



**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**

**Washington, D.C. 20507**

Office of Inspector General

TO: Pierrette McIntire,  
Chief Information Officer

Thomas M. Colclough, National Director  
Office of Field Programs

Carlton Hadden, Director  
Office of Federal Operations

Andrew Rogers,  
Acting General Counsel

Raymond Peeler,  
Acting Legal Counsel

FROM: Joyce T. Willoughby  
Inspector General

A handwritten signature in black ink, reading "JT Willoughby", is written over the printed name of the Inspector General.

SUBJECT: MANAGEMENT ADVISORY: Suspicious and/or Pornographic Images found in  
the Agency Records Center System (ARC)

Recently, the Office of Information Technology (OIT) contacted the Office of Inspector General (OIG) regarding suspicious and/or pornographic images being uploaded by a potential charging party (PCP) as evidence to their claim of sexual harassment against an employer into the Agency's information system, the Agency Records Center (ARC).

ARC supports mission essential functions for the EEOC private sector, litigation, litigation appeals, and state, local, and tribal government Fair Employment Practices Agency (FEPA) programs. ARC modernizes and replaces these functions previously supported solely through the EEOC's Integrated Mission System (IMS), providing increased functionality, flexibility, and security.

OIG investigated this issue to determine whether the presence of these pornographic images constituted a legal issue of a criminal nature for the EEOC. Our investigation also looked to determine whether the presence of suspicious and/or pornographic material created significant privacy concerns for any involved parties. OIG's investigation found no criminal activity; however, OIG identified several potential privacy issues pertaining to the suspicious and/or pornographic material uploads. Our investigation did determine that if suspicious and/or pornographic materials are allowed to be uploaded by PCPs or inadvertently viewed or disseminated by ARC users the following issues or concerns may arise such as:

- 18 U.S.C § 2251 – Sexual Exploitation of Children (Production of child pornography)

- 18 U.S.C. § 2252 – Certain activities relating to material involving the sexual exploitation of minors (Possession, Distribution and Receipt of child pornography)
- 18 U.S.C. § 2256 – Defines child pornography as any visual depiction of sexually explicit conduct involving a minor (Someone under 18 years of age)

Furthermore, EEOC's network/desktop Rules of Behavior states that:

- Users are responsible for the appropriateness and content of material they transmit on the Network or store on their Desktop. Hate mail, harassment, discriminatory remarks, or other text or communication that degrades individuals or groups is prohibited.
- Use of the Network or Desktop for any inappropriate or illegal activity, such as accessing pornography, gambling, purchasing, or trading illegal weapons and planning the commission of any crime is prohibited.

OIG suggests that OIT, in concert with other offices using ARC, implement a policy and/or procedures to protect EEOC regarding future incidents of suspicious and/or pornographic images being uploaded to ARC. This includes possibly posting a warning on the public portal that expressly states that the posting of suspicious and/or pornographic information into ARC is expressly prohibited. The policy should also address how EEOC employees should inform their office director, Agency's Chief Information Security Office, and the Office of Inspector General for any additional direction regarding how to handle suspicious and/or pornographic material.

**If you have any questions, please contact the OIG:**

Jeremy D. Bouchelle, Special Agent

Office of Inspector General,

Investigations

202-921-3270

Jeremy.Bouchelle@EEOC.GOV