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**NATIONAL SECURITY AGENCY/CENTRAL SECURITY  
SERVICE**



**INSPECTOR GENERAL**

**REPORT OF INVESTIGATION**

**11 February 2014**

**IV-14-0023**

**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 7 October 2013, the NSA/CSS Office of 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 21 November 2013 the IG initiated an investigation of [REDACTED] use of NSA/CSS Information Systems (ISs).

(U//~~FOUO~~) The preponderance of the evidence collected during the investigation substantiates that from September 2013 through December 2013, [REDACTED] misused his unclassified NSA/CSS IS to perform tasks not authorized by the contract when he accessed adult oriented material and music related web content in violation of NSA/CSS Policies 6-4 and 6-6.

(U//~~FOUO~~) A summary of the findings will be provided to the Maryland Procurement Office (BA3) and the Office of General Counsel (D25) for review and any action deemed appropriate. Also, an information 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.

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## II. (U) BACKGROUND

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### (U) Introduction

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

(U//~~FOUO~~) The NISIRT reviewed [redacted] unclassified U.S. Government accounts for the period from 18 September to 7 October 2013. The NISIRT provided their activity report to the Office of the Inspector General on 7 October 2013.

### (U) Applicable Authorities

(U//~~FOUO~~) NSA/CSS Policy 6-4, "CONTRACTOR USE OF NSA/CSS INFORMATION SYSTEMS," revised 22 October 2013.

(U//~~FOUO~~) NSA/CSS Policy 6-6, "USE OF UNCLASSIFIED INFORMATION SYSTEMS SUCH AS THE INTERNET," revised 15 October 2013.

(U) See Appendix A for a full text of the applicable authorities.

### III. (U) FINDINGS

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(U//~~FOUO~~) **ALLEGATION:** Did [redacted] a [redacted] contractor, misuse his 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 his unclassified NSA/CSS IS. [redacted] used Government resources to perform tasks not authorized by the contract when he accessed adult oriented material and music related web content in violation of NSA/CSS Policies 6-4 and 6-6.

#### (U) Documentary Evidence

##### (U//~~FOUO~~) NISIRT Report

(U//~~FOUO~~) The NISIRT provided the OIG with an analysis of [redacted] activities on the unclassified NSA/CSS IS (Appendix B). [redacted] was observed using the NSA/CSS IS to access adult oriented images and music related articles during the period 18 September to 7 October 2013.

#### (U) Testimonial Evidence

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(U//~~FOUO~~) On 5 December 2013, [redacted] was interviewed and provided the following sworn testimony:

(U) [redacted] admitted to performing Google image searches and accessing adult oriented material, stating his actions were a "stupid thing." He denied copying and/or saving any of the images to his NSA/CSS IS. He believed that he was still on the Google website when he viewed adult oriented material and he would not be detected if he stayed on the Google website.

[redacted] was "amazed" that he was able to access adult oriented images. He continued to perform adult oriented searches a couple times per week during the last several months.

[redacted] admitted to clicking on image thumbnails to view the image in a larger format and admitted to viewing several adult oriented videos. [redacted] explained that the content of the adult oriented material consisted of naked woman, some of which were engaged in sexual activity with men and/or other women.

(U) [redacted] admitted to accessing the [redacted] to read music reviews and related articles.

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**(U) Analysis and Conclusions**

(U//~~FOUO~~) Contractor's use of Agency IS for personal use is extremely limited. [redacted] use of the unclassified NSA/CSS IS to view adult oriented material and music related articles was not contract related and failed to comply with brief, infrequent communications to take care of unavoidable personal matters permitted by NSA/CSS Policy 6-4. [redacted] use of the NSA/CSS IS to access adult oriented material reflected poorly on the Agency and demonstrated poor judgment in violation of NSA/CSS Policy 6-6.

(U//~~FOUO~~) [redacted] own testimony, along with the documentary evidence, confirmed that he performed tasks not authorized by the contract when he accessed adult oriented material and read music related articles in violation of NSA/CSS Policies 6-4 and 6-6.

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**IV. (U) RESPONSE TO TENTATIVE CONCLUSION(S)**

(U//~~FOUO~~) [redacted] was provided the tentative conclusions on 31 January 2014.  
[redacted] responded to the tentative conclusion stating:

I have spent [redacted] years of my life in service to the National Security Agency. I would never knowingly do anything to harm the Agency or its mission. I had a lapse in judgment for which I am extremely sorry and I will not let it happen again.

(U//~~FOUO~~) The conclusions remain unchanged.

[redacted]  
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### V. (U) CONCLUSION

(U//~~FOUO~~) The preponderance of the evidence supports the conclusion that [redacted] misused his unclassified NSA/CSS IS to perform tasks not authorized by the contract when he accessed adult oriented material and music related web content in violation of NSA/CSS Policies 6-4 and 6-6.

[redacted]  
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### VI. (U) DISTRIBUTION OF RESULTS

(U//~~FOUO~~) A summary memorandum will be provided to the Maryland Procurement Office (BA3) and the Office of General Counsel (D25) for review and any action deemed appropriate. An information copy of the summary memorandum will be provided to the NSA/CSS Senior Acquisition Executive; Contractor Clearances, ADS&CI; and Special Actions, ADS&CI.

[Redacted Signature]

Senior Investigator

Concurred by:

[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," Policy Section, revised 22 October 2013:

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.

[...]

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;

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

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

[....]

(U//~~FOUO~~) NSA/CSS Policy 6-6, "USE OF UNCLASSIFIED INFORMATION SYSTEMS SUCH AS THE INTERNET," Responsibilities Section revised 15 October 2013:

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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## **APPENDIX B**

### **(U) NISIRT Report**

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**NISIRT Report**

**List of URLs accessed.**

**10/07/2013 05:10:11**

**URL:**

[Redacted]

**10/07/2013 04:49:30**

**URL:**

[Redacted]

**10/07/2013 04:49:28**

**URL:**

[Redacted]

(b) (6)

**09/18/2013 05:12:36**

**URL:**

[Redacted]