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**NATIONAL SECURITY AGENCY/CENTRAL SECURITY
SERVICE**



INSPECTOR GENERAL

REPORT OF INVESTIGATION

11 October 2013

IV-13-0021

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

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(U//~~FOUO~~) On 30 August 2012 the Office of the Inspector General (OIG) received a referral from the NSA/CSS Information Systems Incident Response Team (NISIRT) identifying potential computer misuse by an NSA contractor, [redacted]. On 11 November 2012 the OIG initiated an investigation of [redacted] use of NSA/CSS Information Systems (IS).

(U//~~FOUO~~) The preponderance of the evidence collected during the investigation substantiates that during the summer of 2012, [redacted] misused her NSA/CSS IS to [redacted] [redacted] in violation of NSA/CSS Policies 6-4 and 6-6.

(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.

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II. (U) BACKGROUND

(U) Introduction

(U//FOUO) [redacted] is a contractor affiliate with assigned to the [redacted] [redacted] working under the [redacted] contract

[redacted]

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(U//FOUO) The NISIRT reviewed [redacted] unclassified U.S. Government account in August 2012 and detected possible misuse on the unclassified account on 27 August 2012. The NISIRT provided their activity report to the Office of the Inspector General on 30 August 2012.

(U) Applicable Authorities

(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.

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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.

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 6-6, "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;

[....]

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III. (U) FINDINGS

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

(U//~~FOUO~~) **CONCLUSION: Substantiated.** The preponderance of the evidence supports the conclusion that [redacted] misused her Unclassified NSA/CSS IS. [redacted] used Government resources to [redacted] in the summer of 2012 in violation of NSA/CSS Policies 6-4 and 6-6.

(U) Documentary Evidence

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(U) NISIRT Report

(U//~~FOUO~~) The NISIRT provided the OIG with an analysis of [redacted] activities on the Unclassified NSA/CSS IS. [redacted] was observed performing multiple web search queries pertaining to [redacted] from an external website. The full NISIRT report can be found at Appendix A.

(U) Testimonial Evidence

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(U//~~FOUO~~) On 24 July 2013, [redacted] was interviewed and provided the following sworn testimony:

(U//~~FOUO~~) [redacted] activity on the unclassified network includes searching for [redacted] [redacted] pertaining to her contract and checking her personal and work emails. [redacted] admitted that "I did a little research awhile ago." She had a [redacted] [redacted] and admitted to researching that option over the summer of 2012 when she had internet access at her desk. In early 2013, she moved buildings and no longer had internet access on her desk. The activity was intermittent and spread over the course of the day. [redacted] estimated the activity lasted from 30 minutes to 1 hour each day over last summer and claimed she did not bill for the time spent on personal activity and researching [redacted] She believed time spent researching [redacted] was not excessive and she did not bill the time to the contract.

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(U) Analysis and Conclusions

(U//~~FOUO~~) The NISIRT report combined with [redacted] own admission confirms she used her Agency provided unclassified IS account 30 minutes to an hour each day to access personal email and research [redacted] during Summer, 2012. Contractor use of Agency IS for personal use is extremely limited. [redacted] use of the IS to access personal email and [redacted] clearly exceeded the allowance for brief, infrequent communications permitted by NSA/CSS Policy 6-4. Her use of government provided resources to research a non-work related [redacted] also demonstrated poor judgment, a violation of NSA/CSS Policy 6-6.

[redacted]
[redacted]
[redacted]
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IV. (U) RESPONSE TO TENTATIVE CONCLUSION

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(U//FOUO) [redacted] was provided the tentative conclusions on 6 August 2013; [redacted] responded to the tentative conclusion stating:

I am submitting an agreement with the conclusion of report IV-13-0021, stating that I used the unclassified internet to [redacted]. However, I would like to include the following statements, which led to my use of the internet for such a purpose:

During this period, my workload was practically non-existent, other than the task of

[redacted]

[redacted] which led to my poor judgment in using the internet for [redacted]. However, I did eventually take steps to increase my workload by expanding my duties into other areas [redacted] rather than continuing on my path of a minimal workload.

I'd also like to note that I did not spend the majority of my time using the internet to research [redacted] which was completely unrelated to any service performed by my company or the government, and therefore, not in competition with either one. It was simply a pipe dream during a time when the work on my contract had been almost completely taken away, and one of which nothing has come as a result. I spent most of my time during this period busying myself [redacted] and completing tutorials to stay current on [redacted] as well as taking agency training. At no time did I attempt to conduct any [redacted] or any such action. And as I mentioned to the investigator for my case, I occasionally stayed past my usual time without charging the government to help balance out any time I felt I used doing non-work-related things.

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(U//FOUO) The OIG obtained clarification on the statement that [redacted] had little to no work. Once the work decreased [redacted] contacted the [redacted] task lead. [redacted] provided him with weekly status reports and discussed the lack of work. The rest of [redacted] team she worked with was aware of her lack of work and she expressed a willingness to assist the team if needed. The task lead facilitated increasing [redacted] workload [redacted] was not needed. [redacted] has a normal workload now. Her duties include [redacted] along with [redacted] duties.

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

V. (U) CONCLUSION

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(U//FOUO) The preponderance of the evidence supports the conclusion that [redacted] misused her Unclassified NSA/CSS ISs to [redacted] over the summer of 2012 in violation of NSA/CSS Policies 6-4 and 6-6.

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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.

[Redacted Signature]

Senior Investigator

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Concurred by:

[Redacted Signature]

Deputy Assistant Inspector General
For Investigations

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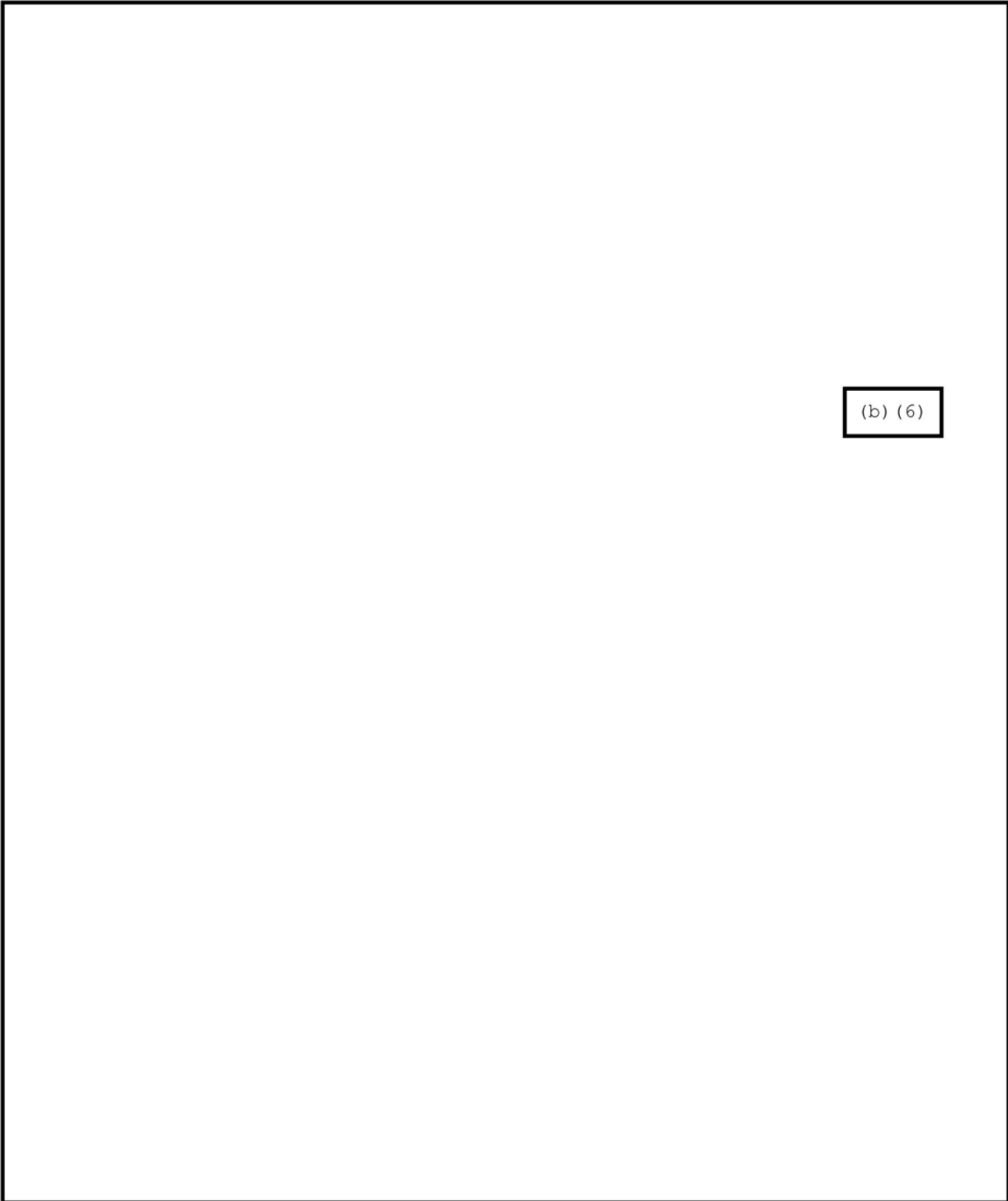
Appendix A
NISIRT report

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The NISIRT report



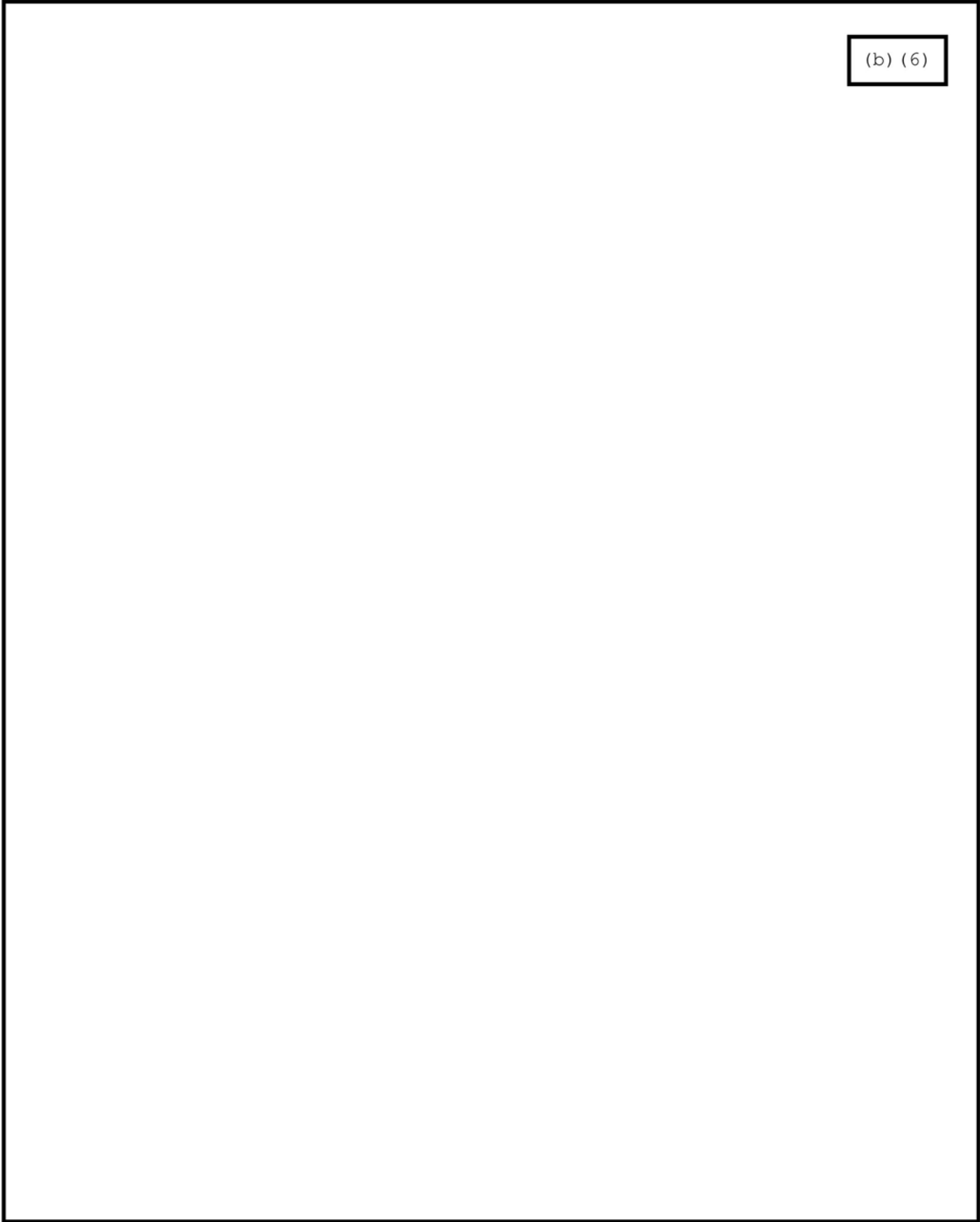
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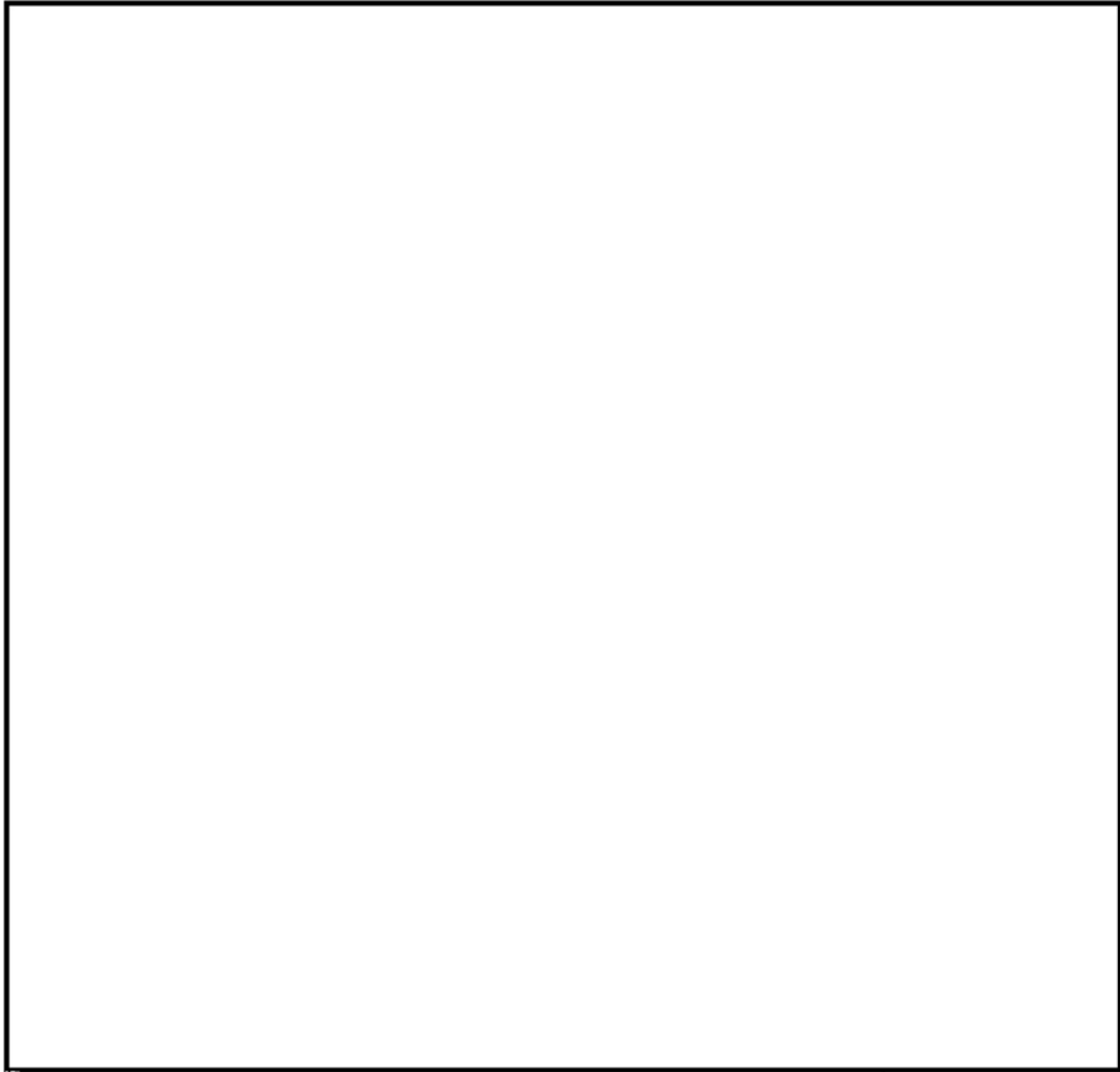
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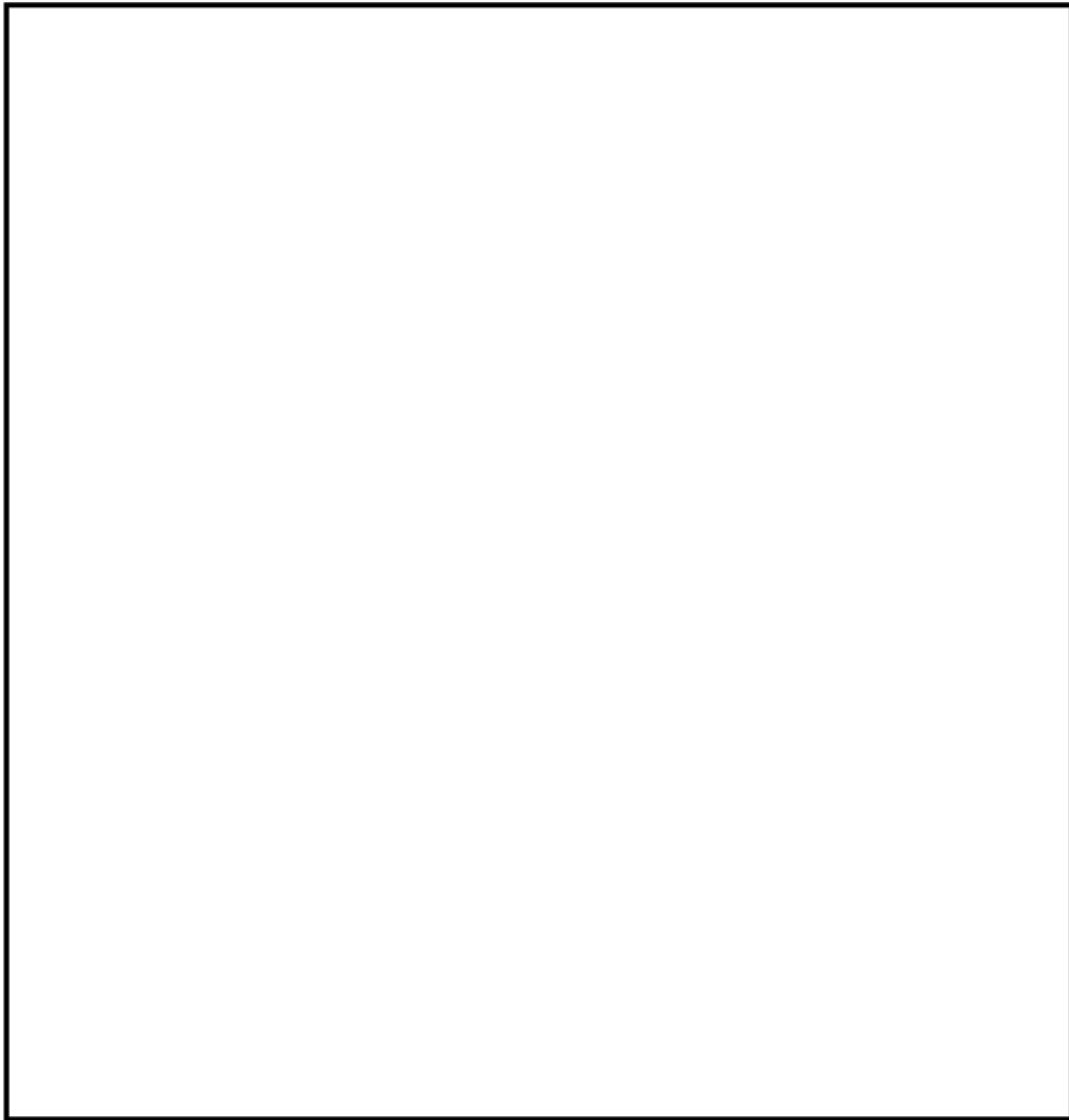


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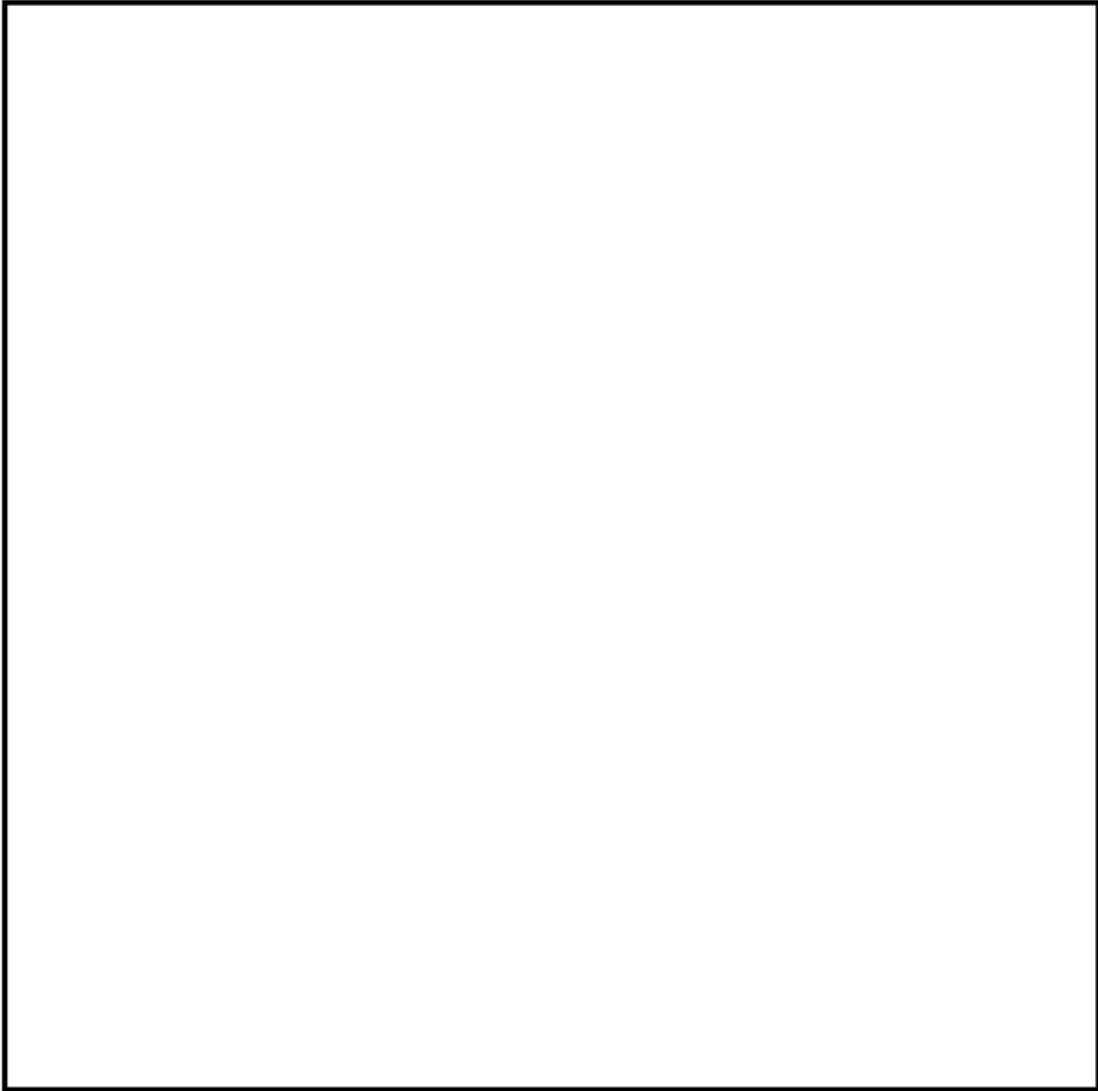


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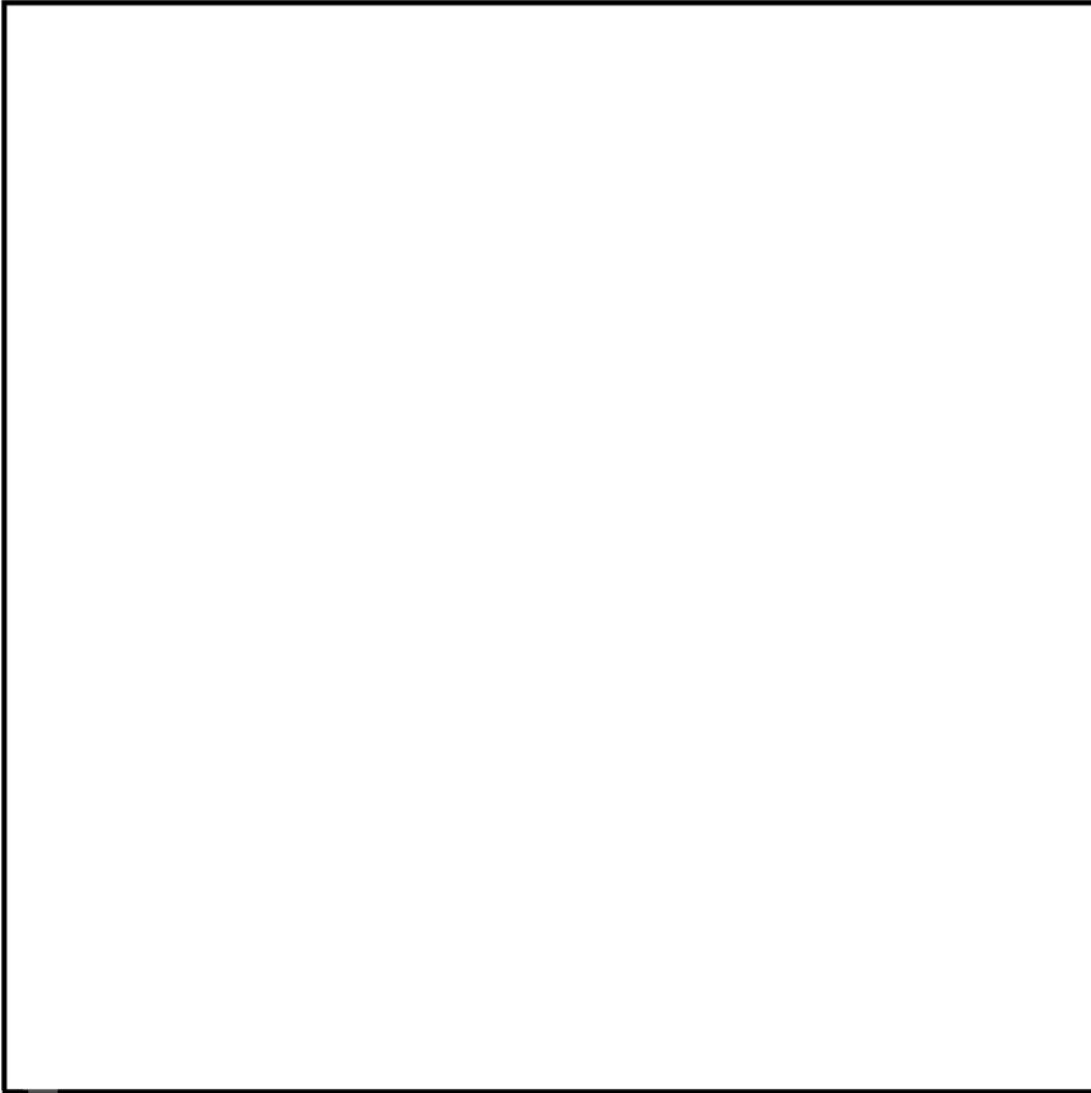


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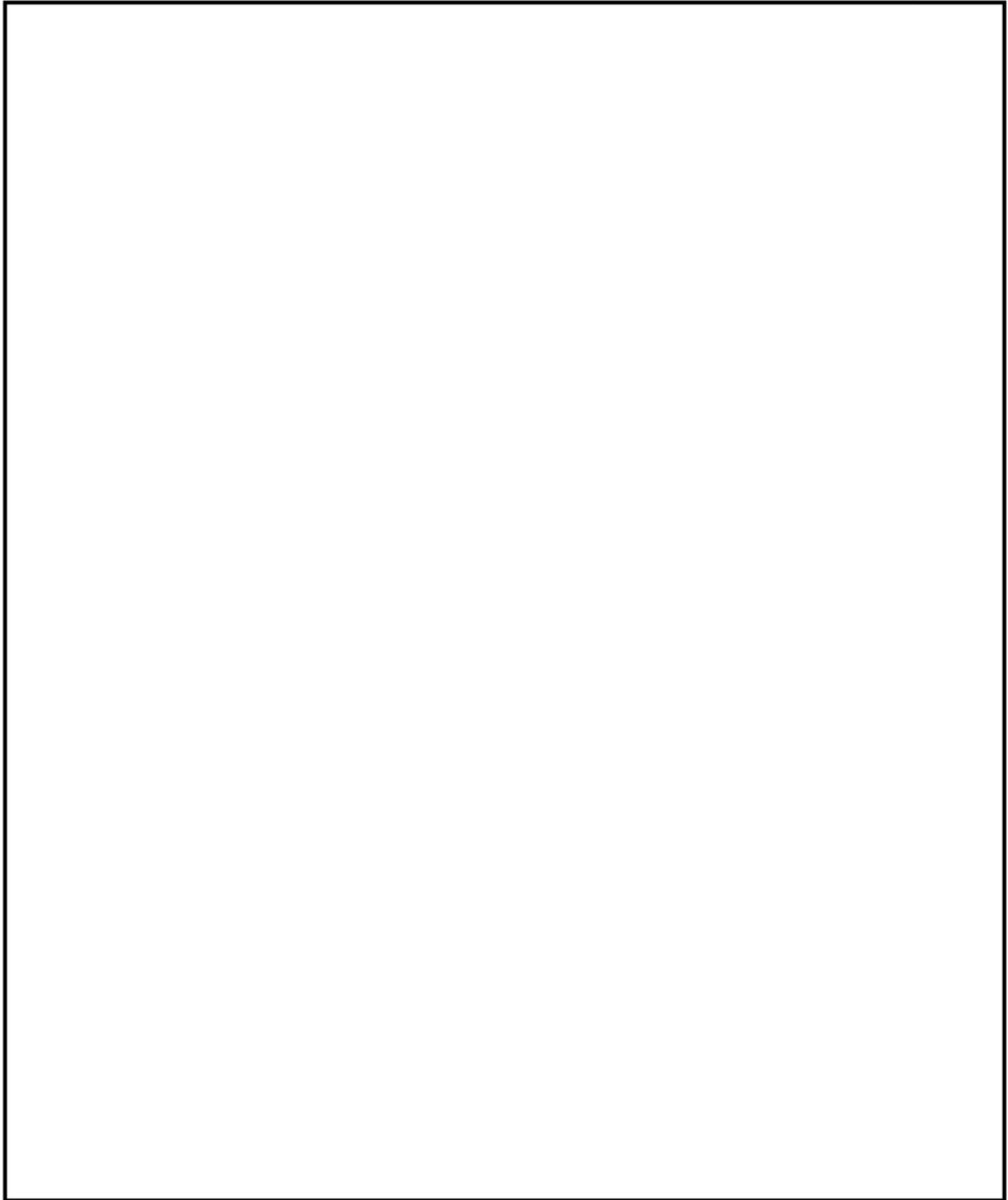
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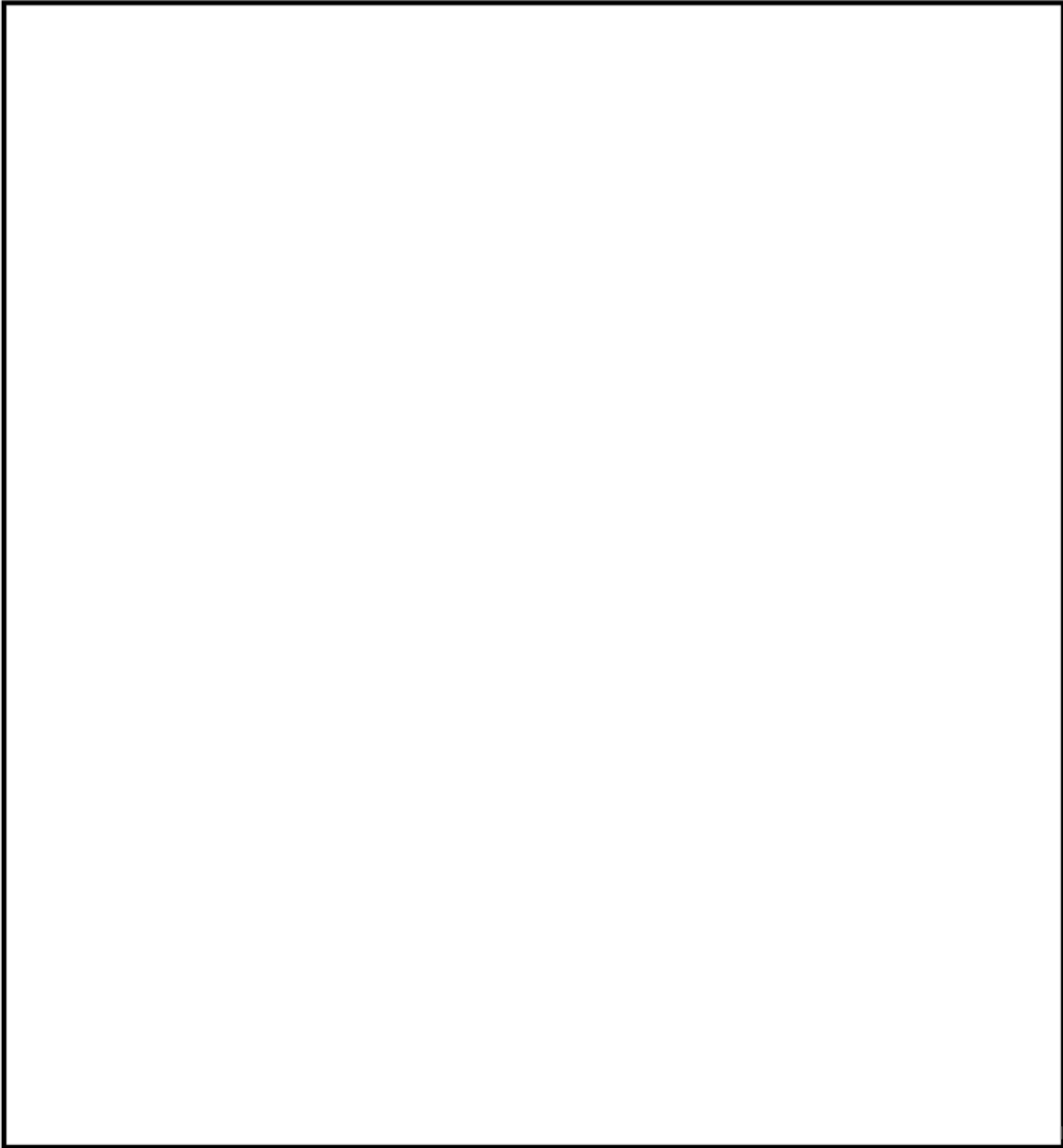
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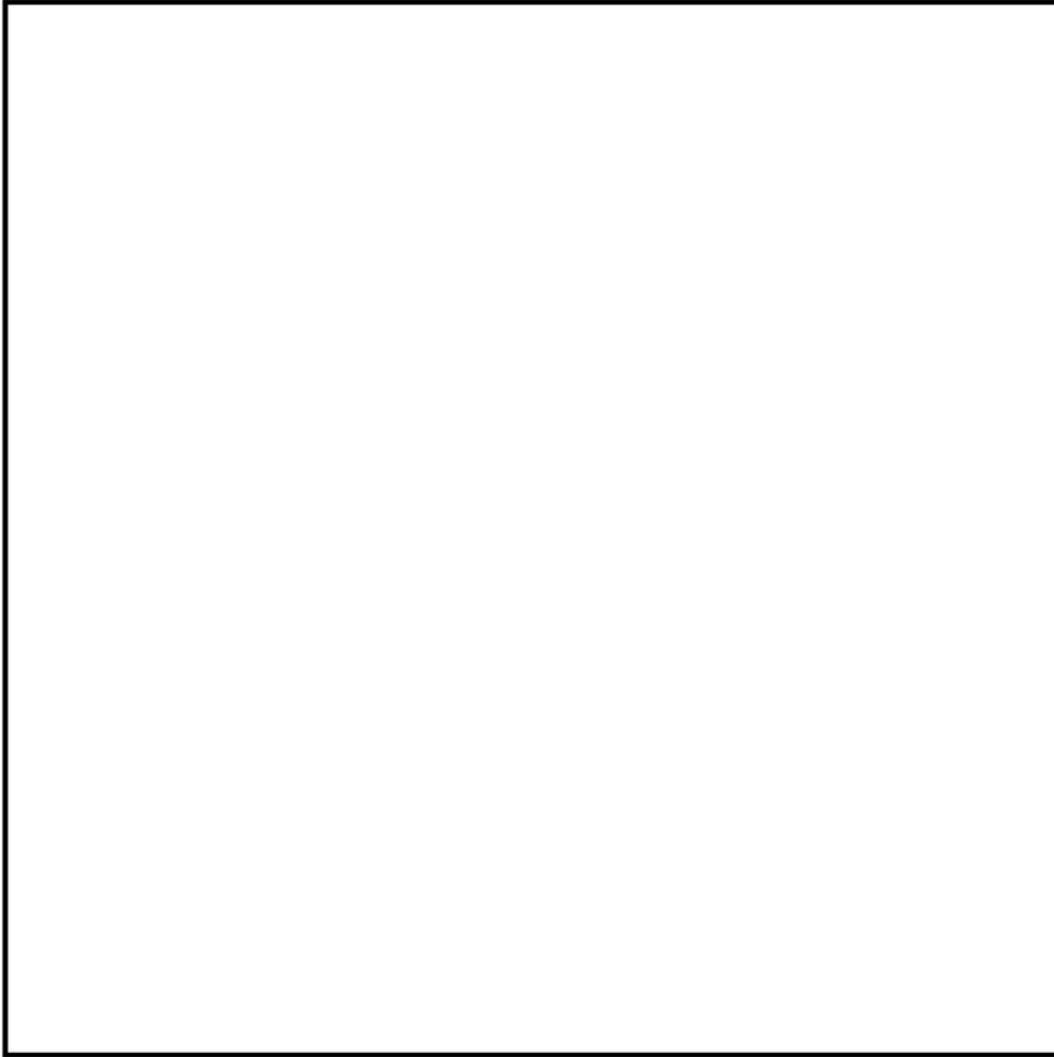


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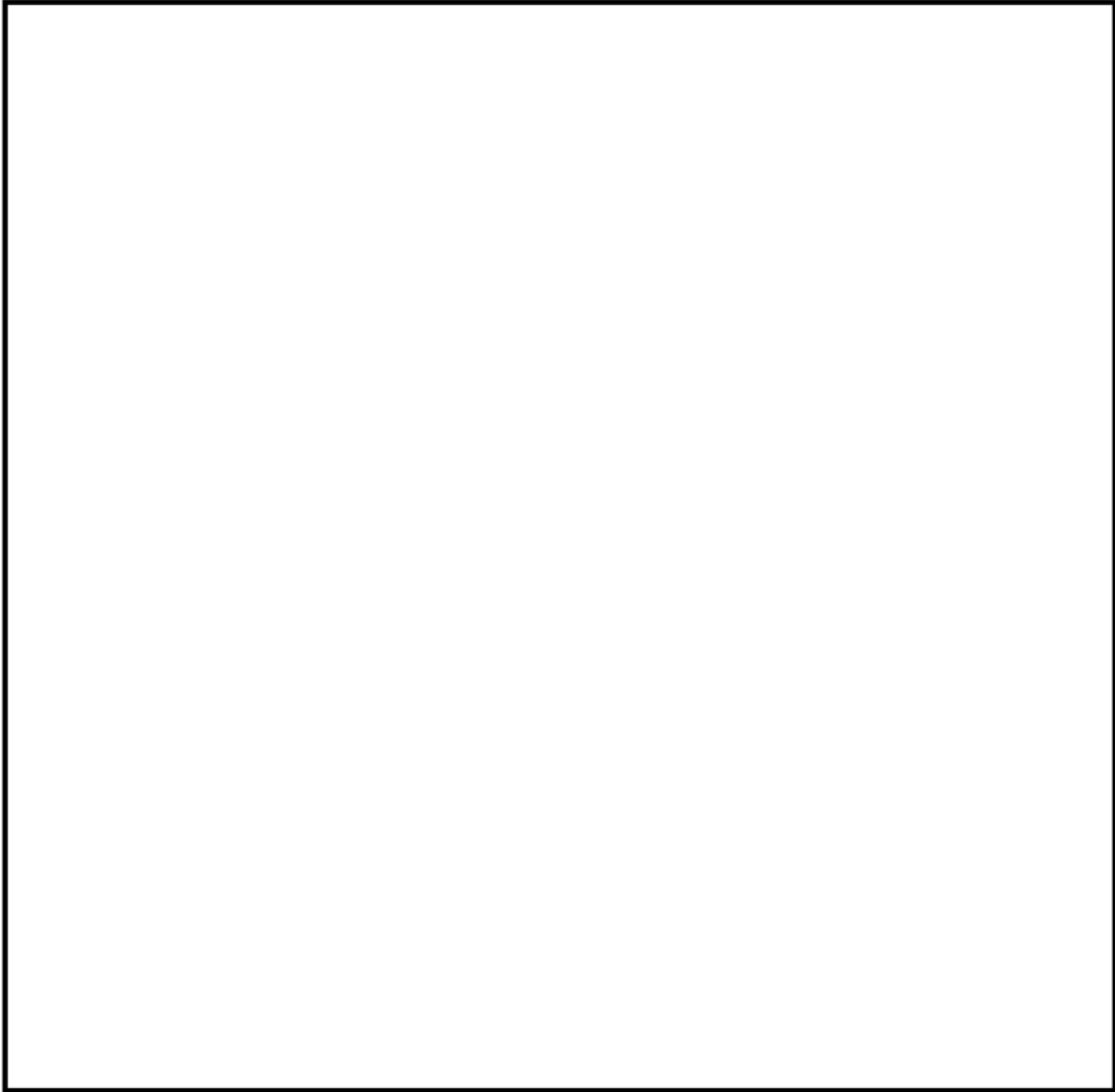


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