

**DHS Needs to Address
Oversight and Program
Deficiencies before
Expanding the Insider
Threat Program**





DHS OIG HIGHLIGHTS

DHS Needs to Address Oversight and Program Deficiencies before Expanding the Insider Threat Program

May 24, 2019

Why We Did This Review

In December 2017, DHS expanded the Insider Threat Program from monitoring user activity on its classified networks to monitoring cleared and non-cleared employees' activity on unclassified networks. We initiated a project to determine Insider Threat Program progress in monitoring, detecting, and responding to malicious insider threats on unclassified DHS systems and networks.

What We Recommend

We issued four recommendations to the DHS Chief Security Officer to address planning, policy, and acquisition deficiencies prior to further expansion of the Insider Threat Program.

For Further Information:

Contact our Office of Public Affairs at (202) 981-6000, or email us at DHS-OIG.OfficePublicAffairs@oig.dhs.gov

What We Found

Before continuing its planned expansion of the Insider Threat Program, DHS needs to address several deficiencies that may hinder program effectiveness and efficiency. Although the expanded program was approved in January 2017, the Office of the Chief Security Officer has yet to revise, obtain approval for, and reissue required documentation. Specifically, DHS has not completed required standard procedures, acquisition paperwork, and the systems engineering life cycle framework. These actions are necessary to ensure DHS programs are appropriately planned, developed, and implemented for efficient and effective delivery of capabilities.

The Department also did not complete or revise the Insider Threat Program's privacy threshold analysis, privacy impact assessment, system of records notification, and operating procedures to ensure the program complies with privacy laws. DHS should not monitor user activity of un-cleared personnel at the components until it has taken steps to address these deficiencies.

Management Response

The Department concurred with all four recommendations in its formal response, which is included.

Errata page for OIG-19-42

DHS Needs to Address Oversight and Program Deficiencies before Expanding the Insider Threat Program

Change made to the DHS OIG Highlights section, 2nd paragraph, 1st sentence (see below):

Changed from:

The Department also did not complete or revise the Insider Threat Program's privacy threshold analysis, privacy impact assessment, system of records notification, and operating procedures prior to monitoring activity of non-cleared employees on its network, which created the potential for violations of the Fourth Amendment and Privacy Act.

Changed to:

The Department also did not complete or revise the Insider Threat Program's privacy threshold analysis, privacy impact assessment, system of records notification, and operating procedures to ensure the program complies with privacy laws.




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Department of Homeland Security

Washington, DC 20528 / www.oig.dhs.gov

May 24, 2019

MEMORANDUM FOR: Richard D. McComb
Chief Security Officer
U.S. Department of Homeland Security

FROM: John V. Kelly 
Acting Inspector General

SUBJECT: *DHS Needs to Address Oversight and Program
Deficiencies before Expanding the Insider Threat
Program*

For your action is our final report, *DHS Needs to Address Oversight and Program Deficiencies before Expanding the Insider Threat Program*. We incorporated the formal comments provided by your office.

The report contains four recommendations aimed at improving DHS's Insider Threat Program. Your office concurred with all four recommendations. Based on the information provided in your response to the draft report, we consider the recommendations open and resolved. Once your office has fully implemented the recommendations, please submit a formal closeout letter to us within 30 days so that we may close the recommendations. The memorandum should be accompanied by evidence of completion of agreed upon corrective actions. Please send your response or closure request to OIGAuditsFollowup@oig.dhs.gov.

Consistent with our responsibility under the *Inspector General Act*, we will provide copies of our report to congressional committees with oversight and appropriation responsibility over the Department of Homeland Security. We will post the report on our website for public dissemination.

Please call me with any questions, or your staff may contact Sondra McCauley, Assistant Inspector General for Audits, at (202) 981-6000.



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Background

In January 2017, then-Secretary of Homeland Security Jeh Johnson signed a memorandum approving an expansion of the Insider Threat Program (ITP). According to the memo, in addition to those with access to classified information (i.e., cleared individuals), trusted insiders with access to sensitive but unclassified information (i.e., non-cleared individuals) may also pose a threat to the Department's mission, personnel, resources, facilities, equipment, systems, and networks. Therefore, the Secretary approved expanding the ITP from monitoring user activity on classified networks to also include department-wide monitoring of cleared and non-cleared employees' activity on unclassified networks.

The Department's Office of the Chief Security Officer (OCSO) recently completed a pilot of the expanded ITP at its headquarters, during which it monitored the user activity of cleared employees on unclassified networks. OCSO reports it is now monitoring cleared employees accessing unclassified information at all DHS headquarters locations.

In the fully expanded ITP, OCSO envisions all DHS operational and support components, except for the United States Coast Guard, will have insider threat-specific program responsibility for their respective mission activities. As such, the components will be required to fully support the program and incorporate the insider threat mission, principles, and guidance into all programs and activities. Their support will include giving the Insider Threat Operations Center, the designated centralized hub for the unclassified portion of the ITP, access to their databases, records, processes, and information.

The purpose of this report is to notify you of the deficiencies we identified in DHS' planning and implementation of the expanded ITP, including issues with acquisition management, and the revision and completion of required documentation. These issues require attention and corrective action to ensure the expanded ITP is efficient and effective. We are issuing this report consistent with our duties under the *Inspector General Act of 1978*, as amended, to conduct audits and recommend policies to promote economy, efficiency, and effectiveness in Department of Homeland Security programs and operations. With the issuance of this report, we are curtailing and closing this project.

We have incorporated the formal comments provided by your office on the draft report and appended them verbatim. Your office concurred with the four recommendations we made to improve the ITP. DHS's corrective actions will be critical to ensuring the implementation of the ITP going forward is in the best interest of the Government in terms of efficiency and effectiveness.



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Oversight and Program Deficiencies

Before continuing its planned expansion of the ITP, DHS needs to address several deficiencies that will hinder program effectiveness and efficiency. First, OCSO must determine whether existing privacy and related programmatic compliance documentation is in place and meets all necessary requirements prior to monitoring the user activity of non-cleared employees. Second, OCSO has not yet incorporated into the governing ITP Instruction updates that reflect the Secretary's decision to expand the program and all other necessary revisions to the existing operational and management framework, including changes to detailed roles, responsibilities, and all associated procedures, as contemplated by the Secretary in the January 2017 memorandum. Third, OCSO has not determined the expanded ITP's acquisition level, which would govern the needed review and approvals. Finally, OCSO has not completed a required Systems Engineering Life Cycle (SELC) Framework corresponding to the Acquisition Life Cycle phase to help ensure appropriate program planning and implementation.

According to counsel at both DHS and the Office of Inspector General (OIG), DHS should not begin user activity monitoring of un-cleared personnel at the components until it has reviewed login banners for unclassified systems and determined they are legally sufficient. This is in order to ensure the knowing, informed, and otherwise proper consent of users to the insider threat monitoring activities on DHS systems, and to protect the department from any unintentional violations of the Fourth Amendment. All DHS users should be presented with an appropriately tailored consent banner to effectively notify them before using any device that will be monitored. As of November 2018, we had no evidence that the OCSO had submitted a revised Privacy Threshold Analysis (PTA) to the DHS Privacy Office to ensure the expanded ITP's Privacy Impact Assessment (PIA) and System of Records Notice (SORN) are updated and the program complies with privacy laws. Expanding the ITP to monitor non-cleared personnel at the components without first ensuring legally sufficient notice is provided (likely through login banners) creates the potential for violations of the Fourth Amendment.

OCSO Has Not Revised and Reissued Documentation as Required

Although the expanded ITP was approved in January 2017, OCSO has yet to revise, obtain approval for, and reissue required documentation. In particular, according to the Secretary's memo, DHS Instruction 262-05-002, *Information Sharing and Safeguard Program: Insider Threat Program*, issued July 9, 2015, must be revised to include additional capabilities under an expanded program management and operational framework, as well as policies on monitoring of



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non-cleared personnel. Further, an updated instruction should contain details on roles and responsibilities including:

- joint oversight authority of the Under Secretary for Intelligence and Analysis and the Under Secretary for Management for implementing the expanded ITP;
- the DHS Chief Security Officer's responsibility for day-to-day execution and operation of the Insider Threat Operations Center; and
- delegated responsibility to the Insider Threat Oversight Group for policy creation and guidance for the expanded ITP.

DHS must also approve standard operating procedures for expanding the ITP, but according to the ITP program manager, until the updated instruction is finalized, other documents — such as standard operating procedures, the PIA, and the SORN — cannot be completed. Without assigned responsibilities and established procedures, the expanded ITP may not be effective in mitigating insider threats to unclassified systems.

OCSO Has Not Determined the Acquisition Level of the Expanded ITP

Although required for all DHS acquisition programs, OCSO has not submitted required paperwork to the Office of Program Accountability and Risk Management for determining the appropriate acquisition level for the expanded ITP. According to OCSO officials, they had not yet determined the appropriate level because they were unaware of the requirement and did not contact the office that oversees program acquisitions. In August 2018, OCSO told OIG the program was a Level 3, non-major acquisition program with “special interest.”¹ A Level 3 acquisition program, with a Life Cycle Cost Estimate of between \$50 and \$300 million, would be assigned to the Component Acquisition Executive for acquisition decision authority, with oversight by DHS' Office of Program Accountability and Risk Management. A designation of special interest would assign acquisition decision authority to the Chief Acquisition Officer.

However, during a meeting in November 2018, OCSO stated it had not finally determined the expanded ITP's acquisition level, even though the program is now operational throughout its headquarters. To determine the appropriate acquisition level, OCSO will need to submit documentation to the Office of Program Accountability and Risk Management and Office of the Chief Financial Officer in conjunction with where the program is in the Acquisition Life Cycle,

¹ According to DHS Instruction 102-01-001, labeling an acquisition program as “special interest” automatically elevates it to a major level 2 acquisition (with a Life Cycle Cost Estimate of between \$300 million and \$1 billion), if not already meeting the major level 1 (with a Life Cycle Cost Estimate of \$1 billion or greater) or major level 2 threshold.



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when determined. Once it is determined where the program is in the Acquisition Life Cycle Framework, the Acquisition Review Board would then determine if and what additional documentation is required.

It is possible that expanding the ITP department-wide will translate to a higher acquisition program level, with differing requirements, approval, and oversight.

OCSO Has Not Completed the Required Systems Engineering Life Cycle Framework

Although required for all DHS acquisition programs, including information technology (IT) programs, OCSO has not completed the SELC Framework, which supports the Department's Acquisition Life Cycle Framework.² The SELC Framework helps ensure DHS programs are appropriately planned, developed, and implemented for efficient and effective delivery of capabilities. SELC is designed to improve the chance of program success through planning and execution of appropriate activities, review, and approvals throughout the life cycle. Without a SELC Framework to use in planning and implementing the expanded ITP, OCSO potentially jeopardizes program success. For example, component officials have raised concerns about allowing the centralized Insider Threat Operations Center to access all component databases, records, processes, and information. Completing the SELC Framework would enable OCSO to analyze the components' requirements and alleviate these concerns.

Recommendations

We recommend the DHS Office of the Chief Security Officer (OCSO) address planning, policy, and acquisition deficiencies prior to further implementation of the expanded scope of the insider threat program. Specifically, we recommend the DHS Office of the Chief Security Officer:

1. Review DHS logon banners for unclassified systems at all components and determine whether they are legally sufficient.
2. Revise and reissue DHS Instruction 262-05-002 for the expanded Insider Threat Program, as required by the January 2017 memo from the Secretary of Homeland Security.
3. Determine, with the aid of the Office of Program Accountability and Risk Management, whether the expanded ITP is an acquisition program, what

² The *Systems Engineering Life Cycle*, DHS Instruction 102-01-103, of November 5, 2015, establishes nine major SELC activities (Solution Engineering, Planning, Requirements Definition, Design, Development, Integration and Test, Implementation, Operations and Maintenance, and Disposition) as the baseline SELC Framework.



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level of acquisition program it is using a Rough Order Magnitude or other Cost Estimate, and where the program is in the Acquisition Life Cycle. Determine, along with the Office of Program Accountability and Risk Management, the acquisition documentation required for the Acquisition Life Cycle Framework phase the program is in.

4. Work with the Office of Program Accountability and Risk Management to complete the required Systems Engineering Life Cycle Framework.

Management Comments and OIG Analysis

We obtained written comments on a draft of this report from the Director of the Departmental GAO-OIG Liaison Office. We have included a copy of the comments in their entirety in appendix A.

In the comments, DHS agreed that it could strengthen its ITP. DHS also stated that it had met the requirements of Executive Order 13587, *Structural Reforms to Improve the Security of Classified Networks and the Responsible Sharing and Safeguarding of Classified Information*, by implementing a DHS Insider Threat Program that complied with *National Insider Threat Task Force Minimum Standards*. The Department stated it had already taken steps to strengthen the ITP, and had additional ongoing and planned actions. For example, DHS stated that it had:

- made progress updating required documentation to expand the scope of the ITP to the unclassified environment;
- updated and obtained DHS Privacy Office approval of the PTA on March 19, 2019;
- made progress updating the PIA and SORN;
- revised the DHS Instruction for Information Sharing and Safeguarding: Insider Threat Program, but would not obtain formal department-wide review and clearance until the third quarter of fiscal year 2019; and
- planned to finalize the ITP SORN and Insider Threat Operation Center Standard Operating Procedure after the DHS Instruction is signed.

DHS also restated its commitment to ensuring enhanced and effective oversight capabilities are employed to meet the requirements of Executive Order 13587 and DHS guidance.

The Department concurred with all four of our recommendations. We reviewed the Department's comments, as well as technical comments previously submitted by the OCSO, the Program Accountability and Risk Management Office, and the Office of General Counsel under separate cover, and made



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changes to the report as appropriate. Following is our evaluation of the Department's formal comments.

OIG Response to General Comments

DHS stated it had met the requirements of Executive Order 13587 through its compliance with the *National Insider Threat Task Force Minimum Standards*. However, this Executive Order, as well as the standards, are focused on improving the security of classified networks, which are not the subject of our report. Rather, this report focuses on the Department's efforts to address oversight and deficiencies, including planning, policy, and acquisition, before expanding the ITP to its "unclassified" network.

DHS also stated it had already taken steps to strengthen the ITP. However, many of these efforts began, or were still ongoing, after our review work had concluded. As such, we have no basis on which to validate the assertion that the Department has accomplished all of the actions outlined. To illustrate, we are encouraged that the OCSO has made progress in updating documentation required to expand the scope of the ITP. However, the OCSO also must determine whether existing privacy and related programmatic compliance documentation meet all necessary requirements *prior* to monitoring the user activity of non-cleared employees. As stated in our report, not having completed or revised the PTA, PIA, SORN, Information Sharing and Safeguarding Instructions, and operating procedures prior to monitoring activity of non-cleared employees on the network creates the potential for violations of the Fourth Amendment and Privacy Act. We expect that the OCSO will take the necessary steps to plan, develop, and implement the ITP according to DHS as well as Federal guidelines.

Response to Report Recommendations

We are encouraged that the Department concurred with our four report recommendations. We consider the four recommendations resolved and open until DHS provides documentation that it has implemented the proposed corrective actions. The following is a summary of DHS' response to each recommendation and our analysis.

DHS Response to Recommendation #1: Concur. Officials from DHS ITP and the Office of General Counsel reviewed and updated DHS system logon banners in June 2018. DHS ITP will confirm that all component logon banner language complies with existing DHS policy prior to operating on the component systems. The estimated completion date is September 30, 2019.

OIG Analysis: We consider these actions responsive to the recommendation,



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which is resolved and open. We will close this recommendation after we verify that DHS component logon banner language complies with existing DHS policy.

DHS Response to Recommendation #2: Concur. DHS ITP has completed a draft revision of DHS Instruction 262-05-002, including detailed roles and responsibilities. The OCSO expects the revised instruction to enter the formal department-wide review and clearance process in the third quarter of fiscal year 2019 and be published by the end of fourth quarter of FY 2019. The estimated completion date is September 30, 2019.

OIG Analysis: We consider these actions responsive to the recommendation, which is resolved and open. We will close this recommendation after we verify the OCSO has finalized and published the revised instruction.

DHS Response to Recommendation #3: Concur. The OCSO is working with DHS' Program Accountability and Risk Management Office to determine whether the ITP is a major program, the acquisition level of the ITP, and where the program should be in the acquisition lifecycle. The OCSO will submit the required documentation to PARM (Office of Program Accountability and Risk Management) if it determines the ITP is a major acquisition program. The estimated completion date is September 30, 2019.

OIG Analysis: We consider these actions responsive to the recommendation, which is resolved and open. We will close this recommendation after we verify an acquisition program determination has been made and, if applicable, the required documentation has been submitted to PARM.

DHS Response to Recommendation #4: Concur. The Component Acquisition Executive within PARM and the Chief Financial Officer will determine whether the ITP is an acquisition program and, if so, what the acquisition level is and where the program is in the acquisition lifecycle. The OCSO, along with PARM and the DHS Office of Technology Officer, will submit the required documentation for the SELC Framework if the ITP is determined to be a major acquisition program. The estimated completion date is September 30, 2019.

OIG Analysis: We consider these actions responsive to the recommendation, which is resolved and open. We will close this recommendation after we verify an acquisition program determination has been made and, if applicable, the required documentation has been submitted for the SELC Framework.



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Appendix A
DHS's Management Comments to the Draft Alert


U.S. Department of Homeland Security
Washington, DC 20528



**Homeland
Security**

April 15, 2019

MEMORANDUM FOR: John V. Kelly
Senior Official Performing the
Duties of the Inspector General

FROM: Jim H. Crumacker, CIA, CFE 
Director
Departmental GAO-OIG Liaison Office

SUBJECT: Management Response to OIG Management Alert: "DHS
Needs to Address Oversight and Program Deficiencies before
Expanding the Insider Threat Program"
(Project No. 18-029-ITA-DHS)

Thank you for the opportunity to review and comment on this draft management alert. The U.S. Department of Homeland Security (DHS) appreciates the work of the Office of Inspector General (OIG) in planning and conducting its review and issuing this management alert.

The Department agrees that its Insider Threat Program (ITP) can be strengthened. However, it is important to note that DHS has met the requirements of Executive Order 13587, "Structural Reforms To Improve the Security of Classified Networks and the Responsible Sharing and Safeguarding of Classified Information," by implementing a DHS Insider Threat Program that complies with the National Insider Threat Task Force Minimum Standards.

The DHS Office of the Chief Security Officer (OCSO) has already taken many and has other actions on-going and planned to strengthen the ITP. Examples include:

- Progress made updating required documentation to expand the scope of the ITP, per Secretary of Homeland Security direction, to move it beyond the protection of classified information and include threats posed to the Department by all individuals with access to the Department's facilities, information, equipment, networks, or systems.



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- Revised Privacy Threshold Analysis (PTA) approved by the DHS Privacy Office on August 17, 2018, and an additional updated PTA covering the expanded scope of the program approved by the DHS Privacy Office on March 19, 2019.
- A revised Privacy Impact Assessment (PIA) covering the expanded scope of the program approved on March 1, 2018 and progress being made to further update the PIA and the System of Records Notice (SORN) for the ITP.
- Revisions made to DHS Instruction 262-05-002, "Information Sharing and Safeguarding: Insider Threat Program," which will enter the formal Department-wide review and clearance process during the third quarter of fiscal year 2019.
- Revisions in progress for the ITP SORN and Insider Threat Operations Center Standard Operating Procedure, which will be finalized once the revised DHS Instruction 262-05-002 is signed.
- Ensuring that ITP programmatic efforts, including those for the expanded scope, are done in coordination with the DHS Office of Program Accountability and Risk Management (PARM) and the Insider Threat Oversight Group (i.e., DHS Privacy Office, DHS Office of the General Counsel (OGC), and the DHS Office of Civil Rights and Civil Liberties) to ensure program management efficiency, enhanced risk management, and effective protection of privacy and civil liberties.

DHS remains committed to ensuring enhanced and effective oversight capabilities are employed to meet the requirements of Executive Order 13587 and Secretary of Homeland Security guidance.

The draft management alert contained four recommendations, with which the Department concurs. Attached find our detailed response to each recommendation. Technical comments were previously provided under separate cover.

Again, thank you for the opportunity to review and comment on this draft management alert. Please feel free to contact me if you have any questions. We look forward to working with you again in the future.

Attachment



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Attachment: Management Response to Recommendations Contained in the Report for Project No. 18-029-ITA-DHS

The OIG recommended that the DHS Office of the Chief Security Officer:

Recommendation 1: Review DHS logon banners for unclassified systems at all components and determine whether they are legally sufficient.

Response: Concur. The DHS ITP in conjunction with DHS OGC reviewed and updated DHS system logon banners in June 2018. The updated system logon banner language has been validated and implemented for DHS Headquarters. Prior to operating on the Component systems, the ITP will confirm that all Component logon banner language is in compliance with current DHS policy. Estimated Completion Date (ECD): September 30, 2019.

Recommendation 2: Revise and reissue DHS Instruction 262-05-002 for the expanded Insider Threat Program, as required by the January 2017 memo from the Secretary of Homeland Security.

Response: Concur. The DHS ITP has completed a draft revision of DHS Instruction 262-05-002, which details roles and responsibilities including: joint oversight authority for the Under Secretaries for Management and Intelligence and Analysis; the DHS Chief Security Officer's responsibility for day-to-day oversight and execution of the Insider Threat Operations Center; and responsibility for the Insider Threat Oversight Group that is consistent with Executive Order 13587 and the National Insider Threat Policy and Minimum Standards. OCSO expects the draft revised Instruction to enter the formal Department-wide review and clearance process in the third quarter of fiscal year 2019, and be published by the end of the fourth quarter of fiscal year 2019. ECD: September 30, 2019.

Recommendation 3: Determine, with the aid of PARM, if the expanded ITP is an acquisition program, what level of acquisition program it is using a Rough Order Magnitude or other Cost Estimate, and where the program is in the Acquisition Lifecycle. Determine, along with PARM, the acquisition documentation required for the Acquisition Lifecycle Framework (ALF) phase the program is in.

Response: Concur. It is important to note that although OIG's draft report states that OCSO has not determined the acquisition level of the Insider Threat Program, in fact, programs and components do not determine acquisition levels. As stated in DHS Instruction 102-01-001, "Acquisition Management Instruction," section VI.E.2, "the initial designation of program level is made by the CAE [Component Acquisition



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Executive], in consultation with the Executive Director, PARM, and the CFO [Chief Financial Officer], based on a Rough Order of Magnitude (ROM).”

OCSO is working with PARM to determine if the ITP is an acquisition program, and, if so, what its acquisition level is and where it is in the acquisition life cycle (ALC). If the ITP is determined to be a major acquisition program, OCSO will submit the required documentation to PARM. ECD: September 30, 2019.

Recommendation 4: Work with the Office of Program Accountability and Risk Management to complete the required Systems Engineering Life Cycle [SELC] Framework.

Response: Concur. As stated in our response to Recommendation 3, the CAE, in consultation with PARM and the CFO, will determine whether the ITP is an acquisition program, and if so, the acquisition level and where it is in the ALC. If it is determined to be a major acquisition program, OCSO will work with PARM and the DHS Office of the Chief Technology Officer on the documentation required for the SELC Framework, dependent on where it is in the ALC. ECD: September 30, 2019.



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Appendix B
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