

IN THE HIGH COURT OF SOUTH AFRICA

(DURBAN AND COAST LOCAL DIVISION)

CASE NUMBER : 00/3156

In the matter between :

DINERS CLUB SA (PTY) LIMITED

Plaintiff

and

SINGH, ANIL

First Defendant

SINGH, VANITHA

Second Defendant

**AUTHENTICATING AFFIDAVIT IN TERMS OF
THE COMPUTER EVIDENCE ACT, 57 OF 1983**

I, the undersigned,

PIETER FREDERICK PRETORIUS

do hereby make affirmation and state that :

- 1 The facts herein contained, unless otherwise stated, are within my personal knowledge and, to the best of my belief, are both true and correct.



2 I am an adult male employed by The Standard Bank of South Africa ("SBSA") as an Information Technology Consultant and also work in the Group Internal Audit division ("GIA").


3 I have worked with computers for approximately 28 years and with the IBM Mainframe System used by SBSA for the last 16 years. I am familiar with the operation and functioning of the computer which comprises, *inter alia*, system logs and internal audit copy logs.

4 By virtue of my knowledge and experience with computers and of my knowledge of and experience with SBSA's systems, I am qualified to give the testimony herein contained.

5 SBSA conducts business as a registered commercial bank and retail banker and, *inter alia*, generates Personal Identification Numbers ("PIN" or "PINs") on behalf of the plaintiff and facilitates the routing of electronic transactions arising in consequence of the use of credit cards, including Diners Club credit cards issued by the plaintiff.

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6.1 SBSA has an IBM System 390 computer (hereinafter referred to as "the computer system").

6.2 The computer system utilised by SBSA processes and records Automated Teller Machine ("ATM") related transactions effected, *inter alia*, by Diners Club cardholders so as to enable the plaintiff ultimately to debit its cardholders and recover from them monies disbursed by SBSA on behalf of the plaintiff and also the history of PIN issue. The computer system is a computer as defined by the Computer Evidence Act, 57 of 1983.

7 The computer system has been in operation to the satisfaction of the management and customers of SBSA for a considerable period of time. The system is constantly subject to inspection and audit by SBSA's internal staff and in the event of any irregularities being detected, they are immediately drawn to the attention of the Information Technology ("IT") Division of SBSA and the management thereof. I would point out that no such irregularities were brought to my attention concerning the operation of the computer system from 16 February 2000 to 3 March 2000.

8 I have been informed by representatives of the plaintiff that the defendants operated a credit card account with the plaintiff under account number 36135 828226 (hereinafter referred to as "the defendants' account") with separate Diners Club cards being issued to the first defendant under number 36135 828226037 ("the card number") and to the second defendant.

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- 9 I have examined the relevant records extracted from the computer system concerning the operation of the computer system, the data and the instructions supplied to it and in particular insofar as same relate to the use of the card number and the Personal Identification Number ("PIN") associated therewith during the period 16 February 2000 to 3 March 2000 and I am, in consequence, qualified to give the testimony herein set forth.
- 10 I verify the aforesaid records and facts which are to be had concerning the operation of the computer system over which, at the time that I examined them, I had control and to which I had access in the ordinary course of my employment, duties and activities.
- 11 To the best of my knowledge the said records comprise all the relevant records which are available concerning the operation of the computer system in question and the data and instructions supplied to it.
- 12 The data supplied to the computer system includes, but is not limited to, the card number, the transaction amount, the date and time of processing, the source of the transaction, the transaction trace number and the encrypted PIN block for ATM transactions transferred via SASwitch.
- 13 The data referred to above, for the purposes of ATMs usage, is derived from the presentation of :

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13.1 a card bearing the card number; and

13.2 a PIN,

at an ATM, that is, the use by the holder of a card bearing the card number and the use by such holder of a PIN allocated to a card bearing the card number so used.

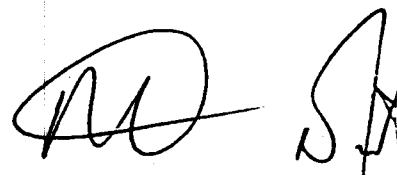
14 The use of a card bearing the card number and PIN as aforesaid gives rise to data which is electronically transmitted from the ATM in question to:

14.1 the acquirer institution and, in the event of the card in question being one which is issued by an entity other than the acquiring institution, it is then transmitted to

14.2 SASwitch, from where it is then transmitted to

14.3 SBSA in the event of the card in question being a card issued either by SBSA or the plaintiff and, in the event of the card having been issued by the plaintiff, the transaction is then further transmitted to

14.4 the plaintiff's computer systems for authorisation/notification.

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- 15 Every time a request for the issue of a PIN is received by the computer system, a log is kept of the request and the log is stored on tapes written by the computer system.
- 16 The computer system as described in paragraph 7 above records and holds in storage the data captured from the sources above described and thereby creates records reflecting the data so recorded within a predetermined format. The computer system writes the information pertaining to a PIN issue transaction to a disk file. Subsequent processing will cause paper extracts of the log file to be created for audit purposes. Another action that takes place is that in subsequent processing the log files are written to tape. The computer system permits the production of current data in paper form by way of computer print-outs.
- 17 I am duly qualified to certify and do hereby certify that the computer print-outs generated by the computer system as described in paragraph 7 above were produced from the data and instructions aforesaid supplied in the ordinary and regular course of SBSA's business.
- 18 I annex hereto -
- 18.1 marked "SBSA.1" a computerized record comprising an extract from a hexadecimal "dump" from GIAs copies of logs concerning both PIN issues to the two Defendants and the transactions which




took place on 3 March 2000. The latter evidences the use of a card bearing the card number together with its associated PIN at ATMs which record was produced and printed out by the computer system referred to in paragraph 7 above and reflects the aforesaid usage; and

18.2 marked "SBSA2" to "SBSA3" explanatory extracts from a computerized record and, more particularly, annexure "SBSA1", concerning the issue of the PIN in respect of the Defendants' card numbers which show that the PIN was only requested and issued on 16 February 2000; and

18.3 marked "SBSA4" to "SBSA11" explanatory extracts from a computerized record and, more particularly, Annexure "SBSA1", concerning two Nedcor owned ATM transactions which took place on 3 March 2000; and

18.4 I confirm that the said computerized records are a computer print-out as defined in the Computer Evidence Act, 57 of 1983, and have been produced by a computer as likewise defined.

19 I confirm that :

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19.1 annexures "SBSA.1", "SBSA4" to "SBSA11" are true copies or reproductions of the computerized records generated by the computer system referred to in paragraph 7 above relating to the use of a card bearing the card number and its associated PIN on 3 March 2000 at Nedcor ATMs; and

19.2 annexures "SBSA1", "SBSA2" and "SBSA3" are true copies or reproductions of the computerized records generated by the computer system referred to in paragraph 7 above relating to the issue of a PIN to a card bearing the card number.

20 The aforesaid records produced by the computer system are merely a paper record of the information which is stored on the computer system.


21 I certify to the best of my knowledge and belief that the computer system was at all material times :

21.1 correctly and completely supplied with relevant data and instructions appropriate to and sufficient for the purposes for which the information recorded in items "SBSA.1" to "SBSA11" were produced;

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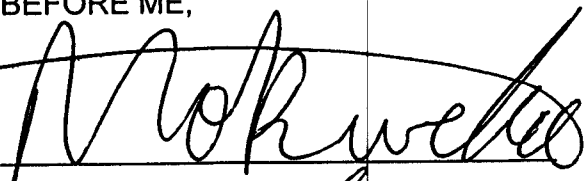
21.2 unaffected in its operation by any malfunction, interference, disturbance or interruption which might have had a bearing on such information or its reliability.

22 I further certify that no reason exists to doubt or suspect the truth or reliability of any information recorded in annexures "SBSA.1" to "SBSA11".


DEPONENT.

THUS SIGNED and AFFIRMED to at *JOHANNESBURG* on this the *1ST* day of FEBRUARY 2002 by the deponent who has read, knows and understands the contents of this affidavit, who has no objection to taking the prescribed affirmation and who considers same to be binding on him.

BEFORE ME,

insp 
Nathaniel Mokwelo

SUID-AFRIKAANSE POLISIEDIENS
AANKLAGKANTOOR
SATELIEFSTASIE
2002 -02- 0 1
STANDARD BANK
CHARGE OFFICE
SATELITE STATION
SOUTH AFRICAN POLICE

**IN THE HIGH COURT OF SOUTH AFRICA
(DURBAN AND COAST LOCAL DIVISION)**

Case No: 00/3156

In the matter between:

DINERS CLUB (SA) (PTY) LIMITED

Plaintiff

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First Defendant

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**PLAINTIFF'S NOTICE IN TERMS OF RULE 36(9)(a) and (b)
IN RESPECT OF THE TESTIMONY OF PIETER FREDERICK PRETORIUS**

BE PLEASED TO TAKE NOTICE that **PIETER FREDERICK PRETORIUS** will, at the hearing of the trial of this matter, give expert evidence on behalf of the Plaintiff as hereinafter set forth.

1. The witness is an information technology consultant employed by The Standard Bank of South Africa Ltd., ("SBSA") and also is employed in the Group Internal Audit department of SBSA.
2. In his position with Group Internal Audit he has had occasion to investigate a considerable number of Automated Teller Machine ("ATM") fraud cases. Furthermore he is the custodian of the computer generated records and information which are held by the Group Internal Audit department of SBSA.

3. In order to carry out his duties he has access to all the records of SBSA and has held his position for the last sixteen years. He has considerable experience in dealing with all types of cash machine frauds, committed both internally and externally. He also has considerable experience in interpreting the records of ATM transactions, Personal Identification Number ("PIN") issue and is able to identify whether the systems are operating correctly.
4. The witness designed and developed a system that facilitates the decentralisation of the administration of Logical Access Control. This system interfaces with "Top Secret" which has been in existence for approximately 20 years. The function of "Top Secret" is to control logical access to SBSA's electronic information.
5. The witness has been advised of the following facts:
 - 5.1. Mr Anil Singh ("the First Defendant") made application on the 11th February 1997 for the issue to him of a Diners Club credit card ("the card") by the Plaintiff.
 - 5.2. The application was approved by the Plaintiff on the 24th February 1997 and the card, as well as an additional card for use by Mrs Vanitha Singh ("the Second Defendant") were issued by the Plaintiff shortly after the approval had been given.
 - 5.3. The card issued to the First Defendant bore a card number (which incorporated the account number used by the Plaintiff for billing purposes), namely 36135828226037. ("the card number").
 - 5.4. The card and the aforesaid additional card were renewed and, more particularly, in respect of the period from December 1999 to January 2001.

- 5.5. On the 16th February 2000 the First and Second Defendants signed application forms utilised by SBSA, for the purpose of being issued with their respective "PINs".
- 5.6. During the period, Saturday 4th March 2000, to Sunday 5th March 2000 a total of 190 successful transactions were effected in consequence of the use of the card, alternatively, a card bearing the card number in association with the corresponding PIN at various ATMs in London, United Kingdom, resulting in withdrawals totalling the sum of £54,960.
6. The witness obtained copies of the SBSA ATM and other direct channel application logs recording, inter alia, the history of the issue of PINs in relation to the card number by SBSA and also local ATM transactions including those using the Plaintiff's cards.
7. The witness established from the aforementioned computerised records and logs that:
- 7.1 The only request for the issue of a PIN in relation to the card number was made on the 16th February 2000; and
- 7.2 Two unsuccessful transactions initiated by the use of the card and its associated PIN were undertaken at two different ATMs owned by Nedcor Bank located at Stanger and the Durban International Airport, on 3rd March 2000 at 11h26.03 and 12h13.49 respectively; and
- 7.3 These were the only two occasions on which the card and its associated PIN had been utilised since the date of the issue of the PIN; and

- 7.4 The two transactions attempted on the 3rd March 2000 were each for an amount of R100.00.
8. The witness is confident that the logs are complete and are maintained under strict security and access controls. From his investigations, the witness will say that there has been no unlawful usage or access to the SBSA systems with regard to the Defendants' Diners Club card numbers or PINs.
9. The witness will express the following opinions :
- 9.1. 9.1.1 The Nedcor Bank ATM was operating correctly and the transaction properly logged by the SBSA computers.
- 9.1.2 The reasons for this opinion are that on no occasion has wrong information been transferred, to his knowledge, from any ATM via SASwitch to SBSA. Furthermore, had the Nedcor Bank ATM been out of operation or malfunctioning, the information would not have been received by SBSA; and
- 9.2. 9.2.1 There was no unlawful access to the cryptographic platform of SBSA nor was there any irregular usage of that cryptographic platform.
- 9.2.2 The reason for this opinion is that any attempt to access would have been recorded by "Top Secret" and determined by the SBSA Computer Security Group. There is no record of such occurrence; and

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- 9.3. 9.3.1 The logs reflecting that the PIN was only issued on one occasion, namely 16th February 2000 are accurate.
- 9.3.2 The reason for this opinion is that if there had been a request and consequent issue of a PIN associated with the card number other than the issue on the 16th February 2000, it would have been recorded. In the absence of there being any such recordal, it is clear that only the First and Second Defendants received the issue of the PINs and there was no attempt by any person whether authorised or not to access or obtain the issue of the PINs on any other occasion; and
- 9.4. The likelihood of there having been a fraud in regard to the card bearing the card number and the associated PIN under the circumstances as set out above are so remote as to be discounted.