



IMANUWALI YOKUFINYELELA KULWAZI OKUNGEYOMNYANGO WASE GAUTENG e-GOVERNMENT

(Okusekela lapha lemanuwali izobizwa nge e-Gov)



IMANUWALI NGOKWESAHLUKO SESHUMI NANE (14) SOMTHETHO WONYAKA KA 2000, NOMBOLO YESIBILI (2), OGQHUQGHUZELA UKUFINYELALA KULWAZI

ULUNGISWE NGOKWESAHLUKO SESHUMI NANE (14) SOMTHETHO WONYAKA KA 2000, NOMBOLO YESIBILI (2), OGQHUQGHUZELA UKUFINYELALA KULWAZI (ACT NO.2 OF 2000)

Lemanuwali iyatholokala futhi nangesiXhosa, isiZulu, i Afrikaans kanye ne Braille.



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INHLOSO YALE MANUWALI

Isigaba samashumi amathathu nambili (32) (1)(a) so MThetho Sisekelo wase Ningizimu Afrika, ka 1996, sinekeza wonke umuntu ilungelo lokufinyelela kulwazi olusezandleni zombuso noma futhi lolo olukomunye umuntu, uma nje lolo lwazi ludingeka ekufezekisweni noma ekuvikelini noma iliphi ilungelo.

UMthetho Wonyaka ka 2000, Nombolo Yesibili (2), Ogqhuqghuzela Ukufinyelala Kulwazi (ACT NO.2 OF 2000) (Promotion of Access to Information Act, 2 of 2000) (okusukela lapha obizwa nge "PAIA") ngumthetho wezwe oshocilelelelwe uqinisekisa lelilungelo elivikelwe ngumthetho sikelo elibalulwe ngenhla, okuyilungelo lokufinyelela kulwazi.

IPAIA inikeza zoneke izakhamuzi zase Ningizimu Afrika ilungelo lokufinyelele kuma Rhekhodi agcinwe kwizizinda zombuso, izinhlaka zikahulumeni nakanye kwizinhlaka ezizimele/zangasese.

I PAIA izama ukufeza lezizinhloso ezilandelayo:

Ukuqinisekisa ukuthi uMbuso utha indawo kwisiko lokugqhuqghuzeleni amalungelo abantu kanye nobulungiswa;

Ukugqhuqghuzela ukuvuleleka kanye nokuqalisa izindlela noma izindlela zokwenza ezingaphoqiyo kanye neziphoqayo zokuqinisekisa ukufinyelela kulwazi ngendlela ephuthumayo, engabizi, kanye nengadingi Amandla, ngendlela enomqondo; bese futhi,

Ugqhuqghuzele ngikuba sobala, ngokuziphendulela, nokulawula ngendlela eqondile zonke izikhungo zomphakathi kanye nalezo zangasese, ekuthuthukiseni nasekufundiseni wonke umuntu ukuthi aqonde amalungelo abo ngokwe PAIA ukuze bakwazi ukufezekisa amalungelo abo maqondana nezikhungo zomphakathi kanye nalezo zangasese, ukuze baqonde imisebenzi nezinqubo yezikhungo zomphakathi, ukuze bakwazi ukuzihlaziya, futhi baze babe yindlenye yezinqubo ezithathwa izikhungo zomphakathi ezithinta amalungelo abo.

Noma lezizinhloso ezingenhla sezibaluliwe, i PAIA iyoqonda ukuthi ilungelo lokufinyelala kulwazi lingakwazi ukuthi lifingqwe, uma nje kunezizathu eziqatha zokwenza lokhu. Ngenxa ke yalokhu, i PAIA izama ukugxamalazisa/ukubhalansisa ilungelo lo Mceli wolwazi elivikelwe umthothi sisekelo kanye nelungelo lo Mphathi woLwazi lokunqaba ukufinyelela kulwazi ngaphanzi kwanoma isiphi kwizizathu ezibalulwe kwi Ngxenye Yebili (Part 2), Isahluko Sesine (4) se PAIA. Lezizizathu, ukuwenza ukuthi zitholakale kalula nje, zibhalwe ngokufinngqiwe ngaphansi kwesi Jobelelo "D" esiyingxenye yalombalo.



Isigaba seshumi nane (14) se PAIA sikwenza kube umsebenzi wezikhungo zomphakathi/zikawonkewonke, ikakhulukazi uMphathi woLwazi, ukuthi ahlanganise, noma nje ke ngezilimi ezintathu ezisemthethweni zase Ningizimu ne Afrika, iManuwali ye PAIA (PAIA Manual) equkethe, uma kuhlanganiswa nokunye (*inter alia*), Incazelo ngokuma kwezinhloko zayo kanye nemisebenzi yazo; Iminingwane yoxhumana no Mphathi wo Lwazi (Information Officer); Incazelo ngo Mhlahlanjela we Khomishani yaMalungelu Abantu yese Ngingizimu Afrika (South African Human Rights Commission Guide) ebaluliwe ngaphansi kwesigaba sekhumu (10) se PAIA, kanye nendlela yokufinyelela kuyona noma eyokuthola ikhophi yayo; Iminingwane eyanele ukwenza ukuthi ukuba Mceli (Wolwazi) afinyelele koku Rhekhodiwe kwesikhungo somphakathi/sizawonkewonke; Incazelo ngezihlobo zezihloko zamarhekhodi ezisingethwe isikhungo; Imikhakha yamarhekhodi kwisihloko nesihloko; Isaziso sokugcina, uma sikhona, ngokwesigaba 15 (2) mayelana nemikhakha yamarhekhodi esikhungo etholakala kalula ku Mceli Wolwazi ngale kokuthi u Mceli Wolwazi aze afake isiceleo salawo marhekhodi ngokulawula koMthetho; Incazelo nesinsiza ezitholwa amalungu omphakathi kwisikhungo nangendlela okufinyeleleka kulozozinsiza; Incazelo ngazo izindlela zokulingisa ezikhona ngokuhambisana nomthetho nalapho isikhungo sehluleka ukudlala indima yaso ngoko Mthetho; Lolulwazi ngungamele ukuthi lubalulwe.

Lemanuwali okusukela lapha ibizwa nge “PAIA Manual”.

Ukuhambisana ne PAIA, iGauteng Department of e-Government (okusuka la obizwa nge “e-Gov”) inikezala iPAIA Manual yayo equkethe lokhu olulandelayo ngaphezu kwminyane iminininngwane:

Imininingwane eyingqikithi yemisembenzi yayo kanye nezinsiza ezinikezwa umphakathi; Uhlaka lwesikhungo ie-Gov; Uhla lwa marhekhodi agcinwe ie-Gov; Imininingwane yoMphathi Wolwazi kwi (e-Gov Information Officer).

Inhloso yale PAIA Manual ukunikeza izinqubo okumelwe zilandelwe uma umuntu, noma umuntu obekwe yilowo muntu ukuthi amumele, ongafisa ukufaka icelo sokufinyelela kulwazi, uma lowo muntu enonkolelo yokuthi unelungelo lokuthola lolo lwazi (. iPAIA Manual inikeza) futhi nangendlela umuntu, noma umuntu obekwe yilowo muntu ukuthi amumele), okumele ayilandele uma ecela lolo lwazi, bese kuthi ngokwenzenjalo aqinisekise ukuthi zonke izicelo zokufinyelela kulwazi zicubungulwa ngendlela engenazihibe futhi eseqophelweni, ngendlela emeyalena futhi egququghuzela izinhloso kanye nezifiso ze PAIA.

2. IZINCAZELO



Kule PAIA Manual, noma iliphi igama elingeniswe ukukhomba ubulili obubodwa lizothathwa njelihlanganisa ubulili obubile(/bonke), kanti futhi ubunye buhlanganisa ubuningi, ngaphandle ke uma ingqikithi ikhomba ngenye indlela.

Kule PAIA Manual, noma iliphi igama kanye inkulumo lapho incazelo enikeziwe/ebabelwe kuyileyo engaphansi kwe PAIA lelogama naleyo nkululo zi/liyokuba nayelo ncazelo enikeziwe kuphela kuphela, ngaphandle ke uma ingqikithi ikhomba ngenye indlela.

I-e-Gov igama elichaza i-e-Government yesiFunda se Gauteng;

IGPG igama elichaza uHulumeni wesiFunda se Gauteng;

IGuide igama elichaza incwadi eshicilelwe iKhomishani yaMalungelo Abantu yese Ningizimu Africa ngokwesigaba sekhumi (10) se PAIA ngezinhloso ezinomqondo o sokusiza umuntu ofuna uku ukufezekisa inoma iliphi ilungelo lakhe ngokwe PAIA;

Information Officer igama elichaza imisebenzi ebalulwe ngaphansi kwesigatshana sesine (paragraph 4) ngezansi la;

IPAIA Manual igama elichaza imanuwali eshicilelwe ngokwesigaba seshumi nane (14) se PAIA;

IPersonal Requester igama elichaza umuntu ozifakela yena ngokwakhe (uMceli) icelo sokufinyelela kuma Rhekhodi aqukethe ulwazi lwangasese (Personal Information) lwakhe lo Mceli;

Personnel igama ichaza noma imuphi umuntu osebenzela noma onikezela izinsiza kanye noma lowo ojutswe i-e-Gov othola, noma abe nelungelo lukuthi athole, mholo. Lencazelo ihlanganisa nomuntu oqashwe ngokuphelele, oqashwe ngokwesikhashana, kanye nabasebenzi abayizinkontileka;

IRecord igama elichaza noma iluphi ulwazi olurhekhodiwe noma ngabe kusetshenziswe buphi bona ubuciko bokuqopha obungaphansi kolwawulo lwe i-e-Gov, nomangabe lwalwakhiwe/lwalusungulwe yi-e-Gov noma cha;

IRequest igama elichaza isicelo sokufinyela kwi Rhekhodi yei-e-Gov;

Requester ichaza noma imuphi umuntu owenza (Isicelo) Request yokufinyelala kwi Rhekhodi Record ye i-e-Gov, kanti futhi ihlanganisa noma imuphi umuntu ojutshwe uMceli (Requester);

iSAHRC igama elichaza Ikhomishani yama Lungelo Abantu yese Ningizimu Afrika.



3. MAYELANA NE e-GOV

3.1 Indima kanye nemisebenzi

Ingqikithi yegunya le e-Gov uku:

Ukuhola ukusebenza ngendlela yesimanje kuka hulumeni wase Gauteng ngokuthi iqhubeke nokukhipha iGauteng Broadband Network kanye kanye nezinye izinsiza ezihlobene ne e-Government kwi zakhamuzi ezikwisifundazwe sase Gauteng; Ukwakha izinhlaka ezidingekayo zokuphatha i-ICT ukukwazi ukuthi kulawulwe futhi kugqhubizelwe ukusetsenziswa kwama e-Services akhona esifundeni sase Gauteng.

Ngokuhambisana negunya elibikwe ngenhla, i-e-Gov iyokwenza lemisebenzi elandelayo, ngokwesikhathi esifishane nangokwesikhathi eside:

Ukubumba, ukwakha, ukusebenzisa, ukunakekela, kanye nokweseka i-GBN Network; Ukubumba, ukwakha, ukusebenzisa, ukunakekela, kanye nokweseka i-e-Services ze GPG kanye ne sifunda sase Gauteng; Ukubumba nokuqinisekisa izinsiza zobuchule ezintsha; Ukufukamisa noku khulisa ubuchule Kanye nobuninibhizinisi; Ukunyusa ukwazisa nokusetshenziswa kwezinsiza ngaphakathi kwi GPG nakwisifunda sase Gauteng; Ukuthuthukiswa kwamakhono kanye nokudakwa kwemisibenzi kwi ICT.

3.2 Umbono

Umbono we e-Gov ukuba yi “yiDolobha eliyisiFunda sase Gauteng elisebenzisa ubuchwepheshe ukunikeza izinsiza kwizakhamuzi zalo”

3.3 Umsebenzi

Umsebenzi we e- Gov ukufezekisa izifiso zikahulumeni oxhumene ngokuthi, kokunye:

Inikeza ubuchwepheshe obufanele, imigomo kanye nesimo sokuphatha; Ukwakha isimo sokubambisana phakathi kwabathintekayo; Ukwenza kubelula ukuqhubekela-phambili ukunikezelwa kwensiza iGCR.



3.4 Sekelongqangi

Ukusekela umbono, umsebenzi, kanye nendima efanele engehla, i-e-Gov isiyamukele, izolandela futhi izogcizelela ezindaweni zayo zokusebenza, lengqikithi yesekelongqangi alandelayo:

Ubuqabavu: ukukhulisa, ngohlelo nangokuvumelene ukungezelela isinsiza ezivelele phambili;

Ukukhulisa: ukuhlala njalo kenemikhuba eqanjwe busha nohlala kubhekwe amathuba amasha;

Imbaba/Ukuvula: ukubhekana namakhasimende nokuzikhandla ukunikeza izinsiza emphakathini ngendlela esoqophelweni eliphezulu;

Ukwazisa iMali: ukunikeza izinsiza ngamanani izakhamuzi zase Gauteng ezingakwazi ukuthi zibe namandla awo.

3.5 Izinhlalo eziyicebo (izinhlalo eziyicebo ezibheke imiphumela)

Izinhlalo ze-eGov eziwundoqo yilezi:

ukuqinisekisa ukulawulwa kanye nokuphathwa ngeqophelo komnyango we eGov;

ukwakha ingqalasizinda ye ICT esiza ukuthi uhulumeni we GCR kube ngoxhumene;

Ukudala ipulatifomu elekelelayo kanye nezinsiza ezilekela izinhlangano ze GCR ukuthi ziklame, zithuthukise futhi zinikezele izinsiza ze e-Gov;

Ukuqalalisa izinhlaka zokulawula i-GCR e-Gov ukuze zikwazi ukuqhubela phambili lokho okumele kwenziwe kuqalala, imithetho, amazinga, kanye nezinqubo;

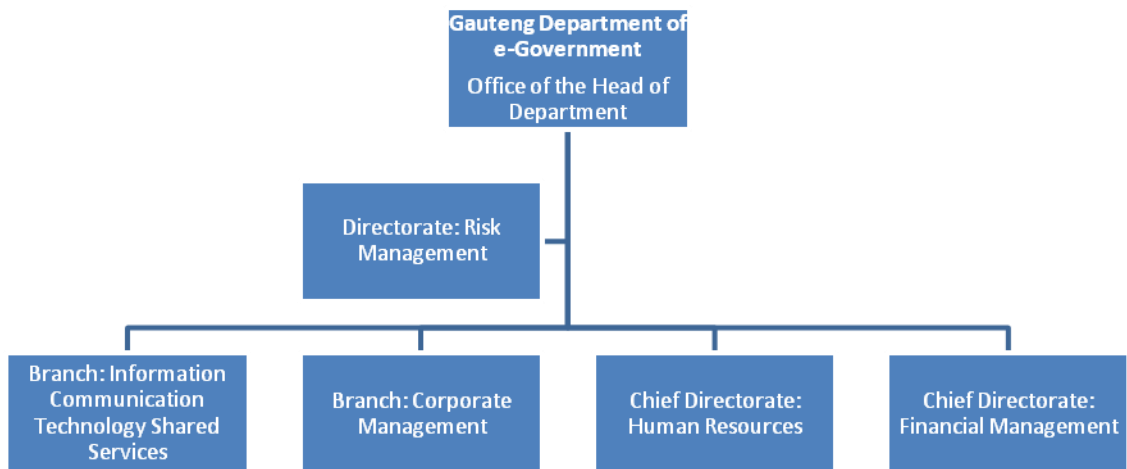
Ukugqohugqohuzela ukusenziswa kwezinsiza ze e-Gov izakhamuzi, osomabhezini kanye nezinhlaka zikahulumeni wesi funda sese Gauteng;

Ukukhulisa umnontho we ICT ngokwenza kubelula ukufumelisa imikhuba eqanjwe busha kanjalo noku gqohugqohuzela ukusebenzisana phakathi kwezinhlaka zangasese zomphakathi ukuthuthukisa nokundlala izinsiza ze e-Gov.

3.6 Uhlaka lwe e-Gov

3.6.1 I-Organogram

Ukufezekisa igunya elichazwe ngenhla, i-e-Gov inohlaka njengoba kusemdwetsweni ola ngezansi:





3.6.2 Amayunithi amabhizinisi E-Gov

I-e-Gov yakhiwe ilamayunuthi amabhizinisi alandelayo:

Ibandla Leziphathimandla: Ukuphathwa Kobungozi;
Igatsha: Izinsiza Zokwabelana Ulwazi Ngouxhumana Ngobucwephe;se;
Igatsha: Ukuphathwa kwe Nkampani;
Isiphathimandla Esiphezulu: Umnyango Wabasebenzi/Ukuphathwa KwaBantu;
Isiphathimandla Esiphezulu: Ukuphathwa KweZimali.

3.6.3 Ibandla Leziphathimandla: Ukuphathwa Kobungozi

Inhloso yeBanda Leziphathimandla: Ukuphathwa Kobungozi ukuphatha ukuphathwa kobungozi ngaphakathi kwi e-Gov.

Imisebenzi yeBanda Leziphathimandla, mahlanganiswa neminye, ihlanganisa:

Ukuthuthukisa kanye nokufezekisa izinqubo nezinhloko zokuphathwa kobungozi;
Ukuthuthukisa kanye nokufezekisa i-Business Continuity Planning (BCP) Kanye ne Disaster Recovery Planning;
Ukuqinisekisa ukuthi ubungozi obukhulu buyabikwa;
Ukuqapha ukufezekiswa kwezinhlelo zokuvimba ubungozi ezithuthukiswe abaphathi abasemngqheni.

Igatsha: Izinsiza ze-**ICT zokwabelana**

Inhloso ye Gatsha: **ICT Shared Technology Services** ukunikeza ngosizo lwezinsiza zolwazi lokuxhumana ngobucwepheshe ngaphakathi kumnyango we GPG.

Imisebenzi ye ICT Shared Services Branch, *inter alia*, ihlanganisa:

Ukunikeza iphrogremingi ephela kanye nama aplikheshini ayizinsiza kwi- GPG;
Ukunikeza izinhlelo eziphelele kanye nokuphathwa kwezindlela zokusebenza zezinsiza zokuxhasa **itransversal technology**;
Ukuguqula ibhizinisi le GPG ngokubheka ukusebenza ngokuqeqeshile kwemisebenzi yalo ngokusizwa yi- IT, kanye futhi nokubumbeka kwezinhlelo zezinhloko ezingenamikhuba ebunjwe kabusha kwizingubo, ukuze kwenziwe isinsiza zikawonkewonke zisebenze njesimanje.



Injongo Yolawulo: Ulawulo Lwezingozi kusebenza ngokulwa izingozi ezingaba khona kwi-eGov

Imisebenzi Yolawulo, *inter alia*, eziquka:

ukuthuthukisa nokusebenzisa inqubo nemimiselo yokunciphisa amathuba ezinkinga;
ukuthuthukisa nokusebenzisa Amasu Okuqhuba namabhizinisi (BCP) namasu emuva kokwehla kwezingozi;
ukukhuphula amathuba okubikwa kokungadala izingozi;
ukubeka iliso nokuthuthukisa amasu okusebenza ngokuvimba izingozi kwibalawula amayunithi.

Igatsha: Ukwabelana Kwezinsiza ze-ICT

Injongo yeGatsha: Ukwabelana Kwezinsiza Zobuchwephesha be-ICT ukunika inkaso ngezinsiza zokuxhumana ngencazelo Gatsha eGPG.

Imisebenzi yeSebe Ukwabelana Ngezinsiza ze-ICT, *inter alia*, zihlanganisa:

ukunikezela ngenqubo ephileleyo nembaxa nezindhlela ezisebenza ngokuxhasa iGPG;
ukunikezela ngesu esiphelele nezindhlela zokulawula izindhlela zokusebenza ngezinsiza;
ukuzisa inguqu kushishino lweGPG ngokufuna amasu asebenza kahle nezimo zokusebenza ngosizo lwe-IT, nokwakha kwakhona izindlela -zokunikezelana ngolawulo lwezindlela nezinqubo khona ukuze zibe zinsiza zabantu ezilungiselwe lesi sikhathi.



Igatsha: Ukwabelana Ngezinsiza Zokwabelana nge-ICT kunale mikhakha ilandelayo:

Isiphathimandla Esiphezulu: Izindlela zokusebenza;
Isiphathimandla Esiphezulu: Izidingonqangi Zokusebenza nge-ICT;
Isiphathimandla Esiphezulu: Ukulungisela Kwezamabhiznisi.

Isiphathimandla Esiphezulu: Izinsiza Zokusebenza noQeqesho

Injongo Yesiphathimandla Esiphezulu: Ukuza nezinsiza Zokusebenza noQeqesho

ukunikezela ngezinsiza zokusebenza nokuqasha abasebenzi bamagatsha eGPG;
Ukulawula nokugquzela amaplaniezinsiza zokusebenza nokuqashanezentuthuko endaweni;
Ukunikezela ngezinqubo zempilo yabasebenzi, ukuhlala uphilile nezinqubo zokuxhumana;
nokunikezela ngezidingo zolungiselelo nezinsiza zokuhamba.



Imisebenzi yeSiphathimandla: Izinsiza zokusebenza noQeqesho, *inter alia*, ihlanganisa:

Ulawulo lwencazelo yeHR neenkonzelo zophuhliso lomgomonqubo kwiGPG;
izinsiza zokwenzakala emsebenzini;
ulawulo lwemeko yezinsiza zokusebenza kula magatsha alandelayo kumkhakha weGPG:
Ezempilo, Uphuhliso Loluntu, Ezothutho, Imidlalo, Amasiko Nenkcubeko, GDID, GDED, e-
Gov, DLGH noKhuseleko, iGDE, Ezolimo, iOOP neNgxowamali kaZwelonke; kunye
nolawulo lwendlela yokuhlawula abasebenzi kwiGPG ngokubanzi.

Ulawulo Oluphezulu: Icandelo LeziXhobo Zokusebenza noQeqesho lunezizigaba zilandelayo:

Iziphathimandla Eziphezulu: Isicuku Solawulo lweHR 1;
Iziphathimandla Eziphezulu: Isicuku Solawulo lweHR 2;
Iziphathimandla Eziphezulu: Izinsiza zokuhlawula; Ulawulo Oluphezulu: Ulawulo
Lwezikweletu;
Iziphathi kumkhakha-osesiphakathini: Ulawulo Lwencazelo yeHR Nokugqugqezela
loMgaqonqubo; no
Mkhakha: Ukwenzakala Emsebenzini.

3.6.7 Ulawulo Oluphezulu: Isiphathimandla Sezezimali

Injongo Yesiphathimandla: Ukulawula ezezimali

Imisebenzi Yolawulo Oluphezulu Kulawulo Lwemali, *inter alia*, luquka ukunikezela
ngezinkonzo zilandelayo:

iinkonzo ezilawulo uphicotho lwamanani;
iinkonzo zolawulo lwemali;
ulawulo lwezinsizazoxhumano olunikana ngezinsiza.

Ulawulo Oluphezulu: Ulawulo Lwemali luquka ezi zigaba zilandelayo:

Isiphathimandla Esiphezulu: Ukulawula ukucubungula amanani;
Isiphathimandla Esiphezulu: UkucubungulaiMali;
Isiphathimandla Esiphezulu: Ukunikezela ngezinsiza Zokusebenza.



INHLAWULOMALI YOKUTHOLA IMINININGWANE- INHLAWULO YOKUVELISA

Inhlawulomali yokukhiphaekukhulunywe ngakokulo mqathango 7(1) ime kanje:

Ikopi ngayinye Eliphepha le-A4nomainxeny yalwoo mlinganiselo	R0.60
Ikopi ngayinye eprintiwe engumlinganiselo we-A4 noma inxeny ehlezi kwinqhondomshini noma uwuphi umshini lapho lingafundeka khona	R0.40
Ngekopi ngayinye efundeka kwinqhondomshini	
Idisk esisitifi	R5.00
Icwecwe leCD	R60.00
Ikopi eliprintiwe lemibukiso	
Ikopi ngayinye eliphepha -A4 noma inxeny yalowo mlinganiselo	R22.00
Ikopi ngalinye elinemibukiso	R60.00
Ikopi eliprintiwe ebeliqale ngokuthi liqoshwe amazwi	
Ikopi eliwu-A4 noma eliyinxeny yalowo mlinganiselo	R12.00
Ikopi lemininingwaneethe yaqal ngokuba amazwi	R17.00

Inhlawulo yokuthola imininigwane ecelwe nguMfaki Sicelo nekukhulunywe ngayo kuMqathango 7(3) ime kanje:

1. (a) Ngekopi ngayinye ewu-A4 nomainxeny yomlinganiselo	R0.60
(b) Ngekopi ngayinye eprintiwe eyi-A4 noma inxeny yayo ikhishwa kwinqhondomshini noma umshini ofundekayo.	R0.40
(c) Ngekopi ngayinye ekuhlobo olufundekayo lwenqhondomshini	
Idiski estifi	R5.00
Icwecwe leCD	R40.00
(d) Ukuprintwa kwefayile elinemibukiso	
Ngekopi ngayinye ewu-A4 noma inxeny yalowo mlinganiselo	R22.00
Ngekopi ngayinye enemibukiso	R60.00
(e) Ngekopi ngayinye eprintiwe eqale ngokuqoshwa amazwi	
Ngekopi ngayinye nge-A4 okanye inxalenye yalo mlinganiselo	R12.00
Ngekopi ngayinye ebiqale ngokuthi ibe amazwi	R17.00
(f) Ukuphanda nokulungiselela ukuvula linkcukacha, ngeyure nganye echithwe kuyo okanye eyinxalenye yaloo nto, ngaphandle kweyure yokuqala, efunekayo ukuphanda nokulungiselela	R15.00 for each hour



Ngenjongo zesigaba 22(2) sePAIA, kwenzeka loku kulandelayo:

Kusengandlula amahora ayisithupha ingekakhishwa imali yokudibhozitha
Kufuneka isithathu semali yokuthola imininingwanekube yidibhozithi
ehlawulwa owenza isicelo

3. Imali yokuposa ihlawulwa uma ikopi le mininingwane lizothunyelwa owenza
isicelo

Page 30

ISIJOBELELO A

IFOMU A

ISICELO SOKUFINYELELAKWIIMININGWANE YEBHODI LOLUNTU

(Isigaba se-18(1) soMthethwana Onogqozi lokufikelela Kwincazelo, ka-2000)

(Umthetho No.2 ka-2000)

(Umqathango we-6)

EYOKUSETSHENZISWALIGATSHA

Inombolo ebhekwayo: _____

Isicelo sitholiwe ngu: _____ (Isikhundla kuRhulumente, igamanesibongo Sesikhulu
Sencazelo/Isekela Gosa leNcazelo) ngomuhla we _____ (umhla), e _____ (indawo).

Inhlawulo yezicelo (uma ikhona): R _____

Idibhozithi (mangabe ikhona): R _____

Inhlawulo Yokufaka isicelo: R _____

ISAYINDIWE LIGOSA LENCAZA/LISEKELAGOSA LENCAZA



IMININGWANEYEBHODI LOLUNTU

IsikhuluSencazelo nencazelo/Isekelasikhulu Lencazelo:

IMININGWANEYOMUNTU OFAKA ISICELO SOKUFINYELELAIMININGWANE

- a. Kufuneka iinkcukachazomntuofakalsicelosokufinyelelaumabhuku eminingwane ebhaliwe ezansi.
- b. Ikhelinomainombolo yefekisikwiRiphabhlikhilaphokuthumeliwa/kulethwa khona incazelo
- c. Kuzodingeka ubufakazi bokuthi ngubaniofaka Isicelokwaye ufanelekile sini na, uma bukhona, kumele buhlanganiswe.

Amagama Aphelele neSibongo:

Inombolo

kamazisi: _____



Ikhelilaseposini:

Inombolo yefekisi:

Inombolo Yefowuni:

Ikhelile-imeyile:

Igunya lokwenza Isicelo, uma sisenziwa endaweniyomunye umuntu:

—

IMININGWANEYOMUNTU OWENZA ISICELO ESENZELAOMUNYE UMUNTU

Kumele le ndawo igcwalisweUMAofakalsicelo esenzela omunye umuntu

Amagama Aphelele neSibongo:

Inombolo kaMazisi:



AMABHUKUAQUKETHE IMINININGWANE

- a. NikezelangaMabhukuAphethe Imininingwane Eceliwenedingekayo kuhlanganisa nenombolo ebhekwayo mangabe uyazi, khona ukuze kuqinisekiswa ukuthi imininingwane iyatholakala.
- b. Uma ngabe indawo enikeliwe ayimanga kahlezisize wahlule ipotifoliyo khona ukuze ihlanganiswe efomini. Kumele uMufakisiceloasayindeyonkana imininingwane engeziwe

Incazelo ngaMabhukunoma imininingwane ehambelanayo:

Inombolo ebhekwayo, mangabe ikhona:

Eminye imiba etholakalayoephathelene neMininingwane:

INHLOWULO

- a. Isicelosokuthola imininingwane, ngaphandlenikwamaBhukuaqukethe incazeloemayelana nawe, siza kufakwa mase kukhokhelwe lesi sicelo.
- b. Uyakwaziswangemaliedingekayo neyinhlawulo yokwenza Isicelo.
- c. Inhlawulo yokuthola Imininingwane ngokwefomu eldingekayo ukuze wenze isicelo ngesikhathi esifanelekile ukuphanda nokulungisa imininingwane
- d. Uma ufanele ungakhokhi ngesicelo sakho, sizawenze isizathu sakho.



Isizathu sokukhipha kuluhlu lwabantu abafanele kukukhokhela

Umaungakwazi ukufunda ngobauvinjwa yisimo sokukhubazeka, nomaungakhoni ukulalela imininingwane eqoshiwe njengoba kubekiwe kuhlelo -1 ukuya kowe-4 osezansi, siza uchaze uhlobo lokukhubazeka bese ukhombisa ukuthi uyithole ngaluphi uhlobo losabalaza imininingwane edingekayo.

Uhlobo lokukhubazeka:	Uhlobo LweXwebhu lweNkcukcha olufunekayo:

Bonisa ebhokisini ekuyilonango-X.

AMANOWUTHI

- a. Ukuhambelanane Sicelo sokuthola uhlobo oluthize olushiwo kwifomu luya ngokuthi nhlobo zini zeminingwane ezidingekayo
- b. Ukuthola uhlobo lwe Sicelo oluceliwe kusengaliwangenxa yesimo esithize. Kwisimo esinjalo, uza kutshelwa ukuthi usutholile Isicelo kepha usithole siuhlobo oluthize.
- c. Imaliebhadalwa ngoba kudingeka uhlobo oluthize lokuthola imininingwane, mangabeukuba zikhona, zakuchazwangantlanye luhlobo lwendlela yokufikelela kwisicelo lesi.



Uma ngabe imininingwane ikhulobolubhaliwe noma oluprintiwe:		
Ikopi lemininingwane*	Ukuhlolwa kwemininingwane	
Uma ngabe amabhukuaphethe imininingwane yamagama nomincinane engathi iqoshwe ibe ngumsindo:		
Ukuvivinya kabusha imibukiso	Ikopi lemibukiso*	Ikopi lemibukiso*
Umangabamabhukuaphethe imininingwane yamagama noma incinane enokwenziwa ibese iba yinhlobo engumsindo:		
Lalela umsindo (ikhasethi)	Ikopi lemininingwane eqoshiwe yaba ngumsindo (ibhuku elibhaliwe noma eliprintiwe)	
Uma ngabe imininingwane ebekiwe kunqhondomshini noma izinsiza zikagesinoma umshini oluhlobo olungafundeka		
Ikopi eliprintiwe elineMininingwane*	Ikopi lencazelo eliprintiwe eliphethe imininingwane*	Kopelinhlobo yenqhondomshini engafundeka* (idiski eyistifi noma iCD)

*Uma ngabe uwenze isicelo semininingwane noma ikopi lemininingwane (ephezulu), ungathanda kulethwe ikopi eliprintiwe	YEBO	CHA
Imali yokuposa		

Bhekisa ukuthi Imininingwane ayitholakali kulimi olukhethayo, ungayithola imininingwane ngolimi ofisa ukuyithola ngalo
Ungathanda Imininingwane ibhalwe ngaluphi ulimi? _____



ISAZISO NGESINQUMO ESIMAYELANA NESINQUMO SOKUTHOLAIMINININGWANE

Uyakubhalelwa waziswe ngesinqumoseSicelo sakhouma sivunyiwe/singavunyiwe.Umaufisaukwaziswangendhlela ethize, sizawazise ngenhlobo othanda ukusithola sikulona unike neminingwane ehambisana neSicelo.

Ukhetha ukwaziswa kanjani ngesinqumo seSicelo sokutholaIminingwane?

Isayindiwe e: _____ ngalo _____ mhla _____ 20_____

ISANDLA SOMUFAKISICELO/
IGAMA LOMUNTU OFAKELWA ISICELO



ISIJOBELELO B
UHLOBO LWEFOMU B
ISAZISO NGESIKHALO SANGAPHAKATHI
(Isigaba sama-75 Omthethwana Onika ugqozilokutholaincazelo, 2000 (Umthethwana
onguNombolo. 2 ka 2000)

(Umqathango 8)

ISHOINOMBOLO YAKHO
EMAYIBHEKWE _____

IMINININGWANE YEBHODILOLUNTU

Igosa leNgxelo neNgcaciso/Igosa leNgxelo neNgcaciso:

IMINININGWANE YOMUFAKISICELO/UMUNTU ONGOMUNYE OFAKA ISIKHALO
SANGAPHAKATHI

- a. Iminingwane yomuntu ofaka Isikhalo Sangaphakathi kudingeka ibe naloku kungezansi.
- b. Isiqinisekiso ngesizathu sokufaka isikhalo, mangabe sidingeka, kumele sihlanganiswe.
- c. Mangabe loyo muntu efaka isikhalo ngumuntu ongomunye kungasiyena obefake isicelo kuqala, kumele iminingwane yomuntu ofaka Isicelo ivele kuC ngezansi.



Amagama Aphelele neSibongo:

Inombolo kamazisi:

Ikhelileposi:

Inombolo yefeksi:

Inombolo yefowuni:

Ikhelile-imeyile:

Amandla egunya lesikhalo Sangaphakathi egameni lomunye abhaliwe:

—

IMININGWANE YOMUFAKISICELO

Kufuneka esi sigaba sizaliswe MANGABE omunye umuntu ecela ukufaka isicelo Sangaphakathi (nqaaphandleni koMufakisicelo)

Amagama Aphelele neSibongo:

Inombolo kaMazisi:

Ikhelileposi:

Inombolo yefeksi:

Inombolo yefowuni:

Ikhelile-Imeyile:

Igunya nesizathu Sokufaka Isikhalo Ngaphakathi esenzela omunye umuntu:



ISINQUMO SOKWENZIWA KWESIKHALO SANGAPHAKATHI

Phawula isinqumo nesizathu esenza kwenziwe Isikhalo Sangaphakathi ngoX kwibhokisi elifanele:

Ukwalela umuntu owenzaisicelo Sokukhala

Isigaba sama-22 soMthethwana ongesinqumo ngenhlawulo ebekiwe ngokwemiba yoMthethwana

Isigaba sama 26(1) soMthethwana ongesinqumo sokwandiswa kwesikhathisokusebenza isicelo

Isigaba sama-29(3) soMthethwana sokuthola hlobo oluthize asidinga siwulo isicelo nguMfakisicelo

Isinqumo sokunika uMfakisicelo imvume yokuthola imininingwane

IMIHLABA YOKUNGENISA IZIKHALO

Mangabe indawo yokubhala imininingwane ayaneli, zisize ubhale kwiphepha eliseceleni ubese ulihlanganisa nalelifomu bese uyasayinda wonkana amaphepha angezeleliwe.

Chazisisa imihlaba ekusekelwe kuyo Isikhalo Sangaphakathi:

Chazisisanoma iyiphiincazelo esengaohambisana nesikhalo ocabanga ukusingenisa:



Access to information is a human right

Access to information is a human right



ISAZISO NGESINQUMO SESIKHALO

Uyakwaziswa ngokubhalelwa ngesigqibo Sesikhalo Sangaphakathi. Ukuba unqwenela ukwaziswa ngahlobo luthize, sisize usho ukuthi nhlobo yini othanda ukwaziswa ngayo ubese ufaka neminingwane ebalulekile nedingekayo loko ukwenzela ukuhambisana neSicelo.

Chazisisa Uhlobo Olufunayo:

Iminingwaneyenhloboleyo:

Isayindwe e: _____ ngalo _____ mhla we _____ 20_____

ISANDLA SOFAKA ISIKHALO



OKUSETSHENZISWA LIGATSHA

IBHUKU ELISEMTHETHWENI LESIKHALO SANGAPHAKATHI:

Sitholakele isikhalo _____ (ngomhla), ngu _____ (isikhundla kuburhulumente, igama nefani yeSikhulu seNcazelo/ISEKELASIKHULU seNcazelo).

Isinqumo sesikhalo esihambelana nezizathu zeSikhulu seNcazelo/Isekela leSikhulu seNcazelo nalapho sisebenza khona, iminingwane yalowo ekwenziwa isikhalo ngaye, nophethe iminingwane ehambelana naye, nenikeziwe iSikhulu seNcazelo /Isekelasikhulu seNcazelo nge/ngo/ngama _____ (umhla) noma osesikhundleni esifanele.

IMIPHUMELA YESIKHALO:

**ISINQUMO ESIQINISEKISIWE SESIKHULU SENCAZELO/ISEKELASIKHULU LENCAZELO/
ISINQUMO ESISHA NESIBENZE ENDAWENI ESINYE/ ISINQUMO ESISHA:**

UMHLA KA:

ESESIKHUNDLENI ESIFANALE:



ISIJOBELELO C
IFOMU C
ISHEDYULE YENHLAWULOI EHLELIWE

IMALI YESICELO	
Imali eyinhlawulo yesicelo ikhokhwa nguMfakisicelo, ngaphandleni kwaloyo Mfakisicelo ekubhekiswa kuyena kuMmqathango wama 7(2)	R35.00
IKOPI LEMANUWALI	
Inhlawulo yekopi lemanuwali ebekiwe phecelezi kuMqathango 5(c) wekopi ngayinye ekwiphepha elilingana we-A4	R0.60
INHLOWULO YOKUTHOLA IMININGWANE- INHLAWULO YOKUSAKAZA IMINININGWANE	
Inhlawulo yokusasazaimininingwane ekubukiswa ngayo kuMqathango 7(1) ime kanje:	
Ikopi nganye ekwiphepha elilingana neA4	R0.60
Ikopi ngayinye eprintiwe kwiphepha elilingana no-A4 noma inxenywe yalowo mlinganiselo ekhishwe kwinqhondomshinoma umshini wombane okuhlobo olufundekayo	R0.40
Ikopi ngayinye ekuhlobo olufundekayo lwenqhondomshini	
Idiski yestifi	R5.00
ICD	R60.00
Imifanekiso yekopi eprintiwe	
Kwiphepha elingumlinganiselo ongu-A4	R22.00
Ikopi yomfanekiso oprintiwe	R60.00
Ikopi eprintiweyo yoShicilelo lwesandi	
Kwiphepha elingumlinganiselo we-A4	R12.00
Ikopi nganye eprintiweyo yoShicilelo lwesandi	R17.00



INHLOWULO YOKUTHOLA IMININGWANA- INHLOWULO YOKUVELISA

Inhlowulo yokuthola iminingwane ekhokhwa nguMfakisicelo ekubukiswa kuyona kuMqathango 7(3) ime kanje:

1. (a) Kwikopi ngayinye elinganano-A4	R0.60
(b) Kwikopi ngayinye eprintiwe kwiphepha elilingana no-A4 elikhishwe kwinqhondomshini noma enoma uwuphi umshini ongafundeka.	R0.40
(c) kwikopi ngayinye efundekayo eyenziwe ngohlobo lukagesi	
Kwidiski esistifi	R5.00
ICD	R40.00
(d) Ikopi lemibukiso eprintiwe	
Kwiphepha elilingana no-A4-	R22.00
Kwikopi ngayinye yemibukiso	R60.00
(e) Kwikopi ngayinye eprintiwe yokuqoshwa komsindo	
kwiphepha elilingana no-A4	R12.00
Kwikopi lokuqoshwa komsindo	R17.00
(f) Ukuphanda nokulungiselela iminingwane eza kukhishwa, kwihora ngalinye, ngaphandleni kwehora lokuqala, isikhathi lesa esanele ukwenzauphando nokulungiselela	R15.00

Ngokweenjongo zesigaba sama 22(2) sePAIA, kwasetshenziswa loku kulandelayo:

Kungandlula amahora ayisithupha ngaphambilini kokuthiimali yedibhozithi ifakwe ebhange
Isithathu senhlawulomali yokutholaimininingwane ikhokhwanguMfakisicelo kube yidibhozithi

3. Imali yokuposa ihlawulwa uma ikopileMininingwanekudingekaliposelwe kuMfakisicelo



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Ilink yentlawulomali:

<https://www.sahrc.org.za/home/21/files/PAIA%20Notice%20on%20fees.pdf>



8. EMINYE IMITHETHO

8.1 Ukufakelwa ugqozi komthetho Olawula EzoMthetho noBulungiswa, 3 ka- 2000 (PAJA)

Kwizimo ezilawula amanyathelo ezinto ezibambekayo ziba nefuthe elibi emalungelweni noma kwinto elindelwe ngokomthetho wamalungelo omphakathi, ngakho ke izimiselo zenqubo encomekayo kulawulo lwesigaba esimiselwe kwizibonelelo Zokufaka ugqozi koMthetho Wolawulo LwezeMthetho wama-2000 (Umthetho. 3 ka- 2000), ingakumbi kwizigaba ze-4 ne-5 kwakuhanjelwana nazo.

8.2 Umthetho Wokhuseleko Lwenzazelo Ngomuntu 2013 (POPIA)

8.2.1 Inhloso yePOPIA

Umthetho Wokhuseleko Lwenzazelo Engomuntu, we-4 ka- 2013, (“POPIA”) omisela nolawula inkqubo, equka ukuqokelelwa, ukusebenzisa, nokukhutshelwa kwengxelo yomntu nngamnye. Ngokwemiba yePOPIA, ingxelo engumntu (Umntu Onoxanduva) unoxanduva ngokusemthetho,, ngokusebenzisa, ngokukhuphela nokushabalalisa (inkqubo) enye (Umba Wemininingwane) ingxelo engomntu (Incazelo Engomuntu ngokusemthethweni, ngokufanalekile nendhlela eyisibophezelo esihambelananezibonelelo sezimo eziwushiya galombili (8) ezimiselwe ngaphansi kwePOPIA.

Izizathu I-e-Gov Icubungula Ulwazi Lwangesese

I-e - Gov iyacubungula futhi ingahlale njalo icubungula Ulwazi Lwangesese, olunge noma oluqukethwe iData Subject.

I-e-Gov idinga lokukucubungula ukuze ikwazi ukwenza lokhu okulandelayo:

Ukulandelela izinhloso zayo kanye namasu;

Ukufezekisa izinhlobonhlobo zezimpoqo ezisemthetheni , okubalwa ikakhulukazi nalezo ezibalulwe ngaphansi kwe kwesigatshana sesihlanu ngenhla;

Ukwenza izenzo zokuphuthula nokwenza nokusebenza kwesivumalwano phakathi kwe e-Gov Kanye ne Data Subjects;

Ukubeka endaweni izaphi zokuvikela izithakazelo ezivumelekile ze Data Subject’s kanye/ noma ze e-Gov, okubalwa nokusebenza ukukala ubungozi kanye namaprofayili obungozi;

Ukuthola ulwazi lawangesese mayelana nama Data Subjects, uma kungaba sedingo ngokomthetho noma ukuvikela izithakazelo zalaba abayingxenyane nezama Data Subject’s, kubalawuli, kubagcini bomthetho, abafane ne **SAPS, ikhansileyezikwelethu, abanikeza ngezikwelethu nabaxhumene nezikwelthu;**

Ukunikeza ulwazi lwangesese (Personal Information) mayelana nama Data Subjects, uma kungaba sedingo ngokomthetho noma ukuvikela izithakazelo zalaba abayingxenyane nezama



Data Subject's, kubalawuli, kubagcini bomthetho, abafane ne **SAPS, ikhansile yezikelethu, abanikana ngezikwelethu nababambuisene ngezikwelethu**

Ngezinhlalo zokuxhumana ne Data Subject kanye nokufika kwimibuzo Kanye nezicelo ze Data Subject;

Ngezinhlalo zokunikeza iData Subject, nesikhathi nesikhathi ulwazi mayelana nee-Gov, abaphathi bayo, abantu bayo, abasebenzi, izinsiza and izimpahla namanje ababizini nolvazi oluhlobene nje;

Ukulandelalela izithakazelo ezivumelelekile ze Data Subject Kanye/ noma ze e-Gov's, noma iyiphi iphathi yesthathu enikezwe ulwazi;

Ngezizathu zokunikeza, zokunakekela, nezokukhulisa imikhiqizo nezinsiza ze e-Gov, futhi nokuqapha nokucubungula izinhlobo zezindlela zokusentshenziswa nemikhuba yokwenza ezambisana nako;

Ngezizathu zokwenza imisebenzi yangaphakathi, okubalwa nokuphathwa kwabantu, izisebenzi, izinhlelo zabasebenzi zokuba kahle, ukwenza yonke imisebenzi edingakalayo ye **HR ne IR**, izikhungo zokufonelwa, olwayini bokuphathwa bamakhasimende kanye nemibuzo, ukubhekana nezezimali, okuhlanganisa isabelomali, inhlelo, amarisidi, ukwenza kube lula ukukhokha kalula, ukwenza ukudiliva, ukuthumela amarisidi, ukunikeza nje nje isandla kwokwezokuwheba, lapho ludingeka, luceliwe or ludingiwe;

Ngezizathu zokuvika ukukhwabanisa Kanye nokuhukumezeka kwwzinqubo, iizndhlela zokusebenza, izinqubo-mgomo nokusebenza, okuhlanganisa nokwenziwa kophenyo lwangaphakathi nolwangaphandle, ukululelwa kubuzwa kuqondiswa igwegwe kwi e-Gov

Eminye Imthetho

8.2. Ukufinyelala kwabanye kanye nokudlusela okweqa imingcele

I-e - Gov kwesinye isikhathi ingadalula ulwazi ulwazi lwangasese lwe Data Subject kwabanye, okubalwa nezinhlobo zombuso, eminye iminyango or nezikhungo, **productor third party service providers**, abalawuli noma Kanye iziphathimandla zikahulumeni, abanikezi bezinsiza baphesheya noma kanye agents, kodwa ke lokhukudalulwa kuyohlale njalo buncike kwisivumelwano esiyobe siphothulwe phakathi kwe e-Gov nabanye okuyibona abanikwezwe ulwazi lwangasese lwe Data Subject, okusho ukuthi ngokwesivumalwane kuphoqa umtholi wolwazi lwangasese ukuthi ahambisane nobumfihlo nemibandela yokuphepha kwedata neminingwangwane.



Lapho ulwazi lwangasese ne data ehlobene nalo idluliselwa kumazwe eliphandle kwmingcele yase Ningizimu Afrika, ulwazi lwangasese lwe Data Subject luyothunyelwela kuphela lulawo mazwe anemithetho ebekiwe yebungasese be data noma ke lapho umtholi wolwazi lwangasese eboshelwe ngokwesivumalwano ngokweibopho zonenke ze eziphoqwe yi POPIA.

8.2.2 Izizathu I-e-Gov Icubungula Ulwazi Lwangasese

I-e - Gov iyacubungula futhi ingahlale njalo icubungula Ulwazi Lwanagsese, olunge noma olugukethwe iData Subject.

I-e-Gov idinga lokukucubungula ukuze ikwazi ukwenza lokhu okulandelayo:

Ukulandelela izinhloso zayo kanye namasu;

Ukufezekisa izinhlobonhlobo zezimpoqo ezisemthetheni , okubalwa ikakhulukazi nalezo ezibalulwe ngaphansi kwe kweigatshana sesihlanu ngnenhla;

Ukwenza izenzo zokuphothula nokwenza nokusebenza kwesivumalwano phakathi kwe e-Gov Kanye ne Data Subjects;

Ukubeka endaweni izaphi zokuvikela izithakazelo ezivumelelekile ze Data Subject's kanye/ noma ze e-Gov, okubalwa nokusebenza ukukala ubungozi kanye namaprofayili obungozi;

Ukuthola ulwazi lawangasese mayelana nama Data Subjects, uma kungaba sedingo ngokothetho noma ukuvikela izithakazelo zalaba abayingxenyane nezama Data Subject's, kubalawuli, kubagcini bomthetho, abafane ne **SAPS, ikhansile yezikwelethu, abanikana ngezikelethunababambuisenen ngezikweletu**

Ukunikeza ulwazi lwangasese (Personal Information) mayelana nama Data Subjects, uma kungaba sedingo ngokothetho noma ukuvikela izithakazelo zalaba abayingxenyane nezama Data Subject's, kubalawuli, kubagcini bomthetho, abafane ne **SAPS ikhansile yezikelethu, abanikana ngezikelethu nababambuisene ngezikweletu**

Ngezinhloso zokuxhumana ne Data Subject kanye nokufika kwimibuzo Kanye nezicelo ze Data Subject;

Ngezinhloso zokunikeza iData Subject, nesikhathi nesikhathi ulwazi mayelana nèe-Gov, abaphathi bayo, abantu bayo, abasebenzi, izinsiza and izimpahla namanje ababhezini nolvazi oluhlobene nje;

Ukulandelalela izithakazelo ezivumelelekile ze Data Subject Kanye/ noma ze e-Gov's, noma iyiphi iphathi yesthathu enikezwe ulwazi;



Ngezizathu zokunikeza, zokunakekela, nezokukhulisa imikhiqizo nezinsiza ze e-Gov, futhi nokuqapha nokucubungula izinhlobo zezindlela zokusentshenziswa nemikhuba yokwenza ezambisana nako;

Ngezizathu zokwenza imisebenzi yangaphakathi, okubalwa nokuphathwa kwabantu, izisebenzi, izinhlelo zabasebenzi zokuba kahle, ukwenza yonke imisebenzi edingakalayo ye **HR and IR**, izikhungo zokufonelwa, olwayini bokuphathwa bamakhasimende kanye nemibuzo, ukubhekana nezezimali, okuhlanganisa isabelomali, inhlelo, amarisidi, ukwenza kube lula ukukhokha kalula, ukwenza ukudiliva, ukuthumela amarisidi, ukunikeza nje nje isandla kwokwezokuwheba, lapho ludingeka, luceliwe or ludingiwe;

Ngezizathu zokuvika ukukhwanisa aanye nokuhukumezeka kwama **processes, systems**, izinqubo-mgomo nokusebenza, okuhlanganisa nokwenziwa kophenyo lwangaphakathi nolwangaphandle, uklulelwa kubuzwa kuqondiswa igwegwe kwi e-Gov

8.2.3 Ukulondolozwa noku ngcinwa nokushatshaliswa kolwazi

I-e- Gov izoqinisekisa ukuthi ulwazi lwangasese lwama Data Subject lugcinwa ngokwe elekhtronikhali kwisizinda solwazi esimaphakathi, okungathi, ngezizathu zokusebenza, kufinyeleleke kuse wonke okwi e-Gov ngesidingo sokwazi nebhizinisi ngokufanele, ngaphandle ke uma fanele, olunye ulwazi lwangasese lwama Data Subject lungagcinwa kwikopi eliphepha. Lonke lolulwazi lwangasese lugcinwa lulondolozwe ngendlela ephephile. Mayelana nalokhu, i-e - Gov izoqinisekisa ukuthi yenza ukuhlola nokuphepha kolwazi lwangasese lwama Data Subject. Uma ulwazi lwangasese lwe Data Subject lungasedingeki ngenxa yesizathu sokuthi esizathu esasigcinelwe lona sesidlulile, lolo lwazi langasese logcinwa enqolobaneni ngendlela ephepheile for isikhathi esibekiwe yi e-Gov. I.-e-Gov okusela lapho iyoqinisekisa lolo lwazi lwangasese luyashabaliliswa unomphela.

9. OKUKULUNGISA UMA KWENZEKA UKUTHI ISIGABA (14(1)(H)) SE PAIA SEPHULWE)

9.1 Ukudluliswa kwangaphakathi

Uma uMceli engeneme ngesingumo esenziwe uMphathi Wolwazi noma Isekela lakhe, uMceli unelungelo



lokudlisela lesosi nqumo kwangaphakathi.

Ukudliselwa kwangaphakathi kubandakanya umuntu osesikhundleni esiphezulu, owaziwa ngokuthi igunya elefanele, oyobuyekeza isinqumo soMphathi Wolwazi noma eSekela Mphathi Wolwazi, ebese enquma ukuthi wenza isinqumo esifanele na.

Uma umuntu osesikhundleni esiphezulu evumelana nesinqumo soMphathi Wolwazi noma Sekela Mphathi Wolwazi, kuyobe ukudluliswa kangaphakathi kunqatshiwe, isinqumo ebesevelele sithathiwe mayelana nè PAIARequest siyama.

Uma umuntu osesikhundleni esiphezulu ephikisana nesinqumo soMphathi Wolwazi noma Sekela Mphathi Wolwazi, kuyobe ukudluliswa kangaphakathi kuvunyiwe, isinqumo ebesevelele sithathiwe mayelana nè PAIARequest sichithiwe.

Uma ukudluliswa kwangaphakathi kubandakanya umuntu wesithathu, I-e-Gov kumele yazise bonke abantu besithathu abathintekayo.

Ama **Third parties** nawo avumulekile ukudlulisa kwangaphakathi ngokuphikisana nesinqumo soMphathi Wolwazi noma Sekela Mphathi Wolwazi.

UMceli angafaka ukudlulisela ngaphakathi ngokuphikisana nalezizinqumo ze zoMphathi Wolwazi noma ISekela Mphathi Wolwazi:

Ukwenqweba noma isphi iSicelo sokufinyela kuma Rhekhodi;

Imali okuthiwe ayikhokhwe ukufinyelela, noma ukuCela isikhathi esiluliwe ukucubungula isiCelo.

umCeli engenelisekile ngesinqumo sokunikeza u e-Gov izinsuku ezingu 30 ezilulilwe ukuphendula isicelo.

umCeli engenelisekile ukuthi indlela amarhekhodi anikezwe ngayo ahlukile kulendlela ebewacele ngayo, lapho uMceli ekholelwa ukuthi bekungeke kube umthwalo ukuthi I-e-Gov inikeze amarhekhodi ngendlela ebecelwe ngayo.



9.2 Inqubomgomo, isikhathi-nkathi ne Fomu

Isicelo sokudlulisa kumele sifakwe ngokusetshenziswa ifome elunqunyiwe enamathiselwa la kwi PAIA Manual njenge “Sijobelo B”.

Isicelo sokudlulisa mule senziwe kulelikheli elilandelayo, inombolo yefeksi, noma ikheli le imeyili yo Mphathi Wolwazi nome Isecela Mphathi Wolwazi.

Umuntu ofaka isicelo sokudlulisa (okusukela obizwa nge “appellant”) kumele:

anikeze izizathu eziphelele kwifomu yokufaka isikhalo ngokuthi kungani enza ukudlulwa kwesicelo kwangaphakathi;
ukuthi achaze ukuthi ufuna ukwaziswa kanjani ngesinqumo sokudluliswa kwesicelo;
akhokhe imali enqunyiwe * enqunyiwe (uma ikhona) njengokusho kwesijobeleo sezomali.

* akukho mali ekhokhwayo okwamanjwe.

I-appellant /uMceli kumele afake isicelo sokudluliselwa ngaphakathi kwezinsuku ewe 60 emva kokuba echithiwe ngokwe kweSicelo se PAIA sokuqala.

IFomu B kumele iyiswe kuMphathi WoLwazi/Isecela-Mpathi Wolwazi okunguyena owanqaba iSicelo sokuqala, okunguyena okudingeka ukuthi asidlulisela kumuntu osesikhundleni esiphezulu.

Uma isikhalosidinga ukuthi isaziso sidinga ukuthi sinikwe umuntu wesithathu (i.e. njengokuthi ulwazi luqukethe imininingwane yangasese ngomunye umuntu, kanye nemininingwane eyimfihlo, ulwazi ngqo mayelana nokuhweba, kanye nolwazi ngocwaningo ngomuntu wesithathu), isidluliso ke kumele senziwe ezinsukwini ezingu 30 isizisi sinikiwe kule yomuntu wesithathu.

UMceli kumele anikeze isidluliso sangaphakathi kuMphathi Wolwazi/Isekela-Mphathi Wolwazi walolo hlaka olufanele ngeposi, noma nge feksi noma nge imeyili.

Isidluliso sangaphakathi sihlanganise nesihloko sokudlulisa ngaphakathi, izizathu ezilekela isidluliso, nolunye nje ulwazi olubalulekile olwaziwa yilowomuntu owenza iselo sokudlulisa.

Uma umceli engafisa ukuthi aziswe ngesinqumo mayelana nokudluliswa kwangaphakathi ngenye indlela kumele asho.



Umceli ofaka isicelo sokudlulisa ngaphakathi kumele akhokhe imali enqunyiwe. Isinqumo mayelana nokudluliswa ngaphakathi kungenzeka siqodlwe kuze kube imali ikhokhiwe. * engekho mahala okwamanje.

I-e-Gov iyovumela kuphela ofaka isikhalo ukuthi ifake isidluliso sekudlule isikhathi umanje iappellant ingakwazi ukunikeza izizathu ezingala zokudlulelwa isikhathi kantifuthi uma ukuchaza kwakhe kuthembakala.

Uma isidluliso sangaphakathi singenisweinkathi yezinsuku ezingu 60 seyidlulile, uMphathi noma uSekela-Mphathi Wolwazi kumele avume um kubekwe isizathu esiqatha sokdlulelwa isithathi. uMphathi noma uSekela-Mphathi Wolwazi engavumelani nokufakwa kwesicelo sekudlule isikhathi kumela azise i appellant ngelesisinqumo sokwenqaba ukufaka isidlulis sekudlule isikhathi .

9.4 Imali Yesikhalazo

UMkhalazi (appellant) kumele akhokhe imali yesikhalazo enqunyiwe (uma ikhona). Isinqumo sesikhalazo Sangaphakathi kungenzeka sigodlwe kuzekube ma imali yesikhalazo isikhokhiwe (* No fee currently).

9.5 Umuntu Wesithathu

Uma i- e-Gov icabangisisa isikhalazo Sangaphakathi mayelana nokunqatshwa kwesiceleo sokufinyelela kumarekhodi amayelana nomuntu wesithathu nokuhlobene nemfihlo, izathakazelo zowhebo nolunye ulwazi oluyimfihlo lwalowo wesithathu; noma amarekhodi e SARS, I-e-Gov kumele yazise umuntu wesithathu ngesikhalazo ezinsukwini eziwu 30 emva kokutholwa kwesikhalazo, ngendlela ephuthumayo.

I-e-Gov yonikeza umuntu wesithathuincazelo ngokuqukethwe isikhalazo, imininingwane yomkhalazi, bese iyachaz ukuthi kungabe I-e-Gov inombono wokuthi kungabe kufanele yini ukuthi lololwazi ludalulwe ngokufezekisa ulwazi lomphakathi.

Umuntu wesithathu unezinsuku ezingu 21 ukuziphendulela ngokubhalwe phansi ukuthi kungani iSicelo salolo lwazi kumele singanikezwa, noma anikezwe indlela yokuvuma ebhalwe phansi ngokudalulwa kwe Rekhodi kuMceli.

9.10 Isaziso ngesiNqumo

Emva kokuba ethole isikhalazo, uMphathi noma uSekela-Mphathi Wolwazi kumele kumele ezinsukwini ezingu 10 anikeze izizathu ngesinqumo sakhe, imininingwane yalowo wesithathu oyingxenywe, uma ekhona.



I-e - Gov kungamele iqinisekise isinqumo sokuqala/esasethathiwe vele, nome enze esinye isinqubo. Lokhu kuyokwenziwa ezinsukwini ezingu 30 emva kokuthola isikhalazo sangaphakathi, noma ezinsikwini eyisihlanu zokusebenza emva kokuthola okubhalwe mayelana nesikhalazo. Isaziso kumele sinikezwe kuMkhalazi, nayiphi iphathi yesithathu eyingxenye yo Mceli, ebalula izizathu zesinqumo.



Isaziso kumele

sibeke izizathu eziphelele ngesinqumo, okuhlanganisa noMthetho esithathelwephezu kwaso; singafaki, kulezozizathu, lokho okuqukethwe iRekhodi; sibeke ukuthi uMkhalazi, yilowo wesithathu noma uMceli, okuhumbisana necala/nodaba nocela/nodaba, , angakwazi ukufaka icala ukuphikisana nesinqumo sodlulisa kwesikhalazo sangaphakathi kwizinsuku ezingi 60; noma, **uma isaziso sidingeka ezinsukwini eziwu 30 kwiphathi yesithathu, emvakokuba isaziso senikiwe, nenqubomgomo kokufaka isicelo.**

Uma i-e- Gov yehluleka ukunikeza isaziso ngesinqumo sesikhalazo sangaphakathi kumkhalazi ngesikhathi esibekiwe, i-e-Gov, ngokwezohloso zaloMthetho, ithathwe njesithithe isicelo sokudlulisa isikhalazo sangaphakathi.

9.11 Ikantolo yokudlulisa isikhalazo

Uma ukudlulisa isikhalazo ngaphakathi kungaphumelelenga, noma uma i-e-Gov yenqabilile ukwamukela ukufakwa kwesikhalazo sangaphakathi sekudlule isikhathi, noma uma uMceli okanye iphathi yesithathu (appellant) ibuhlungu nanoma ngayiphi indlela ngenxa yesinqumo esenziwe i-e-Gov, lowo muntu angafaka isiceleo enkantolo ukukhululwa ngokugcwalisa ifomy kwizinsuku eziwu 180 emva kokuthola isinqumo.

Umceli noma iphathi yesithathu ingafaka isicelo kwi High Court (or court of similar status) uma KUPHELA kuwukuthi usizo olufanel emve kokuba uMceli noma or lowo wesithathu usenze konke okudingekayo uma efaka liskhalo Ngaphakathi **futhi uthole inothi ngesinqumo noma inothi yesinqumo esikholisayo, ngokwesimo sombandela**

Alikho iRekhodi okungamelelinikezwe inkantolo.

Izinqubo zekantolo zi **civil**, futhi inkantolo ingaqinisekisa, ixhumelele noma isibeke eceleni isinqumo, sokudluliswa kwesikhalazo sangaphakathi noma inike i **nterdict**



ISIJOBELELO C
IFOMU C
ISHEDYULE YENHLAWULOMALI ECHAZIWE

IMALI YESICELO	
Imali eyinhlawulo yesicelo ihlawulwa nguMfakisicelo, ngaphandleni koMfakisicelo ekubhekiswa kuyona kuMgomo 7(2)	R35.00
IKOPI LEMANUWALI	
Inhlawulomali yekopi eliymanuwali njengoko ithiwe thaca kuMqathango 5(c) wekopi ngayinye ekwiphepha elingumlinganiselo we-A4	R0.60
INHLAWULOMALI YOKUFINYELELA- INHLAWULO YOSABALALISA	
Inhlawulomali yokuqopha ekubhekiswa kuyona kuMgomo 7(1) ime kanje:	
a. Ikopi ngayinye ekwiphepha elingumlinganiselo we-A4	R0.60
b. Ikopi ngayinye eprintiwe ekwiphepha elingumlinganiselo we-A4 okanye inxenye yalo mlinganiselo ofakwe kwikhompyutha noma umshini ofundekayo	R0.40
c. Ikopi ngayinye ekuhlobo lwekhomputya olufundekayo	
1. Idiski yestifi	R5.00
2. ICD	R60.00
d. Imibukiso yekopi eliprintiwe	
i. Kwiphepha elingumlinganiselo ongu-A4	R22.00
ii. Ikopi yombukiso oprintiwe	R60.00
e. Ikopi eprintiweo yaqoshwa umsindo	
i. Kwiphepha elingumlinganiselo we-A4	R12.00
ii. Ikopi ngayinye eprintiweo aqoshwa umsindo	R17.00

**IMALI YOKUFNYELELA- INHLAWULO YOKUKHISHWA**

Inhlawulomali yokuvelisa ekukhulunywe ngako kumgomo 7(1) ime kanje:

f. Ikopi ngayinye Eliphepha le-A4 noma eyinxanye yomlinganiselo kaA4	R0.60
g. Ikopi ngayinye eprintiweyo engumlinganiselo we-A4 nomaeyinxenye ebekiwe kwikhompyutha nomayiphi inhlobo yomshini ofundekayo	R0.40
h. Ngekopi ngayinye efundekyoa kwikhompyutha	
3. Idisk lesisitifi	R5.00
4. Icwecwe leCD	R60.00
i. Ikopi eprintiwe yemibukiso	
iii. Ikopi ngayinye eliphepha le-A4 noma eyinxenye yomlinganiselo kaA4	R22.00
iv. Ikopi ngayinye enemibukiso	R60.00
j. Ikopi eprintiwe eqale ngokuqoshwa (ibingumsindoi)	
iii. Ikopi elingu-A4 noma eyinxenye yomlinganiselo kaA4	R12.00
iv. Ikopi leminingwane ebingumsindo kuqala	R17.00

Inhlawulo yokufinyelela kwiminingwane ecelwe nguMfaki Sicelo nekuikhulunywe ngayo kuMgomo 7(3) ime kannje:

1. (a) Ngekopi nganye eyi-A4 okanye ibe yinxalenye yalomlinganiselo	R0.60
(b) Ngekopi ngayinye eprintiwe eyi-A4 noma inxenye yayo ifakwe kwikhompyutha nomaumashini ofundekayo.	R0.40
(c) Ngekopi ngayinye ekuhlobo olufundekayo lwekhompyutha	
i. Idiski lestifi	R5.00
ii. Icwecwe leCD	R40.00
(d) Ukuprintwa kwefayile enemibukiso	
i. Ngekopi ngayinye eyi-A4 noma inxenye yalo mlinganiselo	R22.00



ii. Ngekopi ngayinye enemibukiiso	R60.00
(e) Ngekopi ngayinye eprintiwe ebiqale yaqoshwa umsindo	
i. Ngekopi ngayinye nge-A4 noma inxeneyelomlinganiselo	R12.00
ii. Ngekopi ngayinye ebiqale ngokuba umsindo	R17.00
(f) Ukuphanda nokulungiselela ukudalula imininingwane ngehora ngalinyenoma inxenye yaloo nto, ngaphandleni kwehoralokuqala, ngaphambilini kouthi kuphandwe kulungiswe	R15.00 for each hour
5. Ngezinhloso zesigaba 22(2) sePAIA, kwenzeka loku kulandelayo:	
a. Ukudlula kumahora ayisithupha ingekabhatalwanga idiphazithi	
b. Kufuneka isithathu semali esiyidiphazithi ukufinyelela kwiminigwane ihlawulwa nguMfakiSicelo ngaphambili	
3. Imali yokuposa ihlawulwa uma ikopi leminigwane liza kuposelwa UmfakiSicelo	

ISIJOBELELO D

Izizathu kokunqaba ukufinyelela kulwazi

Izizathu zibekwe ngohla kwi PAIA phansi kweMigomoka-4 yeSigaba 2 yePAIA

Ukuvikela ubumfihlo bomuntu wesithathu

UMphathi Wolwazi wesikhungo sikawonke wonke noma sangasese akumele ukufinyelela kulwazi lwangase kumuntu wemvelo, khlanganisa nalow oshonile.

I-PAIA uyakubeka ukuthi ukuze kuvikelwe ilungelo lobumfihlo lomuntu wesithathu ongumuntu wemvelo, uMphathi Wolwazi kumele acubungule ukuthi ukunikele lolo lwazi kumceli 'akuyukufaka ukudalula ngokungenamgqondo ulwazi lwangasese' (see sections 34 and 63 of PAIA).

Isigaba 1 se PAIA sinikeza incazelo evulelekile ukuthi yini eyakha "ulwazi lawangasese". Lencazelo ihlanganisa ulwazi oluhambisana socansi, ukukhulwelwa, nenkolo, kanjale nezinkulumbo zangasese, iDNA, ukuthathwa meminwe, nalapho igama lomuntu livela kuma rekhodi.



UMphathi WoLwazi kumele futhi acubungule ukuthi ulwazi lwangase okukhulunyelwa phezu kwalo luyangena noma alungeni na ngaphansi kwalemikhakha yolwazi lwangasese engadalulwa:

Ulwazi lwangasese umninkazi walo osavuma ukuthi ludalulwe;
Ulwazi lwangasese oselwenziwe lwaba semphakathini vele;
Ulwazi lwangasese oluphathelene nengane engaphansi kweminyaka e 18 lapho ukudalulwa kwalolo lwazi luyinzuzo emntwaneni, **nonanekela umntwana (loko kusho ukuthi. Umzali noma oyigadile;**
Ulwazi lwangasese lomuntu osashona kumceli oyisihlobo, noma Onikezwe igunya (elibhaliwe) yilowo oyishlobo;
Ulwazi lwangasese lomuntu oshonile oseneminyaka engaphezu ka 20 ashona;
Ulwazi lwangasese lomuntu oyi noma owayemele inhlango yabantu noma inhlango ezimele lapho incazelo ihambisana nesikhundla njengesiphathimandla.

I-PAIA idinga ukuthi abaPhathi Bolwazi be South African Revenue Services (SARS) bangadaluli ulwazi ngokukhokhwa kwentela yomuntu kanye nokuthoal imali, ngaphandle uma uMceli ezicelele ukufinyelele kilwakhe ulwazi.

Musawenkosi Ndlovu

Reply all |

Yesterday, 08

:44 PM

Somikazi Deyi

...

Ukuvikela Ezokuhweba Zowesithathu

UMphathi Wolwazi wezikhungo zomphakathi noma lezo zangasese kumele anqabe ukufinyelela kulwazi uma ukudalula lo lwazi kungenzakalisa ezezimali noma ezokuhweba kwibhizinisi.

I-PAIA ubalula loluhla lolwazi olulandelayo olumayela nokuhweba okungamele ludalulwe uMphathi Wolwazi:

Izimfihlo zokuhweba;
Iwezezimali, ezokuhweba, ezesayensi noma lwezobuchwepheshe lwengxenywe yesithathu okungathi uma ludalulliwe lwenzakalilese ngxenywe yesithathu.
Ulwazi olunekizwe yingxenywe yesithathu ngobumfihlo.



Nangane kunenqubo ejwayelekile yohuthi izinkapani zangasese zivikele ulwazi yazo, izikhungo zomphakathi ziphoqelekile ukuthi zisebenze ngendlela esobala. Ngakhoke kunezikhathi lapho ulwazi lukhweba le nkampani lungadalulwa khona.

Ukubekelwa eceleni kwePAIA: amarekhodi engxenywe yesithathu aqukethe ulwazi oluphatelene nokuphepha komphakathi noma ungungozi kwimvelokumele budalulwe, noma ngabe ukuludalulwa kwalolo lwazi kungenzeka lwenzekalise ingxenywe yesithathu.

Lokhu kwakha ukwazi oludingwa umphakathi.

Ukuvikelwa kolwazi lwangasese

I-PAIA inikeza uMphathi Wolwazi ukuhli anqabe ukufinyelela kwi rekhodi uma ukhululwa kwe rekhodi kungaholela ekuphulweni kwisibophezelo sokwethembena esithenjiswa ingxenywe yesithathu ngokwesivumelwano noma ngokwenkontileka.

Ukuvikelwa ukuphepha komuntu nempahla

Lesigatshana sithi uMphathi Wolwazi kumele anqabe ukufinyelela kwi rekhodi uma ukudalulwa kwe rekhodi kungaholela ekuncipheni kokuphepha komuntu noma kwempahla. Lesigatshana siqukethe ilungelo lokuvikela ubumfihlo njengo libheka impilo yomuntu qobo kanye futhi nempahla yakhe.

Ukuvikelwa kolwazi ekuqulweni kwamacala ezomthetho

Inhloso yale ngxenywe ukuvikela ulwazi olufuneka ebumthethweni nasekugcinweni komthetho. Le ngxenywe iqaphela eminye imithetho elawula izigatshana ezithile zolwazi. Ngokumayelana nalengxenywe, uMthetho 51 ka-1977 weNqubo Yobugebengu (Criminal Procedure Act) uqashelwa njengomthetho olawula amarekhodi aphaathelene nokuqulwa kwamacala ebheyili kanye nezinye izinqubo zokuphoqelelwa komthetho.

Lokhu kuyasebenza nakumarekhodi ayimfihlo kusukela ekwenziweni kwawo. Ngamanye amazwi lawa ngamarekhodi angatholakali kunoma ubani omunye, ngaphandle komuntu onelungelo lokubona lawo marekhodi, isibonelo, ummeli onezimfihlo zekhasimende. Noma yimaphi amarekhodi obudlelwano phakathi kommeli kanye nekhasimende lakhe avikelwe ngaphansi kwesigaba 40 se-PAIA. Nakuba i-PAIA ikuqaphela ukuba khona kweminye imithetho ephathelene nokuphathwa nokudalulwa kolwazi namarekhodi, esimweni lapho imithetho ilinganisela khona ngokungafanele ilungelo lokuthola ulwazi futhi kube



kuphambene nezimiso zokwenza izinto obala nokuba nokulandisa, i-PAIA izothatha indawo yomthetho.

Ukuvikelwa Kolwazi Locwaningo

UMphathi Wolwazi wesikhungo somphakathi noma ezimele/yengasese kumelwe sikunqabwe ukutholwa kwamarekhodi aqukethe ulwazi oluphathelene nocwaningo olwenziwa noma oluzokwenziwa yinhlangano yomphakathi noma ezimele okukhulunywa ngayo noma abanye noma ingxenye yethathu. Lokhu kwenqaba ukutholwa kolwazi kusezimweni lapho ukudalulwa kwerekhodi kuzoveza ucwaningo lwabanye abantu noma lwenhlangano yomphakathi noma ezimele, lomuntu ngamunye noma lwenhlangano eyenza ucwaningo, noma konakalise kabi into ecwaningwayo (bheka izingxenye 43 no-69 ze-PAIA).

Ulwazi okungase ukufinyelela kulo kwenqatshwe

Izigaba ezilandelayo zolwazi zimayelana nolwazi UMphathi Wolwazi engase enqabe ukuba uluthole, kuphela uma singafakazela ukuthi ulwazi okukhulunywa ngalo luwela ezigabeni ezilandelayo futhi angeke ku kusizakale umphakathi ukuludalula

Ezokuvikela zaseNingizimu Afrika, ezokuphepha nobudlelwane namanye amazwe omhlaba

Isigaba 41 se-PAIA sifuna ukuba uMphathi Wolwazi acubungule ukuthi isicelo solwazi sithintene yini nolwazi olumayelana nezokuphepha zaseNingizimu Afrika. UMphathi Wolwazi angakwazi ukuthi anqabe isicelo uma singanikeza ubufakazi bokuthi kuzobeka esimweni engcupheni ukuphepha kweNingizimu Afrika ukukhulula lolo lwazi

Okungokwenzuzo yeNingizimu Afrika ngokomnotho, ngokwezimali nangokohwebo

Isigaba 42 se-PAIA sifuna kube nokuvikelwa kolwazi lwenhlangano yomphakathi uma ukudalulwa kwalo kuzolimaza isimo sezomnotho nezezimali sale Riphabhuliki. Lesi sizathu sokwenqatshelwa senziwa ngokuya kokubona komuntu okusho ukuthi uMphathi Wolwazi kuzodingeka sicabangele ukuthi izikhungo zomphakathi zinikwe umyalo ngaphansi koMthethosisekelo waseNingizimu Afrika ukuba zilandise emphakathini, nokuthi ngenxa yalokho ulwazi lungase lunqatshelwe ezimweni ezithile kuphela. Ngaphezu kwalokho, uMphathi Wolwazi kuzodingeka abonise ukuthi ukudalulwa kolwazi okukhulunywa ngalo kungadala umonakalo ezintweni eziyinzuzo eNingizimu Afrika ngokwezimali nangokomnotho.

Imisebenzi yezinhlangano zomphakathi



Isigaba 44 se-PAIA sinikeza uMphathi Wolwazi igunya okunqaba ukutholwa kwerekhodi uma kuzophazamisa imisebenzi yenhlangano yomphakathi. Isigaba 44 sivulelekile sihlanganisa: Amaminithi emihlangano; Amarekhodi aqukethe izeluleko noma imibono; Amarekhodi aphantselane nezinxoxo ezenziwe nezinye izikhungo; Amarekhodi aphantselane nokuqaliswa kwemigomo noma izincomo.

“Izicelo ezichitha isikhathi noma ezicikayo, noma ukuphambukiswa okukhulu izinsiza zomphajathi ngedlela enganbuchopho”

UMphathi Wolwazi kungenzeka senqabe isicelo sokufinyelela ulwazi uma sicabanga ukuthi ukusebenza lezo zicelo kuzodla isikhathi ngokungenabuchopho futhi kuholele ekumosheni isinsiza. Nangaphezu kwalokho, UMphathi Wolwazi angase enqabe ukutholwa kolwazi uma isicelo sibonakala singenangqondo noma umuntu ofake isicelo esenzele ukucasula noma ukudala uchuku ngokungadingekile.

Ukungananzwa kwenzuzo yomphakathi

Zonke izivikeli zolwazi ngedlela echazwe ngenhla ziyasuka uma ukukhululwa kolwazi kunosizo omphakathini. Kanjalo ukuhlolwa kwezinto ezisiza umphakathi kuhamba phambili kunazo zonke ezinye izizathu zokwenqatshwa kokutholwa kolwazi. UMphathi Wolwazi wesikhungo somphakathi noma sangasese kumelwe asebenzise ukuhlola okulandelayo ngaphambi kokunqaba ukufinyelela ukutholwa kolwazi olungaphansi kwezigaba zokungadaluli ezibalulwe ngenhla. Uma kuhrangatshezwana nale mibandela, lolo lwazi ke kumelwe ludalulwe ngezizathu zokuthi kusizakala umphakathi.

Kungabe lolwazi lukhomba ukwephulwa okukhulu komthetho?

NOMA

Kungabe lamarekhodi okukhulunywa ngawo aqukethe ulwazi oluphantselane nento ezokwenzeka ngokushesha ethinta ukuphepha komphakathi ngezinga elikhulu noma ingozi kwezemvelo?

FUTHI

Kungabe ukusizakala komphakathi ekudaluleni lolo lwazi kuwudlula umonakalo ongenzeka?



IZIZATHU ZOKUNCIPHA KWEZINHLANGANO ZABANTU- KUTHATHWE EMTHHWENI

Ukuvikelela kwencazelo yezomnono nomuntu wesithathu

Isiphathimandlasezokuxhumanasenhlangano yabantukumele sisenqabe isicelo sokufinyelela kwirekhodi eliqukethe:

Izimfihlo zohwebo zomuntu wesithathu;

Incazelo yezemali, umnotho namabhizinisi, incazelo ngesayensinoma itekhinikhali, lapho ukudalula kubonakal ngathi kungadala umenakalokumabhizinisi nenzuzo yezimali yomuntu wesithathu;

incazelo enikeliwe ngumuntu wesithathukuyimfihlo, futhi umakudalulwekulindelwe ukuthi idale izinkinga zesivumelwano sekhontrakha noma olunye uthethathethwano ngokwezivumelwano ezenziwe nomuntu wesithathu noma zicikela phansi ukhuphiswano lwezamabhizinisi.

Nangona kunjalo, irekhodi isenokungenqatshelw auma iphethe le ncazelo:

Isiyatholakala emphakathini;

Ngomuntu wesithathu osevumile ngokubhala phansi, ukudalula kulowo ofake isicelo;

Ngokwemiphumelayemveliso noma imvelo yovivinyo (kuneyiyo imiphumelayovivinyo lokuqalanoma uphando olwenziwalokuthuthukisa izindlela zokuqhuba uvivinyo) onoa olunye uphando olwenzelwanoma olwenizwa egameni lomuntu;

Lapho ukudalula kungabonakalisa futhi kubeke encupheni ukhuseleko loluntu nemvelo.

Ukhuseleko nokuvikela kwencazelo eyimfihlo, nokhuseleko lwenye incazelo eyimfihlo yomuntu wesithathu

Isiphathimandla sezokuxhumanakumele sinqabe isicelo sokufinyelela kwirekhodi yaleyo nhlangano yomphakathi, uma ukudalula kungadala ukwaphula imibandela yemfihlo ekumele inikwe umuntu wesithathu ngokwemibandela yezivumelwano.



Isiphathimandla sezokuxhumanakwinhlangano yomphathi angasenqabaisicelo sokufinyelela kwirekhodi lenhlangano leyo, uma irekhodiliphethe incazelo enikezwe ngokuyimfihlo ngumuntu wesithathu, futhi uma idalulwe, ingacikela phansi ikusasa lokuthola leyo ncazelo noma incazelo yezinsiza ezifanayo neziyinzuzo yomphakathi njengoko iqhuba itholakala.

Nangona kunjalo, irekhodi lisenokunganqatshelwa uma liphethe lencazelo ilandelayo:

Isiyatholakala emphakathini;

Mayela nomuntu wesithathu ocabangelwayo novumile ngokubhala phantsi ukuthi uzodalula kowenza isicelo.

Ukhuseleko nokuvikeleka kwabantu nokhuseleko lwemihlaba

Isiphathimandlasenhlangano yomphakathikumele sisenqabe isicelo sokufinyelela kumarekhodi aleyo nhlangano, uma ukudalulakulindleleke ukuthi kubeke engozini ubomi bomuntu noma ukhuseleko lomuntu.

Isiphathimandlasenhlangano yomphakathisingasenqabaisicelosokufinyelelakwirekhodiyaleyo nhlangano, uma ukudalula kukhombisa ukucikela phansi noma ukuthikazmeza:

Ukhuseleko lwebhilidi, isakhiwo, indlela okusebenza, kuhlangoanisa ikhompyutha nomaindla yokuxhumana, uhlobo lwesithuthi noma nayiphi impahla;

Isiphathimandla sokuxhumana senhlangano yomphakathi singasenqaba isicelo sokufinyelela kwirekhodi lenhlangano, uma ukudalulakubonakal angathi kungacikela phansi noma kungaphazamisana nezindlela zokusebenza, isistim, amaplaninomainquboyokuvikela nokukhusela:

Umuntu ongaphansi kwesikimi sokuvikela nokukhusela oofakazi;

Ukhuseleko lomphakathi, noma nayiphi inxenye yomphakathi;

Isakhiwo sezokuvikela, isimo, noma isistim (inqubo yezinto), kuhlangoanisa ikhompyutha noma iindlela zokuxhumana, uhlobo lwesithuthi noma iyiphi impahla.

Ukhuseleko lwamadokodo amaphoyisa akwinqubo zebheyile, nokhuseleko lokunyanzelisa umthetho nezinqubo ezisemthethweni



Isiphathimandla sezokuxhumanakwinhlangano yoluntusingasenqaba isicelo sokufinyelela kwirekhodi yenhlangano, uma ukufinyelela kwezo rekhodi kuvinjwa yimithetho yesigaba 60(14) seCriminal Procedure Act, No. 51 of 1977.

Isiphathimandla sezokuxhumanasinagzikhethela ukwala ngokwezigaba zika- 39(1)(b) wePAIA.

Ukhuseleko lwerekhodi etholakala ngokomthetho nezinqubo zenkantolo

Isiphathimandla sencazelosenhlangano yomphakathikumele sisenqabe icelo sokufinyelela kwiirekhodi zenhlangano yomphakathiuma irekhodi libanjiwe ngoba lisetshenziswa kwizinqubo zenkantolo nomthetho, ngaphandleni kokuthi ukub ayimfihlo kwesuliwe.

Ezokuvikela, ukhuselekonobudlelwane beNingizimu Afrika

Isiphathimandla sezokuxhumananomainhlangano yoluntuingasenqaba isicelo sokufinyelela kwirekhodi laleyo nhlangano, uma ukudalulwa kulindeleke ukuthi kudale incindezi

to:

Ukuvikela iNingizimu Afrika;

Ukhuseleko lweNingizimu Afrika;



Ubudlelwane beNingizimu Afrika namazwe ehlabathi.

Isiphathimandla sezokuxhumana okanyesehlango yomphakathi singenqaba ukuthi kufinyelelwe kwirekhodi yaleyo nhlangano, uma ukudalula kuzoveza incazelo:

Enikezelwe ngokwemfihlo ngunoma egamenilelanye lizwenomainhlangano yamazwe ehlabathi;

Unikezelwe ngu noma egamenileNingizimu Afrika komunye uHulumeni noma izinhlangano zamazwe ehlabathingokwezilungiselelo noma izivumelwano namzwe ehlabathi nesizwe noma inhlangano efunakukhishwe incazelo iyimfihlo;

Kudingeka ziphathwe ziyimfihloyesivumelwano samazwe onke noma uthethoolisiko lobudlelane namazwe ehlabathiphansi kwezigaba 231 noma 232 woMgaqosiseko.

Inzuzo yezomnotho nesimo sezimali eNingizimu Afrika nemisebenzi yezomnotho namabhizinisi yenhlangano zoluntu

Isiphathimandlasezokuxhumana noma esehlango yoluntusingasenqabaisicelosokufinyelela kwinhlangano yomphakathi, mangabe ukudalula kungenakalisa amathuba enzuzo ezinto ezibambekayo (ezimathiryeli) amabhizinisi Kanye nezimali aseNingizimu Afrika, nomaukukhona kukahulumeni ukulawula kakhle ezamabhizinisieNingizimu Afrika.

Isiphathimandla sezokuxhumana noma zenhlangano yomphakathi lingasenqaba isicelo sokufikelela kwirekhodi yenhlangano uma irekhodi:

Likukethezimfihlo zohwebo kuHulumeni noma inhlangano yabantu;

Likuketheincazelo ngezamabhizinisi, ezomnotho, ezesayenzi nezitenhikhali, futhi ukudalula kungadala umenakalo kwinzuzo yamabhizinisi nezimali zikaHulumeni noma inhlangano yomphakathi;

Likuketheincazelo, engathi uma idalulwa, ibekeinhlangano yomphakathi esimweni esibi ngokwekhontrakha zezivumelwano noma izimo zothethathethwano, noma incindezi nokucikela phansi inhlangano yoluntu kukhuphiswano lwamabhizinisi;

Iprogrami yekhompuyutha (inqomshini) njengoko ichazwe kwiCopyright Act, No. 98 ka 1978, kaHulumeni nomainhlangano yluntu, ngaphandleni kokuthi idingeka ukuze ivume ukufinyelela ngodaba lwePAIA.



Isiphathimandlasokuxhumanakungenzeka singasenqabi isicelo sokufinyelela kwirekhodi eziphethwe incazelo:

Sesiyatholaka emphakathini;

Okuza noma okungokwenhlangano yabantu, ngaphandlenikwalowo kufakwa kuye isicelo, futhi inhlangano yabantu ivume ngokubhala phansi ukuthi iyavuma ukudalula kulowo ufaka isicelo;

Ngemiphumelayaso nasiphina isiphumo noma uvivinyo lwendawo oma uphando (lukhuphela ngaphandle iziphumo zovivinyo ezitholakale kuqala noma uphando olwenziwe ngenhlosoyokuvivinya kuqala noma uphando lwenziwengenjongo yokuthuthukisaizinqubozovivinyo) olwenziwayinhlangano yoluntu noma lwenziwa ngenxa yenhlangano yoluntu, futhi ukudalulakungadalaizinkinga zoukhuseleko nezokuvikela umphakathi noma indawo.

Ukhuseleko lweziphumo zophando ngomuntu wesithathu, nokuvikelwa kwencazelo yophando ngenhlangano yabantu

Isiphathimandla sencazelo noma esenhlangano yoluntukumele lisenqabe isicelo sokufinyelela kwirekhodi laleyo nhlangano noma incazelo equkethwe luphando olwenziwayo noma oluseza kwenziwa enoma olwenziwa egameni lomuntu wesithathu futhi lokho kuza kudalulwa kungabonisa le miphumela:

Bonisa kuhombise ukuthi umuntu wesithathu, umuntu owenza uphando noma oza kwenza uphando egameni lomuntu wesithathu, noma ophethe udabangezophando, oluza kuba nemiphumela emibi.



Isiphathimandlasenhlango yobantusingasengqaba isicelo sokufinyelela kwirekhodi laleyo nhlango, mangabeirekhodi liquketheincazelo emayel anophando oluqushwaegameni lenhlanganofuthi lokhu kuzodalulwa, nokuthi kusengadala lokhu kulandelayo:

Bonisa inhlango yabantu, umuntu owenza uphandonomaowenza uphando endaweni yomunye noma inhlango yabantu noma injongo yophandoibonisa imiphumela ezocikela phansi lowo muntu noma leyo nhlango.

Ukusebenza kwezinhlangano zemikhakha yomphakathi

Isiphathimandlasenhlango yabantusingasengqaba isicelo sokufinyelela kwirekhodi labantu, umma irekhodi liqukethe imicabango, incebis, umbiko nomaiziphakamiso ezitholiwe noma ezilungisiwe; noma umbiko wokubonisana, izinxoxonoma amasu, kuhlangoisaamaminithi emihlango, ngezinjongozokusizaukukhandaipholisi noma ukwenza isinqumo ekusebenziseni amandlanomaukwenza umsebenzi ngokwezigaba zomthethoyehango yoluntu.

Isiphathimandla ngencazelo senhlango yabantu singaseengqaba isicelo sokufinyelela kwiminingwane nerekhodo lalowo mphakathi, mangabe ukudalula irekhodi kulindeleke ukuthi kuphamabanise inqubo ehamba kahle phakathi kwenhlango yomphakathi nezinye izinhlangano, ngokuvimbainkulumiswano nemivabango, izncebis, imibikonomaizethulo noma indlela yokuqhuba izinxoxo zokubonisana, inxoxo mpikiswano nezinkulomo; nomangabeukudalulakwerekhodi kungaphambanisa ipholisi noma ipholisi ekukhulunywa ngalo noma iphambanise imiphumela emihle yokucubungula lelo pholisi.

Isiphathimandla sencazelo senhlango yabantu singasengqabaisicelo sokufinyelelakwirekhodilwalonhlango yomphakathi, mangabe:

Ukudalulakwerekhodikulindeleke ngathi kungonakalisaindlela eyiyona esebenza kahle uma kwenziwa uvivinyo, uhlobo noma ucubungulo lwamabhuku noma kusetshenziswa indlela esetshenziswa umphakathi;

Irekhodiliphetheimathiriyeli yokuhlolwa, nomaumuntu oyinikezile udalulwe kwirekhodi, futhiukudalula imathiriyeli kuzophula noma kusho okuthize noma kube ngathi kubonisa isethembiso esenziwe nesinikeziwe njengemfihlo

Mangabe irekhodi likhombisa ukuthi kusaqalwa, noma idrafti yesiphathimandla somphakathi



Izicelo ezikhombisa ukusetshenziswa kwezinsiza nezimali ezibiza kakhulu noma izicelo lezo zingabonisi ukuthi zibaluke kangakani na

Isiphathimandla senhlangano yabantu singenqaba isicelo sokufinyelela kwimininingwane yomuntu, mangabe isicelo leso sizama ukufaka incindezi noma sikhombisa ukuhlukumeza, noma umsebenzi odingekayo ukusebenza ngesicelo uzophenduka ithikameze izinsiza zomphakathi ngendhlela engadingeki
Ukudalulela ngokuzithandela kusenzelw ainzuzo yabantu

Ngaphandle nikwale zinto ezishiwo phansi zabhalwa phansi, osebenzakwezokuxhumana esebenzel aumphakathi akafake isicelo sokufinyelela kwimininingwane ebekiwe yenhlangano yabantu, mangabe ukudalulwa kwemininingwane kuzobonisa ubufakazi obunje:

Ukwaphula umthethongokumandla, noma ukungahamisani nawo (umthetho); nomaukuvula amathuba okubhangisa imigomo yokhuseleko lwabantu nendawo; nokuthi ukuveza iminingwane kube yinzuzo yabantu kungalimaza kakhulu kunika ithuba lokunqaba.

Ukusebenza kwezinhlangano zemikhakha yomphakathi

Isiphathimandla senhlangano yabantu singasenqaba isicelo sokufinyelela kwirekhodi labantu, umma irekhodi liqukethe imicabango, incebis, umbiko noma iziphakamiso ezitholiwe noma ezilungisiwe; noma umbiko wokubonisana, izinxoxo noma amasu, kuhlenganisa amaminithi emihlangano, ngezinjongo zokusiza ukukhanda ipholisi noma ukwenza isinqumo ekusebenziseni amandla noma ukwenza umsebenzi ngokwezigaba zomthetho yenhlangano yoluntu.

Isiphathimandla ngencazelo senhlangano yabantu singaseenqaba isicelo sokufinyelela kwimininingwane nerekhodo lalowo mphakathi, mangabe ukudalula irekhodi kulindeleke ukuthi kuphamabanise inqubo ehamba kahle phakathi kwenhlangano yomphakathi nezinye izinhlangano, ngokuvimba inkulumiswano nemivabango, izncebis, imibiko noma izethulo noma indlela yokuqhuba izinxoxo zokubonisana, inxoxo mpikiswano nezinkulamo; noma ngabe ukudalula kwerekhodi kungaphambanisa ipholisi noma ipholisi ekukhulunywa ngalo noma iphambanise imiphumela emihle yokucubungula lelo pholisi.