



Phillip Du Toit
Prokureur /
Attorney

Ons Verwysing:
Our Reference: DV0188

U Verwysing:
Your Reference:

583 11 de Ave
Gezina
Pretoria
0084
Tel: 012 335 0926
Email: pdtprok@absamail.co.za

25 January 2018

STATE INFORMATION TECHNOLOGY AGENCY (SOC LTD)
REGISTRATION NUMBER: 1999/001899/07

459 Tsitsa Street
Erasmuskloof
Pretoria
0046

PER EMAIL:

Ernest Stipp: Ernest.Stipp@sita.co.za
Lindelwa Komna: Lindelwa.Komna@sita.co.za
Vincent Mphaphuli: Vincent.Mphaphuli@sita.co.za

Dear Sir/Madam

RE: FORENSIC DATA ANALYSTS (PTY) LTD // STATE INFORMATION TECHNOLOGY AGENCY (SOC LTD)

1. We direct this letter to you at the instance of our client, Forensic Data Analysts (Pty) Ltd.
2. On 12 January 2018 we directed and delivered a letter of demand to you, a copy of which is attached for ease of reference.

Phillip Du Toit (B Iuris, B Proc. (UNISA) Arbeid Sert, (UP)

Tel: (012) 335 0926 1st Avenue 583, Gezina,
Fax: (012) 335 4987 Pretoria, 0084
Cel: 083 227 3324 E-mail: pdtprok@absamail.co.za

3. On 17 January 2018, in response to the demand, Mr Stipp of your offices invited our client per email to a meeting to discuss "*the matter at hand*".
4. On 19 January 2018 our client by email directed the following enquiry to your Mr Stipp: "...We await your time and venue on Monday 22 January 2018 for the proposed meeting between FDA and SITA..."
5. Quite surprisingly and still on 19 January 2018, your Mr Stipp informed via email as follows:

"...The meeting for Monday can unfortunately not be confirmed. As indicated to Mr de Bruin, I requested to put a hold on the meeting arrangement until confirmation is received from our Legal Department as well as executive level. I will therefore keep you posted. Should you not be satisfied with the above, you are welcome to engage with my HOD (Lindelwa Komna) or our Legal HOD (Vincent Mphaphuli)..."
6. Our client has afforded more than a reasonable period of time for you to obtain whatever confirmation you needed from your Legal Department as well as executive level, and for you to revert.
7. Regrettably, neither we nor our client has heard anything from you regarding the scheduling of a meeting.
8. You must appreciate that our client is yet to be paid for its November 2017 invoice (as more fully referred to in the said letter of demand) and for its December 2017 invoice.
9. Notwithstanding the latter and since 1 November 2017, our client is still complying with its obligations in terms of the agreement, without receiving any remuneration from you.

10. Since 1 November 2017, you accepted our client's performance in terms of the agreement, as you are obliged to do.
11. It speaks for itself that our client is being severely prejudiced by its continued performance while not being remunerated, and furthermore by your seeming lack of interest to remedy the situation.
12. Entirely without prejudice to our client's rights, you are afforded opportunity to meet with our client to discuss whatever you want to discuss ("*...the matter at hand...*") as well as issue of immediate payment of the invoices in respect of November and December 2017.
13. The said meeting is to take place by no later than close of business on Tuesday, 30 January 2018.
14. Unless we receive your proposal as to the time and venue for such meeting by 12h00 tomorrow, 26 January 2018, appropriate proceedings will be instituted in the High Court to enforce payment.
15. We await your response.
16. Our client's rights are strictly reserved.

Yours faithfully



PHILLIP DU TOIT
(DICTATED, UNEDITED)

CC: The National Commissioner of the South African Police Service
Maupa Naga Building
1 Troye Street
Pretoria
depnetcom@saps.gov.za
sitolej@saps.gov.za

CC: Head of Legal Services- SAPS
groenewaldd@saps.gov.za

CC: The Chairman of the Board of SITA
zukile.nomvete@sita.co.za

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By E-mail

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rbhoora@fasken.com

To: Mr Keith Keating

Forensic Data Analysts (Pty) Ltd
Stonehill Office Park
Horizon House
Cnr Solomon Mahlangu & Disselboom Avenue
Wapadrand
Pretoria

E-mail: Keith.Keating@fdaafrica.com

From: Rakhee Bhoora/Godfrey Malesa/Roy Hsiao/307428.00003

Date: 5 March 2018

Subject: **FORENSIC DATA ANALYSTS (PTY) LTD // STATE INFORMATION TECHNOLOGY AGENCY SOC LTD: YOUR LETTER DATED 26 FEBRUARY 2018 – NOTICE OF TERMINATION OF THE ROFIN CONTRACT**

Dear Sirs

1. We refer to your letter dated 26 February 2018. We confirm we act on behalf of State Information Technology Agency SOC Limited ("our client").
2. You indicate in your letter that FDA does not accept our client's termination of the Rofin Contract. Our client does not require FDA's acceptance of its termination of the Rofin Contract. Accordingly, insofar as our client is concerned, the Rofin Contract will come to an end within 30 days of our client's Notice of Termination.
3. As regards, any payment by our client which may be due to FDA, we refer you to clause 9 of the Rofin Contract, where any invoice processed for payment by our client must include certain information listed therein. To this end, no payment (if at all due and payable) shall be made by our client on any invoice without *inter alia* any SITA

LJZS Moolusi (Senior Partner) B Vance (Regional Managing Partner)
The firm's principal place of business in South Africa is at Inanda Greens, 54 Wierda Road West, Sandton where a list of directors' names is available for inspection.
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purchase order number being provided, and a full description of the goods supplied or services rendered, including proof of such services having been indeed rendered by FDA for any given period.

4. Lastly, we point out that any proceedings instituted by FDA will be defended by our client.
5. We otherwise do not intend to deal with the remainder of the contents of your letter, and reserve our client's right to respond at the appropriate time and forum should the need arise.
6. All our client's rights remain reserved.

Yours faithfully


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CC: Phillip Du Toit Attorneys
Mr Phillip Du Toit
Email: pdtprok@absamail.co.za

CC: The National Commissioner
General KJ Sitole
South African Police Services
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CC: The Head of Legal Services
Lieutenant General Sally Kahn
South African Police Services
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- CC: Major General Groenewalt
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- CC: Divisional Commissioner: Supply Chain Management
Chairperson of the Bid Adjudication Committee
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Lt General Adeline Shezi
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- CC: Deputy National Commissioner Asset and Legal Management
Lt General S Schutte
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- CC: Divisional Commissioner: Financial Services
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To: Mr Phillip Du Toit
Phillip Du Toit Attorneys

E-mail: pdtprok@absamail.co.za

From: Rakhee Bhoora/Godfrey Malesa/Roy Hsiao/307428.00003

Date: 9 April 2018

Subject: **The South African Police Service ("the SAPS") & State Information Technology Agency SOC Ltd ("SITA") // Forensic Data Analysts Pty Ltd ("FDA") & Investigative Software Solution Pty Ltd ("ISS")**

Dear Sirs

1. We refer to the two letters received from you this afternoon.
2. We place on record that:
 - 2.1 our clients have succeeded in re-instating the SAPS's access to and utilization of the PCEM and FPS Systems;
 - 2.2 in the course of doing so, however it was established that your client had installed certain malware and/or bugs in the software of the Systems in an apparent attempt to prevent our clients from successfully restoring their accesses and utilization of the Systems.
3. In the circumstances, please be advised that:
 - 3.1 the application launched by our client today is no longer so urgent as to require a hearing on Thursday and we shall immediately take steps to have the matter

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removed from the urgent roll for Thursday. Our clients are considering their position in relation to the possible continuation of the application, which may include the necessity to supplement the founding papers. We will advise you in due course of our clients' intentions in this regard, and in the meantime you are to consider that it is suspended.

- 3.2 We consider that it is unnecessary to pursue your proposal of a discussion as suggested in your "without prejudice" letter.
4. In relation to the VA-AMIS System and your request to re-instate your clients access, in view of the malware and/or bugs referred to above, our clients do not feel it is appropriate that your client should be allowed remote access to the system.
5. We are therefore instructed to propose that representatives of your client shall attend at SITA's Numerius premises in order to provide our clients with the necessary instructions under controlled conditions to restore their access. We emphasize that under no circumstances shall any representative of your client be allowed to come into physical contact with our clients' systems.
6. Our clients' technical staff are currently in the process of preparing a Protocol to be agreed for this process.
7. Once the draft is sent to you, you will be invited to suggest any changes.
8. All our clients' rights remain reserved.

Yours faithfully



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