suggestion from your...
parents. BTW, no I didn't text you yesterday I'm trying to give you the space you need. I am respecting that you are trying to move on and make your life. I haven't retracted anything you said about your future plans.

Since tonight is Halloween, I should be home to give out candy, so I'm thinking like 5pm or so. I can actually leave whenever; I am just trying to make up hours. Do you ever get up to the DC area? I work in [blank]. I've been down to Warrenton before, can't remember what for. I'm thinking it was to drive through one of the national parks last summer.

I'm [blank] nice to meet you. Definitely sounds like something worth doing again, seeing the show I mean.

This whole not texting you thing is hard, but I'm doing it because that's what you want. It was so nice seeing you live the other day. I was immediately back in the hotel in [blank], which is why I got so emotional. All those feelings about wearing our rings and you referring to me as your husband and the comfort of just having you close by, came flooding over me. I love you and miss you so much. Love:

Hi honey, I'm OK, actually looking forward to saying goodbye to this office if they chose me. I won't have an Internet machine of my own at the new office, so that will be a change, I'll still have a phone, so you'd have to call me on occasion. Did I tell you it pays [blank]? That is a significant increase and should allow me to pay off all my bills this coming year and maybe debt free, I'm sorry there seems to be nothing you can do to get [blank] on your side. I'm amazed after all you've done for her in the past 4 months, that she has the nerve to nag on you to your brother and his wife, that's seriously ungrateful, whether it's or not, somethings are just not done. I'm happy that [blank] are in your corner, I wonder if they are in your corner just because they think you're not talking to me anymore. I got the impression they don't approve either.
<table>
<thead>
<tr>
<th>Date</th>
<th>Time</th>
<th>Message</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fri, Nov 02, 2012, 01:14:08 PM (EDT)</td>
<td>It didn't OK, thanks for the clarification. Were you worried that I had started shaving again? Why is it always you? Well cuz I've wanted to marry you consistently, you have gone back and forth. I need you to clarify how you're feeling at any particular time. That's why :) YOU? Pleading the 5th amendment... So you really like hairy or is it the security of it? What does it say about me? Humm.... I like a challenge? I'm a sucker for a pretty face? And a nice rear end? and a cute smile... Is your head getting too big? All I concentrate is the good, like how nice you look in tight jeans... love you too, talk later, bfn</td>
<td></td>
</tr>
<tr>
<td>Fri, Nov 02, 2012, 01:45:01 PM (EDT)</td>
<td>Hi - Thanks for the pic, you are very pretty. And for the web site. It is nice that Google could translate into English for me.</td>
<td></td>
</tr>
<tr>
<td>Fri, Nov 02, 2012, 02:25:59 PM (EDT)</td>
<td>So you speak french, spanish, and english and you can bowl too? You may be too smart for me...</td>
<td></td>
</tr>
<tr>
<td>Mon, Nov 05, 2012, 10:17:19 AM (EST)</td>
<td>We both live in which makes it easier to swap the kids and get things they forget at the others house. I'm a during the day and a &quot;normal&quot; person at night. I love cars, motorcycles, action movies, Tom Clancy novels, Chuck Norris jokes, Pinot Noir Wine, and lite beer. I used to be heavily into body building (pun intended) but now I run more as my exercise. I still lift, but not as much. I work in and do the commute every day, not so bad, only around 40 minutes.</td>
<td></td>
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<tr>
<td>Date</td>
<td>Time</td>
<td>Entry</td>
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<tr>
<td>Tue, Nov 06</td>
<td>10:44:18 AM (EST)</td>
<td>Yes, Her name is [removed] and she goes by [removed]. She is also very smart and obviously very pretty. I'm meeting her for dinner tonight at 6:30pm. I am quitting [removed], probably giving notice in the next few days and going to work for [removed]. I can't wait to get out of this office. I've got another date, the second date, with [removed] tomorrow. She is petite and pretty and is like seriously into me for whatever reason. I'm seeing [removed] this weekend. [removed] was over on Sunday so we could &quot;watch&quot; TV together for a while. She is really sweet and I could really stop looking right now and just be with her, but I'm having fun and I have been trying to date [removed] for weeks now and finally pinned her down. Seems like the intensely pretty ones are tough fish to land, but I got her. [removed] bed is coming on Nov 14th, so any weekend after that would be great for you to come up. We'll have to sit down with a calendar on the phone with the three of us.</td>
</tr>
<tr>
<td>Wed, Nov 07</td>
<td>01:29:10 PM (EST)</td>
<td>You still say that there is a part of you that wants to come home. And I still want you to also. I'm not getting married anytime soon, so if you change your mind and want a stable home and loving husband, let me know. We might even have some more fun times together also. My hope for you returning is ever present and will never fade, regardless of you &quot;calling it&quot; or not.</td>
</tr>
<tr>
<td>Thu, Nov 08</td>
<td>06:06:13 PM (EST)</td>
<td>It's been my experience that when people are standing in front of me, they have open minds, but once they turn away, things change. I don't think the people at the new office will be any different than here. I said to [removed] that I think the people in my current office think me a coward or something else because [removed] that if I had stuck with it, they would have at least respected that. Just a guess, but she thinks I'm wrong and really wanted and wants [removed]. I still email her every so often and she is adamant that I not give in to my feelings. Her [removed] up claiming I would never change and that I am bad for her.</td>
</tr>
</tbody>
</table>
Wow, I just had the longest suckiest talk with my Gov't program lead, asking why I'm not working on his stuff and what I'm doing. I also found out they are moving everyone else in my area.

So no I really feel like shit. I emailed about my new job and he thinks we'll here from them next week as to a start date, but I'm so unmotivated now I feel like I could sit and do nothing for 2 weeks. I really hate being here so much. I actually looked at jobs in your area again, and there is some place called [redacted] that has jobs for senior developers for in the $130k, but then I think that it wouldn't be any better, your kids would still hate me and so would your family, so that doesn't seem to solve any problems. It was just a thought: add on to that, that my kids would lose their dad and my child support would go through the roof, OMG, life is so super complicated when all I was is to live with you. Anyway, your day has got to be going better than mine. [redacted] Really sucks, but everything seems like a pain in the ass and no end in sight. I guess I was hoping dating other women would give me hope, but it just made things worse. I think it was better not knowing how sucky the dating world is rather than having the clear idea I do now. Love you.

Hi, I got your email on [redacted] and wanted to say thanks I had a great time with you too. I'll be in touch, maybe we can get together soon for dinner again. [redacted] like it has a nice ring to it and sounds younger than [redacted] If I was you I'd definitely put an end to the "beaker" thing.

Hi [redacted], That was my main problem with my [redacted] who said she couldn't stand [redacted].

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(b)(6)
Why I'm Coming to See You: I just wanted to give you some background on how I'm feeling. I'll try to keep it brief. When she left, she had worked out a deal with her that... She didn't make the deal in good faith and moved out. Since then, I went through a phase of... I actually started weightlifting, albeit only for a few weeks, and I dated a bunch of women. About 5 weeks ago I met a woman who is 5'11" tall and probably weighs in the 210 pound range but she won't tell me (not that I asked, cuz I didn't). I was instantly attracted to her but had a hard time dealing with her size. Over the past 5 weeks though, she has had the affect of affirming that you can actually be that big and be very feminine. Her hands are actually only slightly smaller than mine and I know she is because I've met her kids and they are great. What's troubling me is in the past week... entirely, through no fault of my own. About that time I went to see my primary care physician and told him I was really... and feeling that I was... about... I feel responsible for her, and EVERYONE tells me I shouldn't but I do and would love to provide her a good home and future. But I'm pretty sure I don't want to be the man she wants me to be. She knows about... and some days she wants me to break up with... so she will come visit, other days... wants me to try harder with... so that I will be happy. Dealing with... is causing me a ton of stress. I'm meeting a woman this weekend who I found online who says she would love to have a relationship with... and she is also, well... which is exactly what I'm looking for. She is pushing me heavily to... before I see her... kids more often, but that won't get him custody. He'd have to prove something bad about you that is really serious. Maryland case law states that the kids will stay where they are unless there are very serious circumstances which require the court to get involved. I used that case law to retain custody of... and
when sued me. Trouble is that I'm not sexually attracted to her hardly at all... I had because of the [redacted] and I just felt numb, but I started back on it 7 days ago when I started [redacted] are not going away, they are only worsening, to the point today that I've been feeling that I don't know how to deal with this. I haven't told anything about [redacted] she knows about [redacted] and [redacted] didn't freak out about that. Not telling [redacted] is causing me a ton of stress. I know if I tell her she'll break up with me, but then again, I'm not attracted to her sexually but do really enjoy her company. [redacted] has been contacting me. Every time I try to distance myself from her, she contacts me, we talk, she tells me how much she loves me and misses me, and that she MAY come back SOMEDAY, but that she can't deal with the [redacted] and that I had better not start [redacted] again or she won't come back EVER.

I feel responsible for her, and EVERYONE tells me I shouldn't, but I do and would love to provide her a good home and future, but I'm pretty sure I don't want to be the man she wants me to be. She knows about [redacted] and some days she wants me to break up with [redacted] so she will come visit, other days [redacted] wants me to try harder with [redacted]. So that will be happy. Dealing with [redacted] is causing me a ton of stress. I'm meeting a woman in this weekend who I found online who says she would love to have a relationship with [redacted] and she is also, well [redacted] which is exactly what I'm looking for. She is pushing me heavily to [redacted] before I see her.

I'm also going to possibly leave my company, [redacted] which has a great [redacted] to a smaller company that probably doesn't but I'll get a pay raise. In addition, [redacted]
| Thu, Nov 15, 2012, 10:57:04 AM (EST) | I don't feel that my work was appreciated by my manager only my actually customers. I don't feel that my work was appreciated by my manager only my actually customers. This past year was the worst in my employment history and I wasn't even given a review or notice, it just appeared in my paycheck. |

(U//FOUO) The material above provides a sample of personal emails sent from the user's account. There is a possibility that the user was blocked by NSA filtering software when this user was attempting to access these sites; however, NISIRT is unable to confirm. The websites are: [redacted] and [redacted].
Attachment 2
Policy email
From: 
Sent: Tuesday, March 05, 2013 6:52 AM
To: 
Subject: Follow up from our interview

NSA/CSS Policy 6-6, “Use of Unclassified Information Systems Such as the Internet,” requires all users to use good judgment and common sense when accessing and/or communicating on unclassified Information Systems.

NSA/CSS Policy 6-4, “Contractor Use of NSA/CSS Information Systems” 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. The policy states that 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;
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;
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’s employee’s personal business activity.

You are required to review policies and guidance listed below and send me an email acknowledging that you have reviewed the policies and guidance and will adhere to them in the future.

NSA/CSS Policy 6-6

NSA/CSS policy 6-4
Agency-all, dated 18 August 2011, Appropriate Use of Agency Computers

OGC Ethics Page: Government Communication Systems

Agency-all, dated 17 January 2006, on personal email accounts

IG's EXECmessage, dated 10 February 2005, on computer misuse.

Agency-all, dated 13 October 2005, regarding streaming media.

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