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25 July 2016

To: Chief, D14 [redacted]

From: Investigator [redacted]

Subject: Computer Misuse

File No: IV-15-0057

Precedence: Routine

Purpose: To provide a summary report of investigation and to refer this matter to the Chief, Maryland Procurement Office (B3P); and the Associate Directorate for Security and Counterintelligence - Contractor Clearances (Q232) and Special Actions (Q242), for review and any action deemed appropriate.

Details:

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

I. (U) Background:

(U//~~FOUO~~) On 10 August 2015, the NSA/CSS Office of the Inspector General (OIG) received a referral from the Associate Directorate for Security and Counterintelligence (ADS&CI) containing a network activity report identifying possible misuse of the unclassified NSA/CSS Information System (IS) by contractor affiliate, [redacted] during the period 30 June 2015 – 30 July 2015. The referral alleged that [redacted] was excessively chatting with several women throughout the day regarding sexual fetishes. [redacted] is an NSA/CSS contractor affiliate employed by [redacted]. [redacted] He has worked on the [redacted] contract [redacted] since 30 December 2003. On 24 September 2015, the OIG initiated an investigation into [redacted] suspected misuse of the unclassified NSA/CSS IS.

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II. (U) Allegation:

(U//~~FOUO~~) Did [redacted] a contractor affiliate supporting [redacted] misuse the unclassified NSA/CSS IS by engaging in non-contract-related, personal use during the period 30 June 2015 – 15 February 2016, in violation of NSA/CSS Policy 6-4?

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Approved for Release by NSA on 09-30-2019, FOIA Case # 85643 (litigation)

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III. (U) Applicable Standard(s):

(U//~~FOUO~~) NSA/CSS Policy 6-4, *Contractor Use of NSA/CSS Information Systems and Resources*, dated 22 October 2013, revised 18 May 2015

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IV. (U) Investigative Activity:

A. (U//~~FOUO~~) Analysis of Routine Monitoring of [REDACTED] Unclassified NSA/CSS IS Activity:

(U//~~FOUO~~) Initially, one network activity report (Report A) was referred to the OIG detailing [REDACTED] suspected misuse of the unclassified IS during the period 30 June 2015 - 31 July 2015. A supplemental network activity report (Report B) was subsequently requested and obtained for the period 27 July 2015 - 7 April 2016 to determine the extent of the suspected misuse identified in Report A, and whether the misuse was ongoing.

(U//~~FOUO~~) Report A indicated that during routine monitoring of the unclassified NSA/CSS IS, the user account bearing [REDACTED] NSA/CSS Standard Identification (SID), [REDACTED] was detected engaging in excessive chat activity with women regarding sexual fetishes and dominatrix activities. [REDACTED] use of the unclassified IS was targeted due to his excessive personal activity. During the initial analysis period (30 June 2015 - 31 July 2015), it was determined that approximately 68% of [REDACTED] unclassified activity was non-work-related, consisting mainly of chatting via *Google Vajbe*, personal email communications with several women identified as dominatrices¹ (dommes, dominatrix), shopping and purchasing gifts for these women, and tracking the shipment status of the gifts to them. Throughout the analysis period, [REDACTED] was also detected watching videos on YouTube.com, visiting news and sports websites such as MLB.com (Major League Baseball) and ESPN.com, and other websites such as Wikipedia.com, PayPal.com, MoneyGram.com, Amazon.com, eBay.com, FedEx.com, Best Buy.com, UPS.com (United Parcel Service), and USPS.com (United States Postal Service).

(U//~~FOUO~~) [REDACTED] communicated with at least four women identified as dominatrices on a regular basis throughout the analysis period. His association with these women originated from his desire to be a sexually submissive male and his "fetish" for worshipping the female body. The dominatrices appear to host websites in which their activities are broadcast online via webcam and available for purchase by customers such as [REDACTED]. In addition, standalone video clips of their activities, such as showering and/or masturbating, are available separately for purchase. Both the online broadcasts and the standalone video clips appear to contain a variety of content, both sexual and non-sexual. It does not appear that [REDACTED] viewed or purchased any material containing sexually explicit content using government ISs.

(U//~~FOUO~~) Although the underlying relationship between [REDACTED] and the dominatrices was of a sexual nature, [REDACTED] also engaged them in casual conversation, discussing topics such as their everyday lives, the videos he purchased, and his relationships with other dommes, among

¹ The Merriam-Webster Dictionary defines "dominatrix" as, "a woman who controls and hurts her partner during sexual activity in order to give her partner sexual pleasure." See www.merriam-webster.com/dictionary/dominatrix;

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other things. However, he primarily chatted with these women about his desire to please them by providing them with gifts and/or "tributes." [redacted] created wish lists on Amazon.com and other websites as a means for each dominatrix to identify material items of interest. The dommes selected items from the websites, such as movie theater gift cards, bed sheets, lingerie, a camera and a privacy screen, and added them to their respective wish lists. Throughout his work day, [redacted] reviewed the wish lists and selected certain items for purchase. Once purchased, he tracked the shipment of the items to the specified recipient via UPS.com, FEDEX.com, or USPS.com, and updated the dommes on the shipment status. Additionally, [redacted] "paid tribute" to the dommes by transferring money to them through websites such as MoneyGram.com and PayPal.com.

(U//FOUO) The Supplemental Network Activity Report (Report B) confirmed that [redacted] continuously engaged in activity similar to that identified in Report A from 1 August 2015 through 15 February 2016. On or about 15 February 2016, [redacted] leadership notified the staff that use of the unclassified IS was restricted to work-related activities only.

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B. (U) Interview(s):

(U//FOUO) On 20 April 2016, [redacted] was interviewed and provided the following sworn testimony:

(U//FOUO) [redacted] is a contractor with [redacted] the prime contractor on his contract, and supports the [redacted] contract (he has worked on this contract [redacted] since 30 December 2003). He has been a [redacted] since August 2015. He has worked as a contractor with [redacted] since April 2003 and was in the Army prior to that. [redacted] duties include [redacted]. He works mid-shifts on the watch desk, but [redacted] as well. His duties require constant work throughout his shift, there is very little down time. When he is not actively [redacted] on NSA/CSS ISs. His Contracting Officer Representative is [redacted]. He typically works Sunday through Thursday, from 2245 to 0645 hours. His SID is [redacted].

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(U//FOUO) [redacted] stated that he is familiar with Agency policies regarding use of the unclassified IS. He generally knew that such policies existed and he is aware that use of the NSA/CSS unclassified IS constitutes consent to monitoring of his activity. [redacted] is fully aware that all of his network activity is monitored. [redacted]

[redacted] In a previous position as a Technical Lead, he was responsible for reminding contractors who used administrator privileges to browse the internet of the unclassified IS use policy. [redacted] stated that his understanding of the policies regarding contractor use of the unclassified IS is that contractors are allowed limited or sparing use, such as to send email or respond to an appointment.

(U//FOUO) [redacted] stated that his job requires access to the unclassified IS so it is not unusual for him to be on the unclassified IS on a daily basis. He primarily uses the unclassified IS [redacted] on the unclassified IS. He also conducts open-source research by using the internet [redacted]. His contract specifically

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permits him to access the unclassified IS for work-related purposes. However, he does not know whether the contract permits use of the unclassified IS for non-work-related purposes. [REDACTED] [REDACTED] stated that he has never actually read the contract on which he works.

(U//~~FOUO~~) Initially, [REDACTED] denied using the unclassified IS for any improper purpose. He claimed to use the IS only for sporadically accessing sites such as *Amazon* (to shop for family birthday gifts), *YouTube* (to watch talk shows and research the video game *Minecraft* for his son), and *Google Voice* (to communicate with his son's mother and to access his company email). However, he later admitted that in addition to using the unclassified IS to browse news and sports websites, he also used the unclassified IS to regularly communicate via personal email and online chat services (*Google Voice*) with several women, to transfer money to them, and to buy them gifts. He described these women as dominatrices he met through social media. He stated that his most recent communication with a dominatrix was on or about 7 April 2016. Though [REDACTED] is a customer who often purchases their products and services (live-streaming content and pre-recorded video clips), he also considers them to be his friends and has developed ongoing personal relationships with them. Thus, while his communications with them were generally related to their business activities, they were also casual and friendly and, occasionally, sexual in nature.

(U//~~FOUO~~) Further, [REDACTED] also admitted that he used the unclassified IS to transfer money to the dominatrices (via *PayPal.com* and *Moneygram.com*), and to shop for and purchase gifts for them. [REDACTED] established "wish lists" on retail websites such as *Amazon.com*, *eBay.com*, and *Best Buy.com* so the dominatrices could select items of interest. Later, he accessed the wish lists, selected certain items for purchase, and shipped those items to their home address. He also utilized *FEDEX.com*, *UPS.com*, and *USPS.com* to track the shipment in order to inform the women of the shipment's status.

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(U//~~FOUO~~) [REDACTED] estimates that he engaged in this activity approximately 1-3 hours per week between February 2015 and 7 April 2016. There were likely some weeks in which he did not communicate with anyone or purchase any gifts/tribute at all. His work did not suffer as a result of this activity. [REDACTED] consistently outperformed his peers and he has a flawless performance record. He was able to accomplish his duties while conducting this activity. During the period in question, [REDACTED] did not account for the time spent engaged in this activity on his timesheet. He conducted this activity while he was on the clock.

(U//~~FOUO~~) Although [REDACTED] understood the policies for contractor use of the unclassified IS while he was conducting these activities, he simply did not give any consideration to the fact that he was not complying with the policy. [REDACTED] regrets his actions and does not understand why he conducted this activity while at work. He suggested that it could have been the result of boredom or not being challenged at work. He understands that communications such as those he had with the dommes, as well as his personal use of the unclassified IS, are violations of NSA/CSS policy. [REDACTED] is going to read NSA/CSS Policy 6-4.

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V. (U) Analysis:

(U//~~FOUO~~) The two network activity reports detailing [redacted] activity on the unclassified NSA/CSS IS confirmed that [redacted] used the unclassified IS to conduct personal, non-contract-related activities. Specifically, during the period 30 June 2015 – 7 April 2016, [redacted] used the unclassified IS: to communicate and chat with several women who provide online dominatrix services; to shop and purchase gifts for these women; to transfer money to them; to watch videos, and to generally browse the internet. [redacted] admitted during his interview with the OIG that he did in fact engage in these activities using the unclassified NSA/CSS IS, and that he had done so from on or about July 2015 until on or about 7 April 2016. Additionally, [redacted] admitted that despite a directive from [redacted] leadership on 15 February 2016 to refrain from using the unclassified IS for non-work-related activity, he continued to do so in the manner described above, until on or about 7 April 2016.

(U//~~FOUO~~) [redacted] is a contractor affiliate employed by [redacted] and working as a [redacted]

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As [redacted] stated, his duties include [redacted]. In this capacity, [redacted] requires access to NSA/CSS ISs to perform his duties and is considered an authorized user² of the NSA/CSS unclassified IS. As such, NSA/CSS Policy 6-4, *Contractor Use of NSA/CSS Information Systems and Resources* (dated 22 October 2013, revised 18 May 2015) applied to his use of the unclassified NSA/CSS IS during the period of misuse from 30 June 2015 through 7 April 2016. NSA/CSS Policy 6-4 specifically limits contractor use of NSA/CSS ISs to the performance of tasks authorized by contract, approved by the Contracting Officer, and permitted by the policy itself.⁴ Further, NSA/CSS Policy 6-4 expressly prohibits contractors from engaging in personal use of the unclassified IS, “except for brief, infrequent communications to deal with urgent matters. This limited exception to the personal use prohibition applies only when:

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- 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 physician’s appointment; or vehicle maintenance;
- b. (U) The communication does not adversely affect the NSA/CSS mission or reflect poorly on NSA/CSS;
- c. (U) The communication does not result in other than minimal expense to the Government (e.g., the call is local, toll-free);
- d. (U) Time spent using the NSA/CSS IS or resource is not billed to the contract; and

² See NSA/CSS Policy 6-26, Paragraph 3a, Monitoring NSA/CSS Global Cryptologic Enterprise Networks;

³ See NSA/CSS Policy 6-6, Purpose and Scope;

⁴ See NSA/CSS Policy 6-4, Paragraph 1, dated 22 October 2013 (revised 18 May 2015);

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e. (U) The use is not associated with personal business activities outside the scope and purpose of the contract.”⁵

(U//~~FOUO~~) On a regular and frequent basis from 30 June 2015 through 7 April 2016, [redacted] utilized the unclassified NSA/CSS IS to access personal email accounts and online chat services in order to conduct personal conversations with several women (dominatrices) with whom he had developed close personal relationships. On occasion, these conversations were sexual in nature. In furtherance of these relationships, and to complete requirements associated with their services [redacted] spent considerable amounts of time shopping online for gifts for these women. Following each purchase [redacted] tracked the shipment via online postal and shipping websites, and provided updates to the recipient on the status of each package. Further, [redacted] facilitated the online transfer of money, or “tribute”, to the women, watched online videos, and regularly visited news, sports, entertainment, and various other websites that were not work related. These activities are personal in nature and inconsistent with NSA/CSS Policy 6-4’s limited exception to the personal use prohibition. Specifically, [redacted] activities cannot reasonably be characterized as unavoidable personal matters requiring his immediate attention; rather, they were activities conducted for the benefit of his personal gratification and could have been conducted on his personal time, outside of NSA/CSS spaces. Moreover, and as [redacted] himself acknowledged, he likely billed the time spent engaged in these activities to the contract. Thus, by engaging in such non-contract-related, personal use of the unclassified NSA/CSS IS, and billing that time to the contract, [redacted] misused the unclassified IS in violation of NSA/CSS Policy 6-4; Paragraph 9.

(U//~~FOUO~~) The preponderance of the evidence supports the conclusion that, during the period 30 June 2015 – 7 April 2016, [redacted] misused the unclassified NSA/CSS IS by conducting non-contract-related, personal communications via email and online chat services with several women who provide online dominatrix services; shopping and purchasing gifts for these women; transferring money to them via online money transfer services; watching non-work-related videos, and generally browsing the internet for content unrelated to his duties, in violation of NSA/CSS Policy 6-4, Paragraph 9.

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VI. (U) Response to Tentative Conclusion:

(U//~~FOUO~~) The tentative conclusion was provided to [redacted] on 12 July 2016. That same day, [redacted] responded to the tentative conclusion by stating that he had no additional information to provide.

(U//~~FOUO~~) Because [redacted] provided no new information or mitigation that would impact our analysis, our preliminary conclusion became final.

⁵ See NSA/CSS Policy 6-4, Paragraph 9, dated 22 October 2013 (revised 18 May 2015);

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(b) (6)**VII. (U) Conclusion(s):**

(U//~~FOUO~~) **Substantiated.** The preponderance of the evidence supports the conclusion that, during the period 30 June 2015 – 7 April 2016, [REDACTED] misused the unclassified NSA/CSS IS by: conducting non-contract-related, personal communications via email and online chat services with several women who provide online dominatrix services; shopping and purchasing gifts for these women; transferring money to them via online money transfer services; watching non-work-related videos, and generally browsing the internet for content unrelated to his duties, in violation of NSA/CSS Policy 6-4, Paragraph 9.

*** (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.**

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(U) APPENDIX

(U) Unclassified Personal Communications

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Edits were made by the OIG for readability purposes:

6 July 2015 (1231 hours):

[Redacted]

7 July 2015 (1041 hours):

[Redacted]

8 July 2015 (1146 – 1209 hours):

[Redacted]

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9 July 2015 (0811 hours):

[Redacted]

9 July 2015 (1420 hours):

[Redacted]

14 July 2015 (1020 hours):

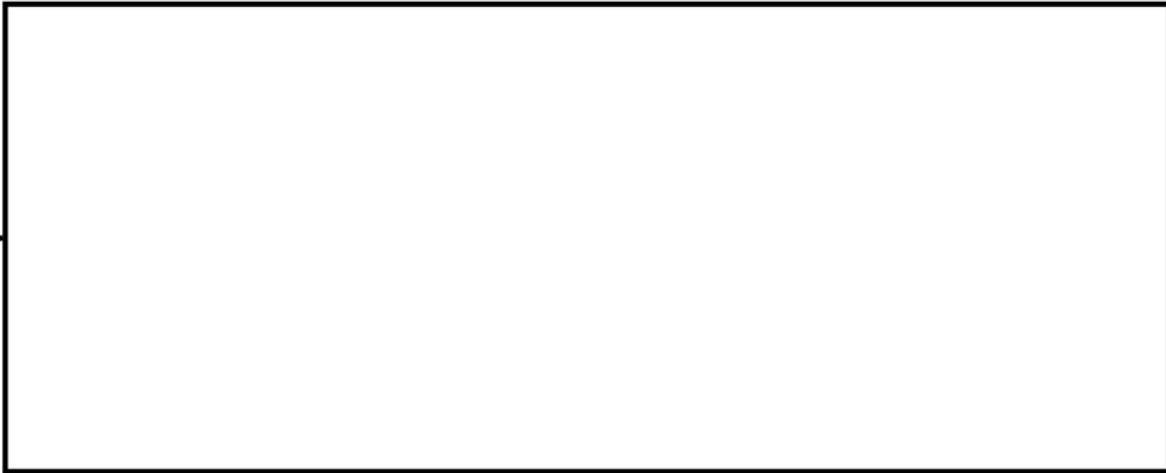
[Redacted]

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20 July 2015 (0818 – 0837 hours):

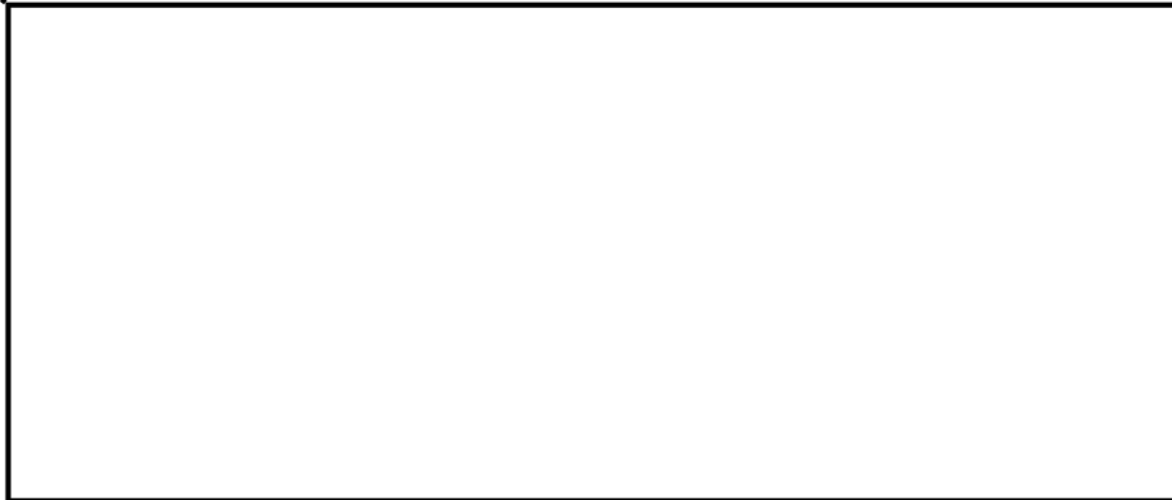


22 July 2015 (0944 hours):

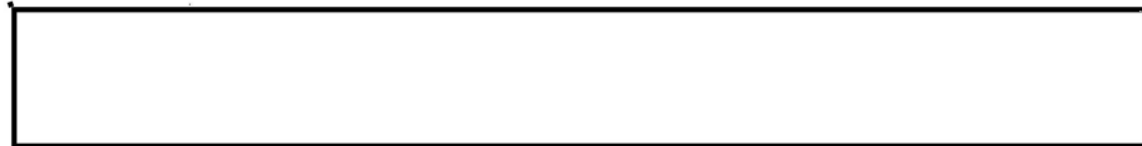


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23 July 2015 (1036 – 1512 hours):

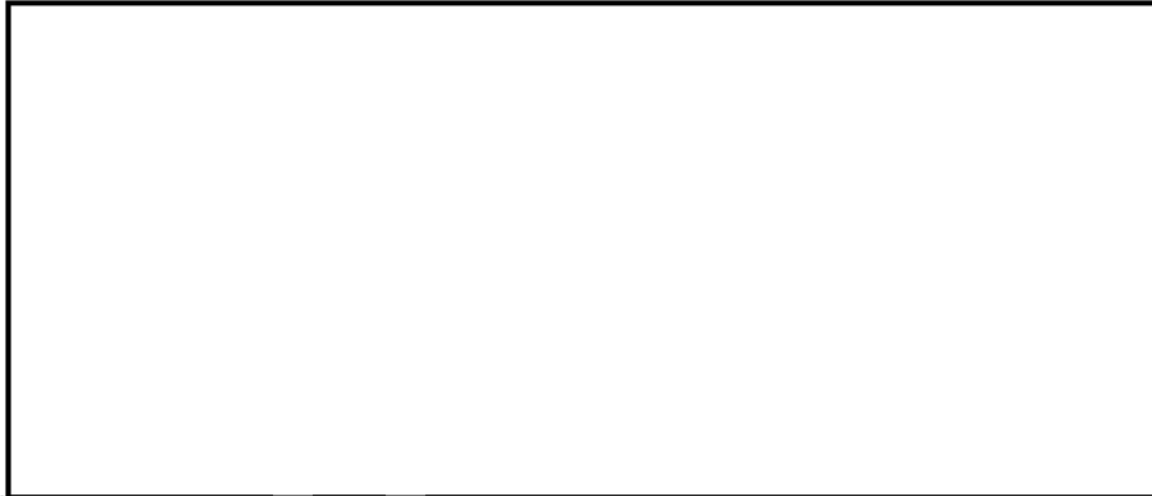


24 July 2015 (0927 hours):



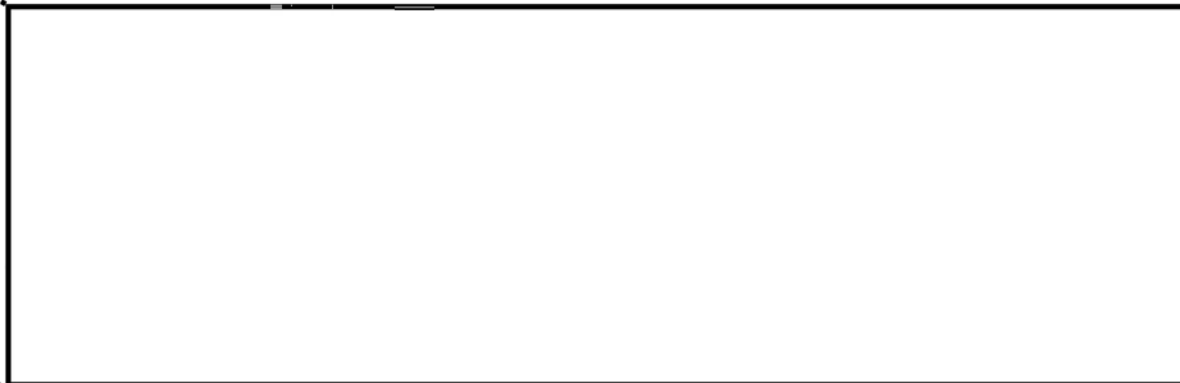
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27 July 2015 (1001 – 1132 hours):



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28 July 2015 (1322 – 1739 hours):



15 February 2016 (2310 hours):

