

**COMMISSION OF INQUIRY OF THE PUBLIC INVESTMENT CORPORATION**

**HELD AT**

**TSHWANE, PRETORIA**

10

**6 MARCH 2019**

**DAY 12**

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**PROCEEDINGS HELD ON 6 MARCH 2019**

**CHAIRPERSON:** Good morning, morning counsel, morning everybody.

**ADV JANNIE LUBBE SC:** Morning Judge, Commissioner. Good morning Mr Commissioner and members. The next witness is ready to testify she will be presented by my colleague Mr Mohapi. Just for the record the same issue that arose yesterday regarding the confidentiality clause in the settlement agreement is also relevant today but in my respectful submission it is not an issue it has been testified before by the Executive Head HR testified about, Ms Menye's happy to deal with it so in my respectful submission it's not an issue.

10 **CHAIRPERSON:** Yes I don't have a difficulty with it at all it's in the statement, I think one paragraph in the statement so the confidentiality is actually gone.

**ADV JANNIE LUBBE SC:** It's gone.

**CHAIRPERSON:** Yes.

**ADV JANNIE LUBBE SC:** And we have also, the legal team has also prepared an opinion for the Commission I've sent it through, Mr Commissioner I trust you had sight of it but we can talk about that later.

**ADV SECHABA MOHAPI:** Thank you Mr Commissioner Ms Menye's ready to take the prescribed oath.

**CHAIRPERSON:** Can you just stand up Mrs Menye. Your full names please?

20 **MS VUYOKAZI MENYE:** By way of introduction I'm Vuyokazi Charity Menye.

**CHAIRPERSON:** Just give me a moment Ms Menye. Do you have any objection to taking the prescribed oath?

**MS VUYOKAZI MENYE:** No Sir I don't have any objection.

**CHAIRPERSON:** Do you swear then that the evidence you're about to give will be the truth, the whole truth and nothing but the truth, raise your right hand and say so help

me God.

**MS VUYOKAZI MENYE:** So help me God.

**CHAIRPERSON:** Thank you very much, you may be seated.

**MS VUYOKAZI MENYE:** Thank you.

**ADV SECHABA MOHAPI:** Ms Menye you've prepared a statement to be submitted to the Commission is that correct?

**MS VUYOKAZI MENYE:** Yes Sir I have prepared a statement voluntarily to assist the Commission of Inquiry.

**ADV SECHABA MOHAPI:** Alright so can we just go through your statement starting  
10 from paragraph 3.

**MS VUYOKAZI MENYE:** Thank you Sir. As indicated earlier on I am Vuyokazi Charity Menye. I hold a BSc Computer Science Degree from the University of the Western Cape and I graduated at the University of the Western Cape in the year 2000 and I have a Diploma in IT Project Management, I have a Certificate in Cobit, I have a Certificate in Itil, I have a Certificate in Togaf, I have a Regulatory Examination Certificate for Representatives, I have an International Investment Management Certificate from Fordham University in New York and an Electricity Regulations Certificate from the University of Florida. I am currently completing my MBA Degree with the Henley Business School. I am on my last chapter of my dissertation. Thank  
20 you Sir.

**ADV SECHABA MOHAPI:** You can continue, paragraph 4.

**MS VUYOKAZI MENYE:** In terms of my experience in the IT industry I have over 18 years of experience in the IT industry that is both in the public and the private sector and as an executive of IT I have over 12 years experience as an executive of IT in both private and public sector.

**ADV SECHABA MOHAPI:** Okay now in relation to your appointment at the PIC can you just give us some background on how you were appointed, was it through application, how that happened?

**MS VUYOKAZI MENYE:** Thank you Sir. So it was an interesting one because my husband, Mongezi Menye, applied on my behalf I was not even aware of a position that was advertised at PIC. He saw it on the newspaper advertised and he submitted my CV I was you know surprised ... (intervention)

**CHAIRPERSON:** I hope he had no connections with PIC.

**MS VUYOKAZI MENYE:** No he had no connections with PIC at all. I was surprised  
10 when I received a call from the HR of PIC indicating that I've been invited for an interview. When I told him about this he said actually, he calls me by my clan name, Matches it is me who submitted your CV on your behalf at PIC and I asked who is PIC I did not even have an idea who PIC was and we had to – I had to research, he had more knowledge about PIC and I was excited, I prepared for the interview. Went to my first interview session and the interview, the panel was composed of Dr Dan Matjila, Mr Patrick Ngqola, Dr Manning, Claudia Manning and also Mr Christopher Pholwane that was the first round of interview and I did very well in that interview and I was invited to a second set of interview whereby they requested me to prepare a strategy presentation in terms of what would I do if I were to get the job you know at the PIC. So I prepared a  
20 very nice presentation and they were actually blown away in the presentation that I presented to them and immediately, I think a week later I got a call from Christopher Pholwane indicating that I was successful and I've got the job of being an Executive Head of IT at PIC.

**ADV SECHABA MOHAPI:** Okay so continuing then from your statement so from the 17<sup>th</sup> November 2016 you started at PIC?

**MS VUYOKAZI MENYE:** Yes Sir, on the 17<sup>th</sup> November 2016 I was appointed as the Executive Head of IT at PIC under the leadership of Dr Daniel Matjila. My role as an Executive Head of IT in PIC involved amongst others the following; interpreting the current and the future positioning of the organisation and putting in place effective IT capabilities that will enable the organisation to achieve its strategic and operational objectives in particular achieving the client mandate. It also involved researching evaluating and deploying cost-effective IT solutions that will meet the purpose of the business. I was also as part of my role of being an Executive Head of IT responsible for the development and implementation of the PIC Information Security and Risk

10 Management strategy that is aligned with the PIC business strategy. This also involved analysing the internal and external environment and implementing effective information security capabilities and competencies, a proper controlled access to prevent information security breaches and data loss that might lead to PIC reputational damage, revenue loss and staff productivity. So that was my role at PIC.

**MS GILL MARCUS:** Perhaps Ms Menye just to ask would you be more comfortable if we asked the questions at the end or are you comfortable if we ask you questions ongoing?

**MS VUYOKAZI MENYE:** Thank you Ma'am I'm flexible Ma'am.

**MS GILL MARCUS:** Okay because then I would like to perhaps just given, and

20 obviously I'm sure you have been watching the testimony yesterday and given that this was your role how much did you know about what Mr Mayisela was actually doing in using his super access and the question would be in brining somebody on board into an organisation giving the kind of role that he had and that he was on probation what were your policies in relation to access to the whole system for somebody who's on probation, just starting out and so on because obviously things happened in a very

short period of time and if this was role how much were you aware of and were there sufficient controls in place to not have what happened happen? And I'm not saying there's right or wrong to it it's just a question of accessing fully data that could then be, as he put it, taken out and used. So given your role of control within that with hindsight or with looking at what's happened how would you evaluate it in relation to that particular responsibility that you've outlined?

**MS VUYOKAZI MENYE:** Thank you Commissioner. So in terms of IT governance and for me in a senior information security officer in any organisation is supposed to be given or is responsible for information security measures controls and practices in an  
10 organisation. So what happened is that when Simphiwe joined the organisation he was, I was – I gave him a mandate of defining an information security strategy for the organisation including the information security measures, the principles and the technologies that we shall be putting in place to ensure that we close all the gaps that were there in terms of cyber security and information security. This required that Simphiwe would have access on all you know the solutions of the organisation to enable him to do perform an end to end assessment of the environment so that he can define an information security strategy and measures and practices and solutions that will talk to the business requirements, the business challenges and opportunities of the environment.

20 So when it comes to super admin access or permission granting Simphiwe had that permission and Simphiwe was supposed to be having that access in the environment. I wish to indicate Ma'am that the super admin access that was given to Simphiwe in terms of the Mimecast which is the archive, e-mail archiving solution in the organisation is not only unique to Mimecast and Simphiwe all the junior people in the organisation that are administering different systems including the investment systems

which are a core or a nucleus of our organisation, all of those technical people junior as they are they all hold or have permission to super admin you know access in order for them to be able to work on the systems or to perform technical requirements and changes and functions on the system. So in order for one to be able to do anything you know technically change or improve or modernise you need those you know.

So there are two different types of access that you give you know to a system in order for someone to have access or user to use to a system. The first access is a user access whereby you as a user you'll have access to utilise the system, I'll make an example about an e-mail and Outlook all of us I'm sure we are aware of  
10 Outlook. If you are going to be a user of Outlook you will be going, you will be given a user access then however when you have to access technical information and technical things you know or you have to work on technical functionalities of the Outlook then you'll have a different access which is called a super admin access. So that's what has happened in the environment and that was you know within Simphiwe's responsibilities and roles you know and it was within you know my responsibility to assign that super admin access to Simphiwe only for his job or what he has been hired for at PIC.

**MS GILL MARCUS:** And I'm assuming that in the hiring of Simphiwe there had been a full security clearance, the normal procedures that you would follow in hiring with somebody who would have access to the systems in that way?

20 **MS VUYOKAZI MENYE:** Yes Ma'am when we hired Simphiwe in the organisation the Human Capital Department was highly involved throughout the process, it was actually the Human Capital Department under the leadership of Mr Christopher Pholwane that was conducting the whole process, thank you Ma'am.

**CHAIRPERSON:** You may carry on with your statement.

**ADV SECHABA MOHAPI:** Alright Ms Menye because your competency has been

questioned by some previous people that gave evidence before the Commission can you just also relay to the Commission your previous experience and your roles in your previous experience?

**MS VUYOKAZI MENYE:** Thank you Sir. So before joining the PIC I was a Chief Information Officer at the Road Accident Fund for three years eight months and actually I'm proud of the work that I did at the Road Accident Fund because during my tenure as the Chief Information Officer of the Road Accident Fund I even won two awards in the country. One of the awards that I won in the country was being a first runner-up for women in ICT under the category outstanding women in ICT and I was awarded by  
10 MTN that was in the private sector.

**ADV SECHABA MOHAPI:** When was that?

**MS VUYOKAZI MENYE:** It was in August in 2016 just before I joined the PIC, just before I joined the PIC. And the second award that I'm actually proud of that I won during my tenure at the Road Accident Fund is when I implemented or I digitised the Road Accident Fund environment by implementing a rough electronic queue management system and I won an award that was called winner of innovative use of ICT for effective service delivery and I was awarded by CPSI. And actually I'm very proud of having won that award because the solution that I developed and deployed at the Road Accident Fund not only enabled the Road Accident Fund to achieve its  
20 strategic and operational objectives however it also had a positive impact on the road accident victims of the road of South Africa because now we were able to take the services of the Road Accident Fund to the doorsteps of the people and especially to those that have never have had an opportunity to interact with the Road Accident Fund effectively. So I used my capabilities and my knowledge of IT to ensure that I enable the citizens of the country in particular the road accident victims and also to enable the



organisation to achieve its strategic and operational objectives. And after the Road Accident – before the Road Accident Fund ... (intervention)

**CHAIRPERSON:** Sorry what year was that when you got that award?

**MS VUYOKAZI MENYE:** It was both, they were both in 2016 Sir. Both the first runner-up for women in ICT and the winner of innovative use.

**CHAIRPERSON:** You said that one was in August 2016.

**MS VUYOKAZI MENYE:** The women in ICT it was towards the end of August in 2016 and I think the queue management it was a month later, I can't recall but it was shortly after I won the first one.

10 **ADV SECHABA MOHAPI:** Then just briefly other roles which you filled or other organisations which you served in your capacity?

**MS VUYOKAZI MENYE:** I also served Sir as a Group Chief Financial Officer for Mpact Limited which is Mondi Packaging a company and I'm actually proud to indicate that I was the first black young you know female in the ICT industry to be the CIO at Mpact and after that, and there's quite a lot of innovation that I can go on that I did at Mpact. Actually the Group CEO of Mpact was proud of the work that I did at Mpact during the time that I was at Mpact. Before Mpact I was a Chief Information Officer for Armscor the Armaments Company of South Africa. Before Armscor I was a Head of Department for Information Resources Unit at the National Energy Regulator of South Africa and  
20 before NERSA I was with South African Revenue Services initially as a Database Administrator and promoted as a Manager of Senior Database Specialists.

I need to pause here and brag about the work that I did at SARS. During our time at SARS under the leadership of Mr Ken Jarvis he was our CIO and our Commissioner was Minister Pravin Gordhan and we did stunning work you know during that time and it was during the time we were introducing the E-Filing system in the

country and for two consecutive you know financial years I won a star award for my performance under the leadership of Ken Jarvis and awarded by both Ken Jarvis you know the program that was championed by our Commissioner Minister Pravin Gordhan he was our Commissioner then. And before SARS I was a Junior Database Specialist at the Road Accident Fund and before RAF I was Ifis a small company that was responsible for the deployment of a financial information system at the Department of Treasury in Eastern Cape.

**ADV SECHABA MOHAPI:** Thank you Ms Menye. Now moving onto the James Nogu e-mail saga paragraph 9 of your statement.

10 **MS VUYOKAZI MENYE:** Thank you Sir. So it was on the 5<sup>th</sup> September in 2017 and all the Exco members and Exco invitees of PIC including the senior managers had a strategic planning session at Diep in die Berg in Pretoria East. At about one in the afternoon after we had had our lunch and as we were about to go back to the boardroom where the session was held our CFO Ms Matshepo More and the Executive Head of HR Mr Christopher Pholwane they came to me, we were sitting in the lapa and as the CFO approached me I stood up and I went towards them. I asked Simphiwe to come with me and Simphiwe was only two days or three days in the organisation and the reason why I had asked Simphiwe to come with me it's because I wanted to introduce Simphiwe to the CFO because I was reporting to the CFO.

20 And as I was about to introduce Simphiwe the CFO and Chris advised me that they have an urgent and a highly confidential request for me. They instructed me to immediately block and not to release all the e-mails that were being received by some employees in the organisation and they indicated that the e-mails were about the CEO Dr Dan. I enquired to them about what they were referring to and if they could also provide me with the subject of the e-mails and the e-mail address of the sender so

that I can ask my information security team to action the instruction accordingly. Ms More, our CFO, showed me from her mobile phone the subject of the e-mails that I must block and not release. The subject of the e-mails was PIC CEO finds girlfriend. The CFO indicated that some of the e-mails were blocked by our e-mail gateway and some employees received notifications and that some of the e-mails went through. So basically what had happened in this regard is that we had an e-mail gateway and we had principles that we had implemented in our e-mail gateway. So some of the e-mails that were sent to this distribution list were blocked by our e-mail gateway and once an e-mail is blocked a notification will be sent to that intended recipient that there was an  
10 e-mail that was intended to you however the e-mail gateway had been blocked.

So she indicated to me that I must not even release those e-mails that to those employees that have received those notifications. She indicated that I must also make sure that all those that were blocked by our e-mail gateway are not released to anyone at PIC. She also indicated that I must ensure that the sender is restricted or blocked from sending any e-mails in the organisation. The CFO and Chris requested me to also inform them via e-mail after the team has blocked all the e-mails that had the aforementioned subject.

Then immediately I introduced Simphiwe and I went back to the boardroom where the strategic planning was heard and when this instruction was given to me by  
20 Chris and Matshepo Simphiwe was present, was standing next to me because I was about to introduce him. So I immediately went back to the boardroom and opened my mailbox. After opening my mailbox I picked up that there was an e-mail notification that was sent to Exco, remember I was part of the Exco group or the distribution list of Exco that was sent to Exco however it was blocked by the e-mail gateway. Then I used that you know notification the subject of the e-mail was the same as the one that the CFO

and Chris had instructed me to block and that it was not to be released. Then I used the same e-mail notification sent it to your information security team and I have annexed, if you can refer to annexure A in terms of my attachment that I have attached on my statement, requesting the information security team to block and to blacklist and not to release any of the e-mails that had the subject line that was stated by the CFO and Mr Christopher Pholwane.

**CHAIRPERSON:** Mr Sechaba can I just mention that we don't have the annexures to the statement so can you make arrangements that we get them at some stage.

**ADV SECHABA MOHAPI:** They were just being copied Mr Commissioner but they will  
10 be given to the Commission.

**MS GILL MARCUS:** Can I just ask a question Ms Menye, would it have been normal practice for people, you use the example of the CFO and the Head of HR discussing the urgent and important message that they had with you in front of somebody who to them was a complete stranger would that be standard practice that you have discussions in front of people, that there would be discussions in front of people you don't know?

**MS VUYOKAZI MENYE:** Personally Ma'am I would never have done that in person in any the presence of someone that I do not know especially instructions of this nature. But I do not know what prompted them to do that maybe it was because it was urgent to  
20 them and hence they did so I really don't know Ma'am.

**MS GILL MARCUS:** I wasn't only referring to this specific instance I was asking whether there were conversations more generally that in a sense should have been or should be dealt with in a more circumspect manner that were not, have you got other instances that you're aware of or is this unique to this event?

**MS VUYOKAZI MENYE:** This was unique to this event Ma'am.

**ADV SECHABA MOHAPI:** So let's carry on, you had an enquiry from a non-executive Board member?

**MS VUYOKAZI MENYE:** Okay so just to conclude on the previous paragraph I executed the instruction as per the instruction that I received from Matshepo and Chris and also I sent those e-mails to the CEO to confirm that we have executed the instructions successfully. Then a day later on the 6<sup>th</sup> at about four o'clock in the afternoon while still attending the strategic planning session I received an e-mail from our company secretary Mrs Bongani Mathebula about the same matter. Her e-mail contained an e-mail that was forwarded by one of our Board members Ms Lindiwe Toyi.

10 The e-mail from the Board member was asking the company secretary to check with me as an Executive Head of IT if the e-mail that was received by her was not a virus. I've also attached that e-mail that came from Ms Toyi sent to Bongani and sent to me.

I then responded to Ms Bongani Mathebula by indicating that a similar matter was brought to my attention by the CFO a day earlier. I informed her that the CFO had asked me to block blacklist and not to release any of the e-mails from that sender and with that subject. I also indicated to her that the reason why Ms Toyi will have received that e-mail is due to the fact that she has a private e-mail which means that she is running her e-mails on either Webmail or Gmail or Hotmail as opposed to using the PIC e-mail account which is a secure you know network because in PIC we were using our  
20 secure network with proper security rules and principles that would allow us to block you know e-mail.

**ADV SECHABA MOHAPI:** Okay so the next part of your statement is the CEO Dr Dan's inappropriate involvement in the investigation.

**MS VUYOKAZI MENYE:** So on the 18<sup>th</sup> of, in fact on the 17<sup>th</sup> September in the evening we received an e-mail invite from Dr Dan inviting all Exco members to an Exco

meeting. For some strange reasons the meeting invite came directly from him and not from his personal assistants. Under normal circumstances we always received e-mail invites from Desiree his personal assistant and I recall that this meeting invite was sent on a Sunday evening. Initially this meeting invite was for seven o'clock in the morning and shortly after we had received the meeting invite it was changed to nine o'clock you know in the morning. Then when we got to the meeting on the 18<sup>th</sup> then, on Monday the 18<sup>th</sup> Dr Dan indicated that there must be no recording of the meeting, he indicated that to Bongani and Wilna which is our company secretariat and then he started the meeting. And I must indicate that it was a very hectic meeting, you know Dr Dan was  
10 very furious together with the CFO in that meeting.

He advised the Exco members about the James Nogu e-mails and anonymous person that has been constantly calling him and he even made examples of you know this person that has been you know calling him anonymously. He also advised us that he was introduced to two ladies by a certain Minister of Cabinet in a meeting that was held at the airport. He also said in that meeting that we have been hacked by our own people and our systems have been hacked by our own. And he then enquired whether there was anyone of us who'd like to say anything from the Exco meeting after he had done this introduction. Then Mr Deon Botha raised his hand and he said that he does not believe that we have been hacked. Mr Botha indicated that  
20 whoever has been sending those e-mails has that information.

Then I also raised my hand because I wanted to clarify the aspect of hacking. Also raised my hands to clarify that what was contained in the e-mail which I had seen is far from hacking you know because I was referring to this e-mail that was sent by Bongani to me that was the first e-mail that I saw when Ms Toyi sent it to Bongani then Bongani sent it to me to check if it was not a virus. And then I explained

what hacking is and I also indicated that the information that was contained in that e-mail by the look of things appeared to come from someone who knows Dr Dan very well and in our systems and in our databases at PIC we don't store such information. You know we don't, in our databases you never store information about Vuyokazi having a girlfriend and girlfriend is having financial issues, there is never you know such information in our databases, you never find a table you know of that nature. So explained you know what hacking is and the type of information that is contained in our systems.

**ADV SECHABA MOHAPI:** Just for the benefit of the Commission Ms Menye can you  
10 give that explanation of what hacking is versus the James Nogu e-mail distribution?

**MS VUYOKAZI MENYE:** Thank you sir. So basically hacking is to use a technical measure to penetrate you know a system for the intention of getting you know information for malicious use. The information that was contained on the James Nogu email, the one that I received from Bongani via Ms Toyi – from Ms Toyi via Bongani had information that there is an alleged girlfriend – I forgotten the name of the girlfriend.

**CHAIRPERSON:** Ms Louw.

**MS VUYOKAZI MENYE:** Ms Louw yes and the girlfriend had financial issues and Dr Dan had funded the girlfriend with R300 000,00 and there was a MST transaction that was being facilitated you know.

20 So all this information that was contained in there it will be as if you know – it will be someone that will know me that would know me that I have you know this boyfriend and this boyfriend is going through financial issues and that information is never stored on our systems.

**CHAIRPERSON:** But at least I suppose information relating to the MST transaction would be somewhere in the information data?

**MS VUYOKAZI MENYE:** Yes it's only the information the transaction that is stored on our system. But what was contained on body of the email is not stored on our system sir.

**CHAIRPERSON:** Okay please proceed.

**MS VUYOKAZI MENYE:** "Then as they EXCO continued one of the EXCO

10 Members – I think it was Mervin. He was sitting on the corner. He suggested that all Ex Co members must be subjected to a lie detector test and we all agreed and happily agreed and indicated our willingness to go through a lie detector test. The proposal to subject all the Ex Co members to a lie detector test was never considered by our CEO. Then in the same Ex Co meeting Dr Dan continued and said that our IT systems are very weak and that they have appointed an IT company that will look into the IT security matters of the organisation. He then looked at me and said unfortunately Sisi – that's how he used to address – he used to call me Sisi and I used to call him Mhlekezi. Mhlekezi is fair in English and he looked at me and he said unfortunately Sisi you will be working with them.

20 I don't know why he chose to use the word unfortunately; I also did not ask him I just nodded. He indicated that they have already appointed this IT Company that will be performing the information security assessment. I think the previous Friday. Then ...(intervention)."

**CHAIRPERSON:** That wasn't – was that done? The assessment of the securities?

**MS VUYOKAZI MENYE:** Yes I've covered it in my statement later on sir.

**MR EMMANUEL LEDIGA:** One question Ms Menye. Just to go back bit. When you were asked to block the mails and all that - you know to block or stop them was that a proper process in terms of governance of the IT when you are under attack or



something like that? How would you characterise that in terms of governance of the IT systems?

**MS VUYOKAZI MENYE:** In terms of IT governance sir you know there are proper processes that are followed and assessments that are followed to implement a certain instruction or a principle. In this regard and IT governance is informed by corporate governance you know. Before one can say block a certain email – remember IT is an enabler of business needs.

You need to assess what impact will that have on the business so that you can implement an IT instruction. This you know to me was a whistleblower and we  
10 have a whistleblower policy at PIC and that supports and encourage you know reporting of certain incidents at PIC. Under normal circumstance I would have you know if I wasn't the position of the Executive Directors – not allowed that to happen. You know not to be blocked.

However to manage you know the disturbance of the organisation – you know I understood them that it should have been you know contained as well so that you know we cannot have this information to be distributed to everyone in the organisation.

But before you implement an IT instruction you need to assess the risk that will be – that the business will be impacted with before you can implement any IT  
20 instruction.

**MR EMMANUEL LEDIGA:** So it means it was tackled properly because there was a whistle blowing event which you know which is a good event generally and then there was a process of trying to limit the damage to the corporation and direct the whistle blowing process properly. Is that what you would say?

**MS VUYOKAZI MENYE:** When it comes to the whistle blowing process sir you know

there are different ways and means you know I think that can be used to blow a whistle. I think one of the ways could be via email. Could be via telephone. It could be via maybe a written letter.

It could be via a fax or anything. So maybe this James Nogu or Noko you know decided to use this process or this avenue to blow the whistle. But it should have been evaluated by the organisation. But on the other hand you know as an Executive you needed to control this as well you know so that it cannot disturb the entire organisation. Because this was disturbing the entire organisation.

**MR EMMANUEL LEDIGA:** So are you saying that largely it was handled properly the  
10 first part of the issues?

**MS VUYOKAZI MENYE:** Yes it was. Yes it was.

**MR EMMANUEL LEDIGA:** Would you say that?

**MS VUYOKAZI MENYE:** Yes it was but – yes it was.

**MR EMMANUEL LEDIGA:** Alright thank you.

**ADV SECHABA MOHAPI:** Okay let's – we can move on. Then you were instructed to report the matter to the police. How did that come about?

**MS VUYOKAZI MENYE:** "Okay on the same day after the Ex Co meeting Dr Dan  
20 called me to his office and he advised me that he has had one on one sessions with all the Executives in the organisation and the main aim of the one on one meetings was to check if there is any one of us who is unhappy in the business. He asked me if I will perhaps have an idea of the person that will have sent the emails to the PIC board and employees. I advised him that I have no idea about all – about the person who has you know been sending the emails. He indicated in that meeting that he was asking all the Ex Co members the same questions. He also asked me from a technical

perspective if I can assist in identifying where those emails were coming from and who sent them.

He stated clearly that he wants to teach that person who has been sending these emails a lesson. I told him that I will engage with my information security team and ask them to assist in terms tracing you know and tracking where those emails were coming from using the IP addresses and the email headers. I then engaged my information security team. We immediately checked the source of the emails from the internal PIC network and we found out that those emails were not emanating - they were not sent  
10 from our internal PIC network. Which means the IP address that – of the computer that had sent those emails was not in the IP range of the IP addresses of the PIC network.

Then in our conversation with the information security team we you know knew that in line with ISO 2701 we can partner with SAPS or cyber security or law enforcement agencies in the country to assist in terms of you know identifying who the sender is by obtaining a subpoena or Section 205 that will be sent to the company that has sent or the ISP internet service provider that has you know those emails. Went back to Dr Dan. I gave him feedback that the source of the emails is not from our internal network. I  
20 also advise him if it is acceptable with him the team recommends that the PIC must engage our cyber crime unit of the country through SAPS.

He then asked me to go to SAPS to report the matter and I indicated to him that I cannot go to SAPS alone. I will need someone from internal audit to come with me. Preferably the head of the internal audit because internal audit were the custodians of the PIC whistle blowing policy.

The then asked Mr Lufuno Nemaghovani the Head of Internal Audit and I to go to the police station to report the matter. So we went to Brooklyn Police Station together with Lufuno. We had the email – the body of the email and also we had that attachment. That MST memo that was attached on the email. When we got to the Brooklyn Police Station we were advised by the police at Brooklyn Police Station that they cannot open you know a case in that regard because the document that we had was not a classified document.

10 We went back to the office. We gave feedback to Dr Dan and Dr Dan requested us to go to the company secretary Bongani and request for a classified documents. Bongani advise us that there is no classified document and then it ended there. We could not go forward in terms of opening the matter. Then on the 21<sup>st</sup> September at 2 o'clock I was upset in the office as I was not feeling well. There was a staff meeting and when I came back to the office on the 22<sup>nd</sup> September I was approached by a number of IT team members who indicated their disappointment in some of the statements that were uttered by our CEO in the meeting. They said – I'm reporting what they told me because I was not in the meeting. Amongst other he indicated that our IT systems are very weak hence the negative  
20 media reports against him and the CFO.

He also indicated that the PIC has been hacked. In the same meeting he indicated that they have appointed a company that will look into information security processes and systems of PIC. Now my team wanted to know the company that has been appointed and the scope of work which is the same questions I had to Dr Dan and Matshepo when he advised us

during that EXCO meeting of the 18<sup>th</sup> when he said that he has appointed a company. I was still waiting for the name of the company, the scope of work and the involvement of the IT department. I told them that I am still waiting for the CEO and the CFO to advise me about the company and as soon as they get back to me I will advise them about the company.

10 Then on Wednesday the 27<sup>th</sup> September around 5:00 pm in the afternoon as I was about to leave the office my team was performing an IT which we used to do on a monthly – on a weekly basis. This IT maintenance is called – we used to call it the patch Wednesdays whereby they applying the patches on our systems to ensure that our systems are secure, our systems are safe, our systems are available. As I was about to leave the office I went to inform them. Usually I will go to them and inform my team that I'm leaving you know and we'll have our small chat then I would leave. As we were having our small conversation the information security team raised their concerns again about what the CEO had indicated in the staff meeting. In particular about the IT systems that are being hacked and the systems that are being weak and the IT department that is being weak you know.

20 They were very concerned and worried about these you know sentiments that were shared by Dr Dan. Then Mr Timothy Marubana said to me immediately after that meeting when they got back to their work stations they tried to trace where this James Nogu emails were coming from. He indicated to me that his investigations pointed him to a certain media house in Sandton. He then showed me the security procedure that he applied to

track where the emails were sent from. Was very excited about this and I immediately called Dr Dan and I said to Dr Dan:

Dr Dan I have some information that might lead us to the identification of the sender of these emails. I'm sitting with my information security guys can we see you in the morning the following day.

10 Dr Dan agreed. First thing the following morning we went to Dr Dan's office around 7 o'clock. It was myself, it was Simphiwe, it was Timothy and Chris Pholwane was in the meeting. Then Timothy took Dr Dan and the rest of us through a process you know that demonstrated to Dr Dan, Chris, myself and Simphiwe a process to investigate how to you know check the source of the email using an email header. During this demonstration the security engineer advised Dr Dan that the email head only shows the translated IP address. The translated IP address is not the original IP address. It will be the IP address that will be used you know to translate an email. You know the one that you will see when you trying to check the emails.

20 This is especially when you utilise these private emails because there are different servers across the world you know that are originating these emails or the emails are relayed you know via – it's an IT technical process. So he was using a translated email address and an email header. However using the information that Tim had he showed the CEO the location where the email was sent from. The location could be identified as Interface Holding, 25 West Street in Houghton in Johannesburg. Then immediately as Timothy had concluded you know showing or taking us through this

instruction or process the senior manager which is Simphiwe then advised that to get the source IP address as well as the sender details a Section 205 subpoena is required.

10 This is the same information that I had given Dr Dan when he gave us the instruction to go to Brooklyn Police Station and open the case. So this was not the first time this information got to Dr Dan. However Simphiwe indicated that this will require a case to be opened with authorities. Then Dr Dan in front of all of us gave Simphiwe the mandate to open the case in order to pursue Section 205 route. Simphiwe indicated in that meeting that he is used you know in his past roles as Head of Information Security he was involved in terms of investigating matters of this nature. Then the CEO said Simphiwe must run with this instruction. Then on Friday the 29<sup>th</sup> September at about 15:55 I received a text message from Simphiwe with the following information:

(Indistinct) from SAPS an enquiry has been lodged with SAPS cyber crime unit. The enquiry number is 609/2017. A docket with the case number will be opened on Monday by Colonel Steinberg. Thank Simphiwe.

20 Immediately after I received this text message I sent it to Dr Dan and I've attached that text message as part of my Annexure as Annexure C. Then on Monday the 2<sup>nd</sup> October at about 11:30 I receive another text message from Simphiwe with the following information. Message from SAPS case registered on 2017.10.02 at Brooklyn Police Station with the case number and the contact details. I immediately forwarded the same text

message to Dr Dan and Dr Dan acknowledged that text message by saying thanks Sisi.”

**MR EMMANUEL LEDIGA:** Just a question. Is that those two texts they didn't show any corruption charges yet and you didn't know of any corruption charges?

**MS VUYOKAZI MENYE:** No. They didn't have – the case was not classified as corruption. It was just the information that is written that is contained on the statement and I was not even aware of whether it's a corruption case or anything. So the information that I had was only via the text messages.

10 Simphiwe did not come back to me and said – and give feedback in terms of I got to the police and this is what happened and we classify it and you know all of those. The only thing that I received were these text messages which I immediately sent to Dr Dan.

**MS GILL MARCUS:** Sorry just one other question on that. At any point at this stage or at any stage in this investigation did you or any of your team or the CFO bring in your legal counsel to say look this is what's happening.

Was there any advice given to you from your internal or external legal advisors?

**MS VUYOKAZI MENYE:** Nothing whatsoever ma'am.

20 **ADV SECHABA MOHAPI:** Okay Ms Menye we can move onto the engagement of Naledi Advisory Services.

**MS VUYOKAZI MENYE:** “Then on Wednesday the 4<sup>th</sup> October 2017 I was invited to attend a meeting with Dr Dan at 11 o'clock in his office. When I got to Dr Dan's office he took me to his boardroom. When we got to his boardroom there was Mr Frans Lekubo and a second gentleman. I can't recall the name of the second gentleman. Dr Dan introduced them and said my meeting is



with them and he left immediately. The strange thing about this meeting is that he just you know he took me by hand and he was standing in the door and he said Vuyokazi your meeting is with them. He didn't even introduce them and then he left.

10 Mr Frans Lekubo formally introduced himself and he introduced the second gentleman. I'm so sorry I can't recall the name of the second gentleman. He advised me that they are from Naledi Advisory Services which is a forensic company that has been appointed by PIC to investigate the information leaks including you know the senders of these emails that have been rooted in the organisation. He then after asked me to introduce myself including my role at PIC. He further indicated that they have few questions to ask me. I asked them whether I am a suspect in this investigation or their interview is based on the fact I am an Executive Head of IT you know. The reason why I ask them is because they said they are a forensic investigating company.

20 They advised me that I was not a suspect but the interview was based on the fact that I hold the position of Executive Head of IT at PIC. I responded to all the questions. I also gave him my email address to contact me should he require further information from me because I wanted to assist him with the investigation. Then on Friday the 6<sup>th</sup> October as we were attending a board strategic session at Magaliesburg Simphiwe advised me that he had just received a call from a certain Colonel Nama who requested a meeting with him at the Gauteng Provincial SAPS office about the case that he opened at the Brooklyn Police Station. He also indicated that he was concerned about this call from SAPS provincial offices because the case to

investigate the sender of the James Nogu emails was registered at the Brooklyn Police Station and he does not understand why this call is from the SAPS provincial office.

10 I ask him to also - you know after he had told me this I ask him to go to Dr Dan and inform him about this call. He immediately went to Dr Dan. Upon his return from Dr Dan I requested Simphiwe to put everything that he had told me in writing. He then sent me an email with the subject line update on James Nogu emails. Subsequent to receipt of that email from Simphiwe I responded with an acknowledgment of receipt and copied Dr Dan so that he can receive the contents of the initial email from Simphiwe. What I've also done is I have done an extract of that email and I've included it as part of my statement.”

**CHAIRPERSON:** Can we jump those emails because we have gone through them.

**MS VUYOKAZI MENYE:** Okay. Then – okay.

20 “Then on Thursday the 12<sup>th</sup> October at 11:30 I was invited to a meeting with the CEO in his boardroom. Again when I got to his boardroom I mean Mr Frans Lekubo and his colleague. They advised me that the purpose of the meeting was to follow up on the meeting that was held on the 4<sup>th</sup> October 2017. They ask me few questions about the email flow in the organisation and the printers in the organisation. I then responded to them. I also indicated in this meeting that the best thing for them to do is for them to come to the second floor to my IT team and so that I can show them you know all of these things technically instead of me going up and down and them having to listen to me.

So because I picked up you know during our conversations that they have very limited knowledge of the IT and I wanted to show them and I wanted cooperate and to give them as much information as possible so that they can conclude and fast track their investigation. That was I think on the same day in the evening I sent Dr Dan an email indicating to him that should the investigators need anything they must not hesitate to come to our floor so that we can assist them immediately. Then on Friday the 13<sup>th</sup> October in the morning ...(intervention).”

**MR EMMANUEL LEDIGA:** Question. During – when the case was put to SAPS did  
10 the board of the PIC know that – know about the case?

**MS VUYOKAZI MENYE:** I would not know sir. The only thing that I know is that when Simphiwe will give me the text message I will forward them to Dr Dan. I am not sure whether Dr Dan will have informed the board.

**ADV SECHABA MOHAPI:** Okay let’s move onto your meeting with the Provincial Commissioner.

**MS VUYOKAZI MENYE:** “Then on Friday the 13<sup>th</sup> October 2017 Simphiwe came to  
me. I was in a meeting with one of my senior managers Ms Vukile Dlamini in  
her office. He advised me that he had received a call from a Colonel Nama  
indicating that he would like to meet with him at 1 o’clock at their offices in  
20 Braamfontein. He also asked me to accompany him to this meeting because  
he was not comfortable meeting with them as the matter was registered at  
Brooklyn and now he is receiving calls from the provincial office in  
Braamfontein. I advised him that I must first inform Dr Dan and seek  
permission from him before I can go and attend the meeting. I immediately

called Dr Dan and Dr Dan indicated that he was in a meeting with our client GEPF and I can go to the meeting.

10 I indicated to Dr Dan over the telephone that as soon as I'm back from the meeting I will give him feedback. Then we went to the meeting. When we got to the meeting it was myself, Colonel Nama, Simphiwe and Colonel Modise. Colonel Modise and Colonel Nama mentioned that they were under the impression that the person who opened the case which is Simphiwe was the same person who made the allegations of corruptions on the emails which is James Nogu. That they wanted to make sure that this person is protected. So they thought that Simphiwe is James Nogu and Simphiwe clarified that no, no, no I am not James Nogu. However I was instructed by our CEO to open a case to obtain a subpoena so that we can identify the sender and I was there when this was said.

20 I immediately jumped you know and I said Mr Modise the instruction was very clear from the CEO this was the instruction to investigate the sender. Immediately Colonel Modise said to me Sisi the meeting is between the person who has opened the case and SAPS and at that point I was excused from the meeting. Then I went to the nearest McDonalds that was there to get myself something to eat. I came back – when I came back Simphiwe was in a different office now and I ask the PA where Simphiwe was and she said she was in a different office. She was busy with Mr Nama, waited outside. When Simphiwe was done he came to me and I asked him what was happening inside that meeting and he said he was writing the statement about their conversation.

I asked Simphiwe to provide me with that statement so that I can give it to Dr Dan. He indicated that the statement is still with Mr Nama and he will give it to me by Monday. Monday morning when we got to the office I dropped him an email because – oh, no, no before – as we were going back to the office on that Friday I called Dr Dan. Remember before I went to the meeting I had indicated to Dr Dan that I will give him feedback about the meeting. So I called Dr Dan to give him feedback. Dr Dan was still in a meeting with the client and he said he will call me back. He never called me back. Then on Monday wanted to close the loop you know to ensure that I report everything.

10

Dropped an email to Simphiwe – I've attached it as part of the statement - requesting Simphiwe to give me the two statements that he did when he opened the case at Brooklyn Police Station and the statement that he wrote on the 13<sup>th</sup> October you know in my absence when I was excused from the meeting. Then Simphiwe responded by indicating that he did not – there was no statement that he did when he opened the case on the 2<sup>nd</sup> October however the statement that he had is the one that he did on the 13<sup>th</sup> October. So he sent me that statement. Immediately after I received that statement I sent it to Dr Dan.”

20 I've copied the contents of the statements and the emails you know in this you know evidence.

**ADV SECHABA MOHAPI:** Mr Commissioner I note that it's 11 o'clock. Can we carry on through the tea break?

**CHAIRPERSON:** (No audible answer).

**ADV SECHABA MOHAPI:** Okay thank you. You may proceed.

**CHAIRPERSON:** If somebody were to be under pressure let us know okay.

**ADV SECHABA MOHAPI:** Ms Menye indicates that she is ...(intervention).

**MS VUYOKAZI MENYE:** I'm good sir thank you.

**ADV SECHABA MOHAPI:** Let's carry on. So on the 2<sup>nd</sup> of October we just had a case number from Simphiwe, so there was no like statement and all that.

**MS VUYOKAZI MENYE:** Nothing whatsoever. I only received that text message.

**MR SECHABA MOHAPI:** That text message.

**MS VUYOKAZI MENYE:** Which I forwarded to Dr Dan.

**MR SECHABA MOHAPI:** Yes.

10 **MS VUYOKAZI MENYE:** And then on the 13<sup>th</sup> when I got to – when after we got back from the Provincial Offices I requested Simphiwe to forward me the statement.

**MR SECHABA MOHAPI:** Yes.

**MS VUYOKAZI MENYE:** And on Monday the 16<sup>th</sup> I requested him via the email and he sent me the statement. And the only statement he sent me was the one that he wrote on the 13<sup>th</sup>. And he indicated on the email as you can see that he said there was no statement that he made on the 2<sup>nd</sup> when he opened the case. So immediately upon receipt of that statement I forwarded it to Dr Dan.

**MR SECHABA MOHAPI:** And you say that statement or a copy thereof forms part of your annexures?

20 **MS VUYOKAZI MENYE:** Yes sir, it is.

**MR SECHABA MOHAPI:** Yes.

**MS VUYOKAZI MENYE:** I have also made an extract of that statement on page 16, at paragraph number 73. Then on Tuesday the 7<sup>th</sup> of November at about 13:30 in the afternoon I received a meeting invitation from Dr Dan's office. The meeting venue was his board room. When I got to the board room I met Mr Frans Lekubo and his

colleague again. Mr Frans Lekubo asked me about whether I am aware of the case that was opened by the Senior Manager Information Security Risk and Governance, which is Simphiwe. I indicated that I am aware of the case and that the Senior Manager was instructed by the CEO to open the case. And the reason why I said that I was aware of the case was due to the fact that Dr Dan was also aware of the case. He had the case number, he had the statement and he had everything. Mr Frans Lekubo further asked me if Dr Dan was aware of the case. I indicated to him that he was aware of the case and I had kept him updated about all the feedback that I received from the Senior Manager Information Security Risk and Governance. I further indicated to Mr

10 Frans Lekubo that upon receipt of the SAPS inquiry number, the case number, the statement and all the email updates from the Senior Manager, I had always made sure that I sent them through to Dr Dan as they were, and I have proof in that regard. I even showed him via my cell phone because I was running my emails on the cell phone. I showed him my – the emails that have sent to Dr Dan and I also showed him the text messages.

**MR SECHABA MOHAPI**: Okay, you may proceed.

**MS VUYOKAZI MENYE**: Then on the 30<sup>th</sup> of October at around 09:45 in the morning, I received an email from the PA, the personal assistant of our Chief Information Officer Ms More. And the email was requesting for my availability to meet with BCX regarding

20 internal assessment. I responded to Nokuthula and indicated my availability in the same afternoon between 14:00 and 15:30. And at 10 o'clock Nokuthula sent me an email – oh what I did is I forwarded that email to both Simphiwe Vukile and Dan. Those were the three technical Senior Managers in the IT department and requesting them to prepare so that we can, they can join me in that meeting. And then Nokuthula sent me a meeting invite with the subject head, Meeting with BCX. I accepted it and I also

extended the meeting invite to my three Senior Managers. At 2 o'clock that afternoon we went to the meeting. And in the meeting there was Mr Eric McGee from BCX and a lady and a gentleman from Sans Post. I have forgotten their names. And Mr McGee introduced himself as a Project Lead for the Security Assessment Project that the CEO and the CFO of PIC have requested BCX to conduct. He further indicated that they have outsourced the security assessment initiative to Sans Post because BCX did not have information security capability at that point. And Sans Post was the company in the country that has you know, that is running information security initiatives and projects and they are good in terms of that. So then he introduced a gentleman from

10 Sans Post as a technical expert that will be conducting the assessment. The strange thing sir about this meeting is that there was no one from the organisation to introduce us to BCX. There was never a background that Vuyo subsequent to that meeting that we had on the 18<sup>th</sup> whereby I indicated that we had hired an Information Security company, that company is then therefore BCX. So there was never you know a formal introduction of BCX. We now get to a meeting and we meet BCX and BCX you know introduces them. But we, we were you know, although it was shocking but we were used to that mode of operation in the organisation. Then subsequent to Mr McGee introducing the gentlemen, we then asked the gentlemen – I specifically, you know I must indicate, I asked him about his information security credentials to perform the job.

20 And one of the reasons that I asked him about his information security credentials, I saw that he was very young. And I did not want anyone who is not, who does not have proper credentials and proper competencies to get into the PIC network and created you know a more risks and expose my PIC network and the information to unnecessary you know risks because of what was happening in the organisation. So I was very protective of that network. I wanted a highly qualified person that will be working on the



assignment, especially when it comes to information security because it is one of the functions that is very close to my heart. So I clearly indicated to Mr McGee that we will not allow someone with incorrect information security credentials to work on our company systems and that will be exposing the PIC systems and information to a high risk in the organisation. We then asked him about the procurement process that was followed to identify them as the suitable service provider for the task. Unfortunately Mr McGee was unable to respond to us in this regard. I also, because I am very strict when it comes to information security asked if their company was vetted to perform this task in the organisation. Remember when you hire or when you appoint an information

10 security company to perform a security exercise in your organisation, there are vetting processes that are supposed, companies are supposed to be exposed to in order for you to know that you have hired the right company that will deliver according to the expectations of the environment and according to the quality that is expected by the environment and the outcomes. We then indicated to Mr McGee that before we can give them access in our network and the systems, there is an information security template that we design and share with them so that they can have a clear understanding of the purpose and the scope of the exercise. Remember when we went to this meeting we did not know what the meeting was about. We did not know what the scope was, we did not know also what the involvement of the Information

20 Technology Department was. So I had to defy and to develop, or design this template that will clearly you know define the scope and the involvement of the IT department and who has given them the mandate you know to perform this exercise. And during our conversation with Mr McGee he gave us a very good compliment by indicating that some time in September they installed an evil twin in our environment. And they have been trying to penetrate our network with no success. And he actually said Ms Menye,

you've implemented you know a good security measures in the environment and we've been trying to penetrate your network with no success. He complimented us about the strong and effective security measures that we have implemented in our network. And sir we were very shocked to hear about this. We asked him who gave him permission to install the rogue unit and he advised us that it was the CEO and the CFO who gave them the permission to install the evil twin in the environment. We then agreed in the meeting that Mr McGee will send us a meeting invitation for the kick-off session of the IT security assessment.

**MR SECHABA MOHAPI:** Sorry to interrupt you Ms Menye, that engagement of BC or  
10 these people that planted the evil twin, is that a normal process? Is that a normal thing to do to test IT systems in an organisation?

**MS VUYOKAZI MENYE:** What normally happens is that the IT governance processes that should be followed in terms of doing that, you know. In terms of information security, what should have happened is that the organisation would have made a decision as part of our information security strategy to say that from time to time we will appoint ethical hackers to hack our system you know. But the way Dr Dan and Matshepo did is totally you know not supported and it is not in line with good practice and with good IT governance. You know why I am saying that is due to the fact that if  
20 our network could have gone down in the environment due to the penetration that was done by this evil – by this you know planting of the penetration, no one would have known what has happened in the environment. We needed to prepare our environment as well. That was too risky to the organisation. And you do not do that outside the involvement and the information of information technology. That was too risky. That was too risky because I would have found myself having to troubleshoot something that I do not know, yet it is the CEO who was trying to hack you know or to penetrate our

systems and yet I am not aware of what is happening in the environment. And actually Sir what had happened is that our internet service provider was Internet Solutions. For a period of three and a half weeks to a month, we picked up you know that there was high level of threat detection you know in our network. And I called Internet Solutions and I asked them what has been happening on our network because this is not normal you know. And they did not know what was happening and yet to find out that it was our CEO that was doing this in the environment. And I don't know why he would have done that in the environment because the whole environment in PIC could have gone down you know because of this. And I was going to be found wanting not knowing how

10 to restore the services, what has, what was the route cause and you know what has caused this whole you know disturbance in our network. So subsequent to our meeting with Eric McGee, we sent him the form that you know had all the necessary information that we requested from him in terms of them doing the penetration testing. And I must indicate that if Mr McGee and them, they were not blocked by our network security measures that we had implemented, would not have known about the second phase of the assignment. And the reason why you know they only came to us is because they were unable to penetrate our network. So ...

**MR SECHABA MOHAPI:** Let me just check something here. So a mystery hacker, are you saying that you need to prepare for that or they should have told you the period or

20 when the attack was going to you know to eventuate? Or – I am just trying to find out how and when you must know when that hack will happen because it needs to be a surprise in some ways. Ja, you know so can we just clarify that you know what do you need to know before it happens you know, this kind of issues?

**MS VUYOKAZI MENYE:** Mystery hacking Sir, it is a different ballgame altogether. You now and how you prepare your environment for that is by implementing effective

security measures in the environment to ensure that you prevent intrusions and you know in the environment. However, this one is a different one. It is an approved you know security exercise by the organisation to be undertaken. The IT Department, at least I should have been informed that this is what is going to happen and I should have been part of this process because this was going to happen in my department and my Information Security team should have been involved in this you know. So that is what I am saying, so anyone who decides to hack you know an organisation can hack you. You don't, you don't prepare for a mystery hacker. But the way you prepare for it, it is by implementing effective security measures. But the difference on this one is that

10 services were procured by the PIC and we had an IT Department, we had an Information Security Department within the IT Department, that is responsible for this. We could have been part of the scope, you know of the team that defined the scope of work. And remember Sir what was happening is that we were in the process of defining an information security strategy for the organisation, because when I joined PIC, I identified a lot of gaps in the information security processes and systems of PIC. So this was just you know taking us.

**CHAIRPERSON:** I get you, ja I get it. Thanks. Than you.

**MR SECHABA MOHAPI:** So in other words one would have expected protocols or at least information to the IT Department that this was going to happen?

20 **MS VUYOKAZI MENYE:** Yes sir. And in fact we were supposed to have been leading that process. And actually this process was part of the tasks that was identified as part of information security strategy to be undertaken in the organisation. So we did all the necessary governance processes with Mr McGee just to correct and to rectify this process so that we can be in control and support them effectively. And on the same day at about 16:45 I sent an email to Dr Dan raising concerns about the phase 1 of

information security assessment that was done without the involvement of the IT Department, and exposed the PIC to information security risk. I copied Simphiwe Mayisela and Dan Mabuza who was my Senior Manager for Infrastructure. I wrote you know quite a long email with serious concerns you know on this email. I am not sure whether you wanted me to read this email Sir.

**MR SECHABA MOHAPI**: No it is not necessary to.

**MS VUYOKAZI MENYE**: And then I also in the email you know requested to have a meeting with Dr Dan so that I can discuss with him you know this high risks that he is exposing the organisation to because there is no way that you can run a penetration testing vulnerabilities assessment in an environment without the Head of IT and Head of Information Security not being involved and not leading it. So he responded by indicating that he will be meeting me on the following day. Then on the following day, on the 1<sup>st</sup> of November we met with Dr Dan in his office and he advised us, he advised us that this security information security assessment was an instruction from the Board of PIC. We asked him whether the procurement process was followed to identify the service provider, and his response was, the assessment was a PIC Board instruction. I also asked him whether the service provider that was given the task was vetted and we did not get a response in this regard except to indicate that this was an instruction from the Board of PIC. In the same meeting Dr Dan indicated to us that we must refrain from communicating with him through emails and advised us to communicate with him verbally, either in a meeting setup or telephonically. This was confirmed in the email that I have attached below that was sent by the Senior Manager Information Security Risk and Governance. I then in the same meeting requested Dr Dan to share with me the terms of reference that were given to the service provider and used during the contracting stage when they were contracting BCX and Sans Post so that I can

understand the scope of the work and the objectives of the exercise in order to provide the right support to them. He indicated that he will ask his personal assistant Desiree to furnish me with the terms of reference. Indeed, Desiree, Des forwarded the terms of reference to me, the scope of work of BCX. And I acknowledged and there is an email that is acknowledging the terms of reference. However in that same email Sir I would like to indicate that I you know asked Dr Dan if these colleagues from BCX and Sans Post have signed an NDA you know, None Disclosure Agreement with the organisation because remember when you deal with information security issues, you exposing the company you know, company information to external people. So they were supposed  
10 to have signed an NDA in this regard. So there was no response you know in that regard.

**MR SECHABA MOHAPI:** Ms Menye, just for the benefit of time, your statement has been provided to the Commission, if we can just try to round it off you know paragraph by paragraph. Yeah.

**MS VUYOKAZI MENYE:** Okay.

**MS GILL MARCUS:** And can I just ask if the evidence leader can obtain a copy of the minutes where the response was that the investigation was an instruction from the Board of the PIC? I think it would useful to get the Board minute to that effect.

**MR SECHABA MOHAPI:** We have it. We will provide it to the Commission. Thank  
20 you Mr Commissioner.

**MS VUYOKAZI MENYE:** Then on the 2<sup>nd</sup> – so we did everything to support BCX with their assessment. On the 2<sup>nd</sup> of November 2017, I had a meeting with Simphiwe and Simphiwe advised me that on the 3<sup>rd</sup> of November he will have to hand over digital evidence of the James Nogu emails on a compact disk. He therefore requested me to grant him access to our email archiving solution, this is where the Super Admin Right

issue is coming in. You know this is the first time where I gave Simphiwe the Super Admin access to our email archiving solution. Simphiwe comes to me, he requests me to provide him a Super Admin Access in order for him to extract these email from Mimecast because he was requested by the investigator to provide this evidence in a digital form to them. So I write a memo to Mimecast requesting Mimecast to grant Simphiwe permission of a Super Admin User so that he can extract this information. So I need to clear it now that the reason why I gave Simphiwe that access on that day was due to the fact that he wanted that digital evidence so that he can give it over to the investigator that was investigating the matter. And then ...

10 **MR SECHABA MOHAPI**: Question. A question. And by now I think within the company all people know about the corruption charges? I think. Ja? Is that true? That by this time Dr Dan, all the parties know about this corruption charges?

**MS VUYOKAZI MENYE**: I don't – no, no, no. Remember we know about the case.

**MR SECHABA MOHAPI**: Yes.

**MS VUYOKAZI MENYE**: But we don't know whether it's a corruption case. We know that the case, there is a case to investigate the sender. Dr Dan was fully aware of that.

**MR SECHABA MOHAPI**: Ja. But in terms of the timelines, I am just trying to check whether by then, by November 2017 did people – Ja, did Dr Dan know about the corruption charges?

20 **MS VUYOKAZI MENYE**: He knew that there was a case to investigate the sender.

**MR SECHABA MOHAPI**: Ja.

**MS VUYOKAZI MENYE**: Yes.

**MR SECHABA MOHAPI**: Okay.

**MS VUYOKAZI MENYE**: I am not sure about the classification of the case, like it is classified as corruption.

**MR SECHABA MOHAPI**: As a corruption.

**MS VUYOKAZI MENYE**: Corruption, yes. Ja. But I know, I knew that there was a case to investigate the sender, hence I had given Simphiwe that permission to extract those emails so that he can give them over to the investigator to investigate, as part of the investigation process.

**CHAIRPERSON**: No I think the reason why my colleague is asking, is it not because around the 13 of October if I am correct with the month, Mr Mayisela made a statement in which he mentions that he didn't realise that this was a corruption case against the CEO and so on.

10 **MS VUYOKAZI MENYE**: Yes, he wrote that.

**CHAIRPERSON**: A copy of the statement that you then sent on.

**MS VUYOKAZI MENYE**: Then I sent it immediately to Dr Dan.

**CHAIRPERSON**: Yes, so at least he should have known by this time.

**MS VUYOKAZI MENYE**: He should have known by that time.

**CHAIRPERSON**: Yes.

**MS VUYOKAZI MENYE**: He should have known. He should have known. You are quite right. So immediately after I gave Simphiwe, Simphiwe did what he was supposed to do which is to extract the digital evidence. However as he was busy extracting this digital evidence of the James Nogu emails, he picked up you know that  
20 there is an account that has been created in our email archiving system, a suspicious account that has been created in our email archiving system. Then Simphiwe comes to me and advised me about this suspicious email account that has been created in our email archiving system. And the reason why Simphiwe picked up this suspicious account was due to the fact that its name in convention was not in line with our IT naming convention of the email addresses or standards in or at PIC. He comes to me



and he advised me about this. I immediately wrote an email to Dr Dan indicating that – actually Sir I was quite sure that this is the account that has been used to leak information at PIC. So I immediately wanted to purge it, you know to delete it in the organisation so that we can investigate it. So I wrote an email to Dr Dan and I also attached a memo that I had – you know I was going to send to Mimecast requesting Mimecast to immediately purge that account because I was sure that this is the account that was leaking information. Sent that email to Dr Dan. Dr Dan then immediately called me and – okay I send an email to Dr Dan together with the attachment. At the same time I ask my Information Security Team to check with Mimecast about the  
10 person who granted them permission to create this suspicious account. And it should be noted that you know the instruction to create the account was neither from me, nor my Senior Managers. Then I was shocked Sir with disbelief when I saw the contents of the memo that was submitted by Dr Dan to Mimecast. So what happened is that after my Information Security Engineer contacted Mimecast, Mimecast sent them a memo that was written by Dr Dan giving Mimecast permission to create this suspicious account for Mr Frans Lekubo and on the memo there were names of six executives that their emails should be monitored for a certain period. And I have just, I did an extract of that memo that was written by Dr Dan. And the names that were on the list were Ms Vuyokazi Menye, myself, Mr Paul Magula, Bongani Mathebula, Pamela Phala, Lufuno  
20 Nemagovhani and Ernest Nesane . I have also attached this memo as part of this evidence. To me Sir this was tantamount to the CEO spying on the Executives mentioned above. What was even more strange to me Sir was the fact that CEO was one that was inappropriately spearheading this investigation of finding the whistle-blower, whilst the very allegations of corruption were levelled against him. So this was really very strange and shocking to me. So at the same day after Dr Dan received my

email indicating that I want to purge that account, Dr Dan wrote me an email that I should not send that letter to Mimecast. And immediately Dr Dan called me and he was very furious, very angry and he said that I must not delete that account, that account was created by him. And he went on and on you know shouting and I told him that the recent decisions by him on the IT Department are concerning, taking into consideration the fact that I am the Executive Head of IT and yet neither my team nor I are involved in any decisions that are involving IT you know these days. So he is making decisions that are exposing the organisation to a high risk. You can never, you know sir, give an external person Super Admin Rights to a system. If Dr Dan wanted to investigate those

10 six people, what he should have done is to ask for the backup of all of those mail boxes of those six people and attach them or restore them to a certain server or a certain computer, then that investigator will work on those you know accounts. Not to expose our IT systems or our business information to an external person, that is against good governance, that is against you know IT governance. So on the same day I sent that email to Dr Dan, confirmed, after he confirmed that that account was created by him and I must not purge that account. I wish to indicate Sir that all the efforts to appoint BCX, Sans Post, Naledi Advisory Services were quite clearly aimed at identifying the whistle-blower, this James Nogu or James Noko which is contrary to the Fraud and Whistle-Blowing Policy of PIC, which is aimed at encouraging anonymous reporting and

20 protection of whistle-blowers. This is also contrary to the provisions of PCCA and Protected Disclosures Act. Then on the same day I had to make a follow-up to Simphiwe then. Remember I had given him access to the environment to extract those emails so that he can provide digital evidence to SAPS, then I wanted feedback from him. He gave me feedback and in his response he also copied Dr Dan and Frans Lekubo. Can you see that on all of those emails that I am requesting feedback about

this case, I have – Dr Dan is always you know informed about all of these. And Frans was also informed about all of this. And then on the 15<sup>th</sup> of November, Simphiwe approached me and he said he will be meeting with Lieutenant Colonel Matjiva. Apparently Colonel Matjiva now was going to be a new investing officer of this matter. I think they changed Mr Nama to Mr Matjiva and he invited me in the meeting. And unfortunately I indicated to Simphiwe that I cant join him in the meeting because we had a Board meeting. On the same day I informed Dr Dan verbally that, that Dr Dan Simphiwe will be meeting with a certain Colonel Matjiva in the office regarding this case to investigate the sender. And then Simphiwe also on the 16<sup>th</sup> sent an email to Frans  
10 Lekubo and Dr Dan to inform them that he will be meeting with Mr Matjiva and Frans can join Simphiwe in the meeting. I don't know what transpired in there because I was not copied in their responses.

Then on the 16<sup>th</sup> November I wrote a memo to Mimecast requesting them to create an account that was going to be managed by Simphiwe with super admin privileges in an effort to simplify and expedite the process of elevating to super admin rights on an ad hoc basis. Remember Sir what was happening at PIC from time to time Dr Dan or our guys from information security they will come to me and request me a memo that I will have to write to Mimecast for Mimecast to always elevate you know the rights, elevate the rights and I decided as we were defining our information security  
20 strategy that we need to formalise this process and we need a process that will be put in place to enable the organisation and improve the turnaround times as well hence I decided to write this memo so that our information security head in the organisation would have these rights that will assist the organisation whenever there's an investigation that needs to be done on Mimecast and as part of him defining the information security strategy and this is also in line with all the other systems because

all the other systems had super admin rights that were managed by technical people. So this was not something new or something strange and it's good governance it is what is practiced across the board so I did that.

So when Dr Dan saw this e-mail and the memo that I wrote to Mimecast he became very angry he sent me an e-mail to withdraw that memo immediately and he called me as well and he was very furious on the call and I immediately called Simphiwe to inform his information security team to withdraw that memo from Mimecast and I went back to Dr Dan and I indicated to him that I will be withdrawing that memo from Mimecast. Then we requested a meeting with Dr Dan you know so that we can  
10 discuss the issues of super admin rights in the organisation because it is our responsibility and in order for us to be able to manage our environment we need to have these you know rights. And those on page 30 those are the e-mails and the annexures that are referring to that.

Then on the 20<sup>th</sup> November in the morning myself, Simphiwe , Vukile and Dan went to Dr Dan's office to discuss about this system admin passwords managements and rights in the organisation.

**MS GILL MARCUS:** Sorry can I just before you move to that, I just want to ask that in terms of, if we went back to page 30, where it is your senior manager which I'm assuming is Mr Mayisela sent an e-mail asking requests in relation to the access and  
20 Dr Dan on your paragraph 136 says I first need an explanation why this is necessary and the risks and this is granting the super admin on an ongoing basis.

**MS VUYOKAZI MENYE:** Yes on a permanent basis.

**MS GILL MARCUS:** On a permanent basis.

**MS VUYOKAZI MENYE:** Yes Ma'am.

**MS GILL MARCUS:** Given the evidence from Mr Mayisela that he had decided at

some point to work with the police and access information. Is Dr, notwithstanding the circumstances and the issues you're raising about Dr Dan Matjila's approach at this point in time, is this not something with hindsight that his caution was in fact warranted given that although your granting to Mr Mayisela of access was in order for him to do his job what he did with that authorisation was something different and that Dr Matjila's concerns in retrospect were perhaps valid. They might have been for different reasons from what you're saying but were they not valid given what occurred in terms of accessing much broader information by Mr Mayisela?

**MS VUYOKAZI MENYE:** Thank you Ma'am. So my approach to this would have been  
10 it was very clear on the memo that I wrote you know the risks that we want to mitigate in the organisation ... (intervention)

**MS GILL MARCUS:** I'm not, I understand all of that I'm just saying now with the question of hindsight does this not raise a question for you about a certain caution that needs to be there given the outcome? Because I understand what you were doing you've made it very clear and the whole questions here and the motivations and the engagement I'm just saying given his concern here where he specifically, his e-mail specifically says:

"I first need an explanation why this is necessary and the risks."

Given the outcome that we're now aware of was this not something that in fact one  
20 would with hindsight say we need to relook at some of our approaches?

**MS VUYOKAZI MENYE:** Yes given the information that was given before the Commission yesterday I will agree with you.

**MS GILL MARCUS:** ... mean to interrupt you and let's go back to where you were on  
140 I think.

**MS VUYOKAZI MENYE:** Then on the 20<sup>th</sup> November in the morning we finally had a

meeting with Dr Dan to discuss about the password management and when we got to his office Desiree told us to wait for him in his boardroom and when he came into his boardroom there was myself, Vukile, Dan and Simphiwe, Dan Mabuza one of my senior managers and he indicated that he would like to meet with me alone and he actually you know asked the three senior managers to leave the boardroom. And the senior managers tried to explain to him that Dr Dan the password management is our responsibility and I tried to explain as well that the password management is their responsibility I am an IT Executive that is responsible for giving the strategic direction I don't even manage, I don't even know any of these you know system admin passwords  
10 in the organisation but he was adamant that they must leave the meeting.

After they left the meeting he immediately asked me to give him all the system admin passwords for all the systems at PIC. This was very strange and I told him that I cannot do that because if I do that I will be breaching IT governance and controls and I will be exposing the organisation to a high risk. He stood up and shouted and said Vuyokazi this is my organisation I own PIC give me all the system passwords. I told him that I do not even know any of these passwords as they are managed by the technical teams and really I begged him that we will be exposing the organisation to a high risk you know we cannot expose these system admin passwords. And when I was trying to explain to him the risk of doing what he wanted me to do he continued to say  
20 that he owns PIC and he will do whatever pleases him. He then walked towards the door as I was sitting down and said by 10 o'clock all the system passwords must be in his mailbox.

I then left the boardroom for my office and I asked my subordinates to consolidate all the system admin passwords so that we can send them to the CEO. As the team was busy ... (intervention)

**MS GILL MARCUS:** Sorry can I just ask you a question on that, given that all of these passwords give access to the various systems in the organisation right, if I understand you correctly, putting them consolidated in one e-mail would that not have created a real risk of having access across the board by anybody who could access that e-mail?

**MS VUYOKAZI MENYE:** Yes, yes Ma'am that was the risk that I was raising to Dr Dan that Dr Dan I cannot do that we are exposing, remember Ma'am we had information leaks in the organisation we do not know what was happening in the organisation and I was trying to secure the IT organisation as a custodian of information systems and you know IT system in the organisation. Now the CEO was just disturbing this whole plan  
10 of securing the organisation and trying to expose the organisation to a risk especially when you send them via the e-mail. Even if you were to send them via you know a printed document if you lose this document you expose your organisation and mind you with the leading investment house in Africa and the ranked the 21<sup>st</sup> in the world you expose you know your information and the systems of such you know organisation to high risk and that is uncalled for and against IT governance.

So at around nine o'clock that day I received a called from Desiree as the team was busy consolidating all of these passwords, Des said to me Dr Dan wants these passwords as soon as possible and I said to Des the team is still busy consolidating them as soon as they have been consolidated I will send them through. I  
20 sent an e-mail as you can see on paragraph 145 to Des. As the team was busy consolidating around 25 past nine I received a call from Dr Dan I immediately went up to his office and Des told me that Dr Dan was in his boardroom. When I got to his boardroom he was with Mr Christopher Pholwane and Mr Christopher Pholwane had a cream PIC branded envelope. He took out a letter and he said I must sign that letter. I was shocked what is this letter about, what is it for and it was my precautionary

suspension letter and I asked them why am I being suspended and can they explain to me why am I being suspended and Dr Dan said to me Vuyokazi I am not dismissing you I am suspending you sign this letter and leave this organisation.

I begged them you know to give me an opportunity to at least go through the letter and to consult with my legal advisor so that I can respond to them and he insisted that I must immediately sign the letter and leave the organisation. And before I signed the letter I took the letter from Chris and I put it in front of me and I said to Dr Dan and Chris, Dr Dan and Chris look at me and look me in the eye, I am going to sign this letter now and the moment I attach my signature in this letter you will no longer be dealing  
10 with me you'll be dealing with my God and you'll no longer be dealing with my God only you'll be dealing with my ancestors and my God is very jealous of me and the battle that you're starting now Dr Dan and Chris is similar to the battle that was between David and Goliath. I know Dr Dan that you have all the power in the world and you're dealing with a small ant that is Vuyokazi Menye but I know that my God is going to deal with you accordingly and I signed the letter and said to them may the good Lord bless you and I left them.

After I left the organisation there was no charges, there was no charges nothing whatsoever as you can see on my precautionary suspension letter and confused as I was left for home, sought legal advice and on the 5<sup>th</sup> December I  
20 received a call from Mr Christopher Pholwane and the call from Mr Christopher Pholwane indicated that he had sent me an e-mail with my allegations and the allegation that was on the letter was that me as the Executive Head of IT together with my subordinate Simphiwe Mayisela I have breached my duty of good faith towards the employer in that I failed to disclose alternatively to timeously disclose that a criminal case of corruption has been registered and was being investigated by the South African



Police Services against PIC's Chief Executive Officer Dr Daniel Matjila.

And this was very strange to me because I had given Dr Dan all the information that Simphiwe had given me, every bit or every piece of information that Simphiwe had given me and also the letter indicated that we will have our first disciplinary hearing on the 14<sup>th</sup> December. And then when we arrived on the 14<sup>th</sup> December in the chambers I was represented by Mr Eric Mabuza and Adv Ngcukaitobi but Adv Ngcukaitobi was not present on that day on the first day of the hearing. Then Adv Nazeem Cassim called me and my legal representatives to a boardroom on the side not in the main you know room where we were going to have our hearing and he  
10 said you know Vuyokazi you are still very young and it is clear that PIC does not want you, you know or the CEO of PIC does not want you in the organisation and he was you know begging me to settle with PIC.

And he said he cannot preside over this matter because it is clear that I am not you know, I'm innocent in this matter because this charge it doesn't hold water this charge you know and I immediately became suspicious of the process that I was being subjected to because how can a chairperson that has been hired by PIC be the first one you know to approach me and request me to settle with PIC and I stood still and I said I am innocent, in fact the words that I used was I am as clean as a whistle, advocate take me through the process if I am guilty let me be, you know let the right corrective  
20 measure be applied you know against me. However if I'm not guilty take me back to work because I haven't done anything, I do not know why I am where I am even now and this whole process is frustrating me, it's frustrating my family and my health is you know being affected by all of this.

And the other you know frustrating thing you know Commissioner is the fact that my reputation, my clean reputation, my unblemished record in the IT industry and

in the whole country was being dented and my image and reputation was being dented young as I am and there were a lot of you know articles, I've given then as part of you know the supporting documents that were being published by the media houses that the Executive Head of IT at PIC is involved in information leaks and this is the industry, the industry that I'm in is an industry that requires you know someone to have integrity. You cannot have someone who is a custodian of information technology to be involved or associated with information leaks, with hacking an organisation, with all of these things that were reported in the media and despite all of those things PIC didn't say anything, they continued and allowed all of this negative media to report against my you  
10 know good name in the industry, destroying me on a daily basis.

And I said to Adv Nazeem Cassim I am not going to accept any settlement agreement at PIC, allow me to go through the disciplinary process. Then we went back, we convened and both the legal teams of PIC and our legal team agreed with Adv Nazeem Cassim that we will reschedule, postpone the hearing to the 18<sup>th</sup> January so we didn't sit on that day at all. Then we got to the 18<sup>th</sup> January when we got to the 18<sup>th</sup> January they started with Simphiwe and they said they will deal with my matter after they have concluded with Simphiwe. On the 18<sup>th</sup> January the matter, Simphiwe's matter was not concluded then it was postponed to the 11<sup>th</sup> April.

Listen what happens now Sir. We get to the hearing on the 11<sup>th</sup> April instead  
20 of them continuing with Simphiwe's matter I'm called again to discuss the same settlement agreement issue that I had refused on the 14<sup>th</sup> February and they beg me you know, they beg you know Adv Cassim tries to show me that I'm no longer needed in that organisation and I'm saying what have I done, what wrong have I done for the organisation not to need me. I've done all the good things in that organisation I've implemented you know projects within a short space of time that could have not have

been implemented in the organisation, what wrong have I done. And Adv Ngcukaitobi and Eric they called me on the side they said Vuyokazi we can fight for you we know that you are innocent here, we can fight for you and go back to work but the challenge is you'll be frustrated in that environment and they will find one simple thing to dismiss you and that is not right you know, that cannot be right you know according to us.

I still refused. Then Adv Ngcukaitobi called my husband to beg me you know. My husband called me and he said you know Vuvu you're not going to get a fair hearing on this one, it's clear you know that the PIC does not need you the best thing is for you to accept the settlement agreement and I was crying hysterically you know and  
10 we went back I told my legal team to discuss with the PIC legal team. They immediately came back to me. When they came back to me they said PIC is proposing that they pay me a settlement of 24 months you know salary which is equivalent to, I can't recall equivalent to what the 24 months salary and then on top of that they pay me a performance bonus of five months. So the total amount that I was paid by PIC is R7.250 million for the duration of 29 months and that was divided into 24 months of the settlement and the five months of the performance bonus. And over and above that PIC indicated that they will write me a reference letter indicating that there was never a misconduct that was committed by me against PIC they also gave me that letter.

And you know the reason why I signed that you know agreement that day  
20 was due to the fact that my back was against the wall. I had high legal fees and my health was deteriorating and this whole thing was affecting my whole family, my whole family. It was a traumatic situation that I will never have wished even for my worst enemy or earth especially knowing that I have done absolutely nothing you know to be where I am. So I signed the legal, the settlement agreement.

One thing that I forgot to mention is that before we had our hearing or

Simphiwe had his hearing on the 18<sup>th</sup> we received new allegations, I received an amended you know allegation indicating that I did not inform Dr Dan that there was a case of corruption against him in a statement that I did on the 13<sup>th</sup> October and yet I never did any statement you know, these you know the allegation was talking to something else that I was not even involved in. So ... (intervention)

**MR EMMANUEL LEDIGA:** Just a question, so you do say in 163 and 164 that your settlement was carried out not in keeping with the PIC policies ja is that correct?

**MS VUYOKAZI MENYE:** Yes and the reason why I am saying this was due to the evidence that was given in this Commission of Inquiry by the Executive Head of HR.

10 **MR EMMANUEL LEDIGA:** Yes.

**MS VUYOKAZI MENYE:** When you asked him whether was this in line with PIC policies and he said there is no policy that is support of that and I was actually shocked as I was you know listening to that and why because he is the same person who signed the settlement agreement and which policy mandated him to sign the settlement agreement.

**MR EMMANUEL LEDIGA:** So it did flout the policies then?

**MS VUYOKAZI MENYE:** Yes, yes there was no governance process whatsoever that was followed in terms of this.

**MR EMMANUEL LEDIGA:** Okay.

20 **MS VUYOKAZI MENYE:** And I wish to indicate Sir that the reason why I am mentioning all of this information is that I decided that I am not going to keep quiet because PIC Executive Directors have been silencing people that have been victimised in the organisation by giving them these settlement agreements and it is not right and it can never be right and this Commission must assist us in ensuring that there is justice in PIC, there's proper governance in PIC because things cannot go on like this. I mean

at the age of 40 they have destroyed me at the age 40 there is not a single company in the country that wants to be associated with me because of all these media reports that have been you know published against us and there is not a single company in the country that will want to associate with a CIO that has been associated with all of this.

The R7.2 million that they gave me it's a salary that I could have earned within a period of two years you know hence I am saying that the Commission must make a determination about this and one of the things that I'd like the Commission to make a determination about is to ensure that I am reinstated in my position of an Executive Head of PIC and the Commission must make a determination about the amount that was given to me taking into consideration the pain and suffering that I went through. Taking into consideration the legal fees that I had to pay, the huge legal bill that I had to pay, taking into consideration the fact that PIC Executive Head of HR signed you know a settlement agreement without any authority or following any governance processes that are supporting the settlement agreement that was given to me and actually this settlement agreement was used as another weapon of victimising one of the young black females in the country outside of PIC and I wish to indicate Ma'am that we as the females in the IT industry we're sailing against the tide. You know the IT industry is a highly male dominated environment and for one to be at my level and to work for these companies that I'm working at and to deliver you know these you know quality services that I'm delivering as a black female in our country is a good thing yet the PIC saw it fit to destroy that especially managing IT in the investment industry.

**ADV SECHABA MOHAPI:** Ms Menye I see that you've come towards the end of your statement. What remains is your response to Ms Sandra Beswick the allegations that were levelled against you.

**MS VUYOKAZI MENYE:** Okay maybe before I go there I would like you know to reemphasise on page 38 paragraph 172 and 173 that this Commission of Inquiry is my only hope to restore my reputation, my dignity and my integrity. I would like without prejudice to make the following humble request, I would like to be reinstated in my position of Executive Head of IT with immediate effect, that the Commission should make determination regarding how I shall pay back the amount of R4 million that was paid to me by PIC which is that R7.25 million before tax. The Commission should take into consideration the following when making a determination regarding paying back the aforementioned settlement amount; the salary that I would have received from May 10 2018 to date and the net monthly salary that I was getting at PIC including the annual salary increased that were applicable to staff; the five months incentive bonus that was included in the settlement agreement for my performance during the year that was taken into consideration; the legal costs that have incurred because of the victimisation and the inconvenience by the PIC, invoices from the attorneys can be obtained and the proof of payments can be provided you know to the Commission; considerate amount for reputational damage, pain that I went through and suffering and that action should be taken against the perpetrators of my victimisation and those who concluded the settlement agreement with no delegation of authority and approved policy to support it.

**ADV JANNIE LUBBE SC:** Mr Commissioner I know we have a cut-off date of 12 20 o'clock I hope we can finish in the next five minutes is it possible to have another five minutes?

**CHAIRPERSON:** Ja I think we can carry on until about quarter past at the latest.

**MS VUYOKAZI MENYE:** Thank you Sir. So furthermore I would like to address the serious allegations that were levelled against me by a Board member of PIC Ms Sandra Beswick during her testimony on the 27<sup>th</sup> February 2019 where she stated under oath

that:

“In my capacity as the Chairperson of the ICTGC Committee I was vehemently opposed to the reinstatement of Mrs Menye because I did not believe she was competent to head the IT department.

Mrs Menye had presented a R1 billion modernisation plan for the IT systems of the PIC through the installation of the SAP system. The CICTGC agreed the resolution to submit the plan to the Board for approval subject to certain conditions one of the main ones being a breakdown of the costs, such breakdown was never provided. Dr  
10 Matjila stopped the process because of his concern that Mrs Menye’s proposal could be part of a State capture scheme. I had the same view.”

Those were the words that were uttered by Ms Sandra Beswick in this Commission of Inquiry. I wish to indicate that these allegations were made without evidence in support these allegations. I consider them baseless, defamatory and damaging my reputation further. I also consider them as continuity of my victimisation by PIC and denting my image and my reputation and my integrity.

I wish to indicate that I was surprised by, I’m not going to read 176 and 177 because they are very clear. I was surprised by the assertions that were made by Ms  
20 Beswick because she has never worked closely with me or engaged me on a one on one basis. During my time as an Executive Head of IT at PIC she attended about four ICTGC Committee meetings with me and she had never raised any issues of performance against me. Actually Ms Beswick was one of the people that was always commending my good performance you know at PIC and the whole of the ICTGC Committee they were very happy and excited about the work that I was doing at PIC

within a very short space of time. I have also e-mails that I have included that came from my Chairperson of the ICTGC Committee which is Dr Manning commending me about the good work that I have done at PIC.

I would like to indicate that the person that I was dealing with often was Dr Claudia Manning who was the Chairperson of the ICTGC Committee. I wish to state without fear of contradiction and without prejudice that Dr Manning was very happy and actually proud of my performance. She is on record commending me about the good work that I was doing at PIC. The e-mails that I've copied you know below that I've also provided as part of the evidence bears reference about my performance at PIC. I  
10 need to indicate I say here that I joined PIC on the 17<sup>th</sup> November 2016 by 2017 on February the 8<sup>th</sup> I had my business modernisation strategy which is the IT strategy approved by the ICTGC on my very first presentation and everyone was so excited about it. I have included my document in here.

He even went to say that I had done copy and paste on the document, I never did that and the entire Committee was excited about it, there are minutes that we have provided in this joined on the 17<sup>th</sup> November, 8<sup>th</sup> February my strategy was approved by the ICTGC Committee of the Board. Then by the 10<sup>th</sup> March my strategy was approved by the Board of PIC without any issues whatsoever and the comments on these e-mails that I have included they clearly state that they were very happy with  
20 my performance, I had written a good document. Hence I'm surprised by what Ms Sandra Beswick had indicated.

Also I want to indicate, I actually want to brag about this one, when I joined PIC on the 17<sup>th</sup> November PIC IT was in a crisis, it was in a crisis mode and they had an office move project that was delayed you know that we were supposed to have delivered by the end of March and I did everything in my power together with my



colleagues in IT to ensure that we deliver that IT move project and from these e-mails that are written by Dr Claudia Manning he is actually proud of the fact that he got reports from the business, he even mentioned that in one of our ICTGC Committee that he got report from business that the only thing that was working at PIC in the office move were the IT systems and everything was not working. She is on record indicating that and it's written on these e-mails.

And she also spoke about SAP implementation and the one R1 billion. I actually wish to state that that is untrue. There is not a single solution that has been indicated as part of my business modernisation strategy. It is actually you know  
10 concerning and disappointing that a chairperson of an IT committee of the Board would not know that when you write a strategy document you do not dictate systems. The systems are only dictated or informed after you have crafted the business requirements of the organisation then you go out on tender then the industry will respond with the solutions that are supposed to be implemented in line with the business requirements to enable the business. In my strategy document there is nothing whatsoever that is talking about SAP and the R1 billion that she's talking about she was referring it's actually surprising because there is absolutely nothing that talks about that. I have also submitted an IT costing which was submitted to all the relevant committees which amounts to about R378 million over a period of five years based on the priorities of the  
20 business.

And I really you know it is shocking that an entire chairperson of the IT Committee of the Board would not know this basic governance process of when after you've crafted the strategy you identify the initiatives, you do the business process requirements gathering, you do specification then you go out to the industry and that process is facilitated by supply chain in terms of going out to the industry. And in terms

of you know saying that she had issues with my performance I also wish to state that without fear of contradiction that the PIC had never had any issues with my performance. As a result during the settlement negotiations, as I have indicated earlier on with my legal team, PIC paid me R1.5 million which is equivalent to five months of performance bonus and I really don't know where this issue of performance is coming from.

I was shocked with disappointment when the PIC Board member Ms Beswick lied under oath to this Commission of Inquiry. All this misrepresentation was done to discredit me and link me to a State capture scheme with no merit whatsoever. I have  
10 serious reservations about these allegations Chairperson as I consider the State capture as the most egregious crime that is associated with high-level of corruption in our country. It is therefore uncalled for, for a Board member like Ms Sandra Beswick to make such allegations with no evidence whatsoever especially at this point in time in our country.

And once again, I would like to state that I have not conducted any misconduct whatsoever at PIC or violated any PIC policy. I would like the Commission of Inquiry to take action against Ms Sandra Beswick for her unethical conduct of perjury, lying under oath you know in this Commission. Her continued victimisation against me, defaming of my character and destroying my reputation without submitting  
20 any thread of evidence to support her testimony and lastly Chairperson I would like to state that I reserve all my rights.

**ADV SECHABA MOHAPI:** Mr Commissioner that concludes the evidence of Ms Menye.

**ADV JANNIE LUBBE SC:** Can I just ask one question before she goes Mr Commissioner. The Commission heard evidence from Mr Mayisela yesterday that he is

actively cooperating with the South African Police Services in their investigation into criminal conduct by Dr Dan Matjila. Were you aware of that?

**MS VUYOKAZI MENYE:** No Sir I'm not aware of that.

**MS GILL MARCUS:** I appreciate that this has been a very difficult and traumatic experience for you and that much of your testimony has related to your experience however, what I would like to ask our evidence leader and yourself is that there're probably quite a lot of questions that we would have in relation to some of the more technical side of the work and that there isn't really sufficient time to do that now that perhaps we could ensure that should we require to have further discussions about  
10 some of the system issues and so that you would be available for that because I think that is that in your testimony I would like to explore further but I don't, it would warrant a sufficient amount of time rather than having sort of very quick question and answer. If that would be acceptable to you to come back on that basis having heard all of the things around what has happened to you in particular.

**MS VUYOKAZI MENYE:** Yes Ma'am I will avail myself to take you through the technical nitty-gritty's of the systems and the gaps that I identified at PIC and the measures that I had proposed to close the gaps so that we can enable the organisation to achieve its strategic and operational objectives in particular the client mandate.

**ADV SECHABA MOHAPI:** We will also be happy to oblige Mr Commissioner.

20 **MR EMMANUEL LEDIGA:** Two quick questions, I just want to check was there ever a time when you had private chats or talks with Simphiwe with you know about the case and the corruption charges that people maybe suspected that beside sending the notes to Dr Dan maybe you are sort having talks and chats about the corruption case?

**MS VUYOKAZI MENYE:** No Sir there was never private, any private conversations between myself and Simphiwe about the case. All our conversations were always open

as I indicated on the e-mails and also on the SMS's that I sent to Dr Dan.

**MR EMMANUEL LEDIGA:** Next one is part of our terms of reference is to find out how the leaks happened and why they happened and finding out about James Nogu not really dealing with the whistleblowers or trying to destroy them or whatever but we want to determine how the leaks have happened and you know who was sort of responsible for that. Can you maybe, since you are here, give us some ideas about that, am I clear?

**MS VUYOKAZI MENYE:** Thank you Sir. I will not know how the leaks have happened and I don't know who James Nogu is and what I can say is to avoid – there's a lot of  
10 processes that needs to be considered in terms of avoiding information leaks in the organisation. I always say to my colleagues in the industry that there are four key things you know when you're running an IT organisation to enable an organisation to achieve its strategic and operational objectives to be considered. The first thing is process, the second thing is people, the third thing is technology and the fourth thing is information. And you can buy expensive technologies and implement them and put in place but if you do not educate your people on how to manage the information and how to take care of the information that investment will be worthless you know. And also if you do not have the right processes in place to ensure that all this information that you're using in the organisation it flows effectively and be stored in this technology and  
20 disseminated correctly and classified you know correctly then all of those things they go together.

So there's a lot of things to be considered in terms of you know avoiding you know information leaks in any organisation or in any industry but the four key things are people, process, technology and information and education about how to handle information is critical in any organisation or in any entity. So those are the things I don't

know who James Nogu is and I do not know you know how this information could have leaked, it could have been through hardcopy documents, through e-mails, through taking pictures, or maybe a person just looking at information, you know there's a number of e-mails that were circulated that we saw so I really don't have an idea.

**MR EMMANUEL LEDIGA:** Thank you, thank you very much.

**CHAIRPERSON:** Yes thank you Mrs Menye. Thank you for the time that you took and for agreeing to come and testify for us. You've given us quite a bit that we need to consider and we thank you for that. But unfortunately you know our work is determined by the terms of reference relating to our appointment as a Commission and I'm here  
10 referring to what you say in paragraph 173 of your statement requesting to be reinstated and so forth, we wouldn't have the authority to reinstate you. What we can do is make findings or what we should do and what we are required to do is to make findings in accordance with the evidence that has been placed before us and make our conclusions and make our recommendations to the President who then decides what he wants to do with our recommendations and conclusions that we arrived at. I don't know, we are still to hear evidence, whether in fact we will be able to say at the end you ought not to have been charged, I think if we are authorised to do that we could only go that far that there was no basis for you being charged but we don't know now we're still going to hear some evidence and we don't know what our factual findings will be. So  
20 that would depend on our factual findings and that's as far as we can go and it's up to the President then to do whatever he wants to do with the report that we will write. So unfortunately we wouldn't be able to say in the end you should be reinstated in your position okay.

**MS VUYOKAZI MENYE:** Thank you Sir.

**CHAIRPERSON:** But thank you very much for the evidence that you've given us.

**MS VUYOKAZI MENYE:** It's my absolute pleasure Sir, thank you.

**CHAIRPERSON:** Thank you. Is that the day?

**ADV JANNIE LUBBE SC:** Thank you Mr Commissioner that's the day we will reconvene on Monday at 10.

**CHAIRPERSON:** Yes we will then adjourn until Monday, what will be the date?

**MS GILL MARCUS:** It's the 11<sup>th</sup>.

**ADV JANNIE LUBBE SC:** It's the 11<sup>th</sup>.

**CHAIRPERSON:** The 11<sup>th</sup>, Monday 11<sup>th</sup> at 10. Thank you.

**INQUIRY ADJOURNS UNTIL MONDAY 11 MARCH 2019**