social development

Department:
Social Development
REPUBLIC OF SOUTH AFRICA

ILAYELO LE-PAIA

Lilungiselelwe ngokwemibandela

yesigaba 14
UmThetho 2 wokuKhuthaza ukuTholakala kweLwazi ka-2000 (njengombana ukhitjelelwe)

ILANGA LOKUHLANGANISWA: 31/03/2024

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IRHELO LEEMFINYEZO NEEMFITJHANISO

I-PAIA UmThetho No. 02 ka-2000 wokuKhuthazwa kokuFinyelelwa kweLwazi (njengombana ukhitjelelwe;

I-PFMA UmThetho No.1 ka-1999 wokuPhathwa kweeMali zakaRhulumende njengombana ukhitjelelwe;

I-POPIA UmThetho No.4 ka-2013 wokuVikelwa kweLwazi loMuntu Mathupha;

I-ICT UbuQwephetjhe bokuThintana ngeLwazi

I-HIV & AIDS Ubulwelwe beSendlalelo Ntumbantonga neNtumbantonga

Ama-NGO Iinhlangano eziNgasizo zakaRhulumende

Ama-CBO Iinhlangano eziZinze emiPhakathini

Ama-FBO Iinhlangano eziSekelwe ekuKholweni

1. IHLOSO YELAYELO LE-PAIA

1.1 Ilayelo le-PAIA lilisizo emphakathini malungana-

a) nokuhlola ihlobo lamarekhodi okungenzeka besekakhona emNyangweni wezokuThuthukiswa koMphakathi, ngaphandle kwefuneko yokukhambisa isibawo esisemthethweni se-PAIA;
b) nokuzwisisa bona senziwa njani isibawo sokuthola irekhodi lomNyango wezokuThuthukiswa koMphakathi;
c) nokufinyelela imininingwana yokuthintana efaneleko yabantu abazokusiza umphakathi ngamarekhodi abahlose ukuwathola;
d) nokwazi zoke iinrarululo ezitholakala emNyangweni wezokuThuthukiswa koMphakathi malungana nesibawo sokufinyelela amarekhodi, ngaphambi kokuya kuMlawuli namkha iKhotho;
e) nehlathululo yezenzelwa ezitholakala emalungeni womphakathi ezivela emNyangweni wezokuThuthukiswa koMphakathi, kunye nendlela yokuthola izenzelwa lezo;
f) nehlathululo yomhlahlandlela yokuthi isetjenziswa njani i-PAIA njengombana ibuyekezwa Mlawuli nokuthi ungayifikelela njani kiyo;
g) nokwazi ukuthi umkhandlu uzokwenza ikambiso yelwazi lomuntu mathupha, ihloso yokwenza ikambiso yomuntu mathupha kunye nehlathululo yeengaba zeenhloko zedatha kunye nelwazi namkha iingaba zelwazi elihlobene nalokho;
h) nokwazi bona umNyango wezokuThuthukiswa koMphakathi uhlelile na ukudlulisela namkha ukwenza ikambiso yelwazi lomuntu mathupha ngaphandle kweRiphabhliki yeSewula Afrika kunye nabamukeli namkha iingaba zabamukeli belwazi lomuntu mathupha abanganikelwa lona; kunye
i) nokwazi bona umNyango wezokuThuthukiswa koMphakathi unaw na amahlelo wokuphepha afaneleko wokuqiniseisa ukubulungwa kwefihlo, ukuthembeka, kunye nokutholakala kwelwazi lomuntu mathupha okufuze liragwe.

2. UKUHLONYWA KOMNYANGO WEZOKUTHUTHUKISWA KOMPHAKATHI

2.1 Ihloso/Igunya

UmNyango wezokuThuthukiswa koMphakathi uthola igunya lawo eliyihloko kumThethosisekelo weRiphabhliki yeSewula Afrika:

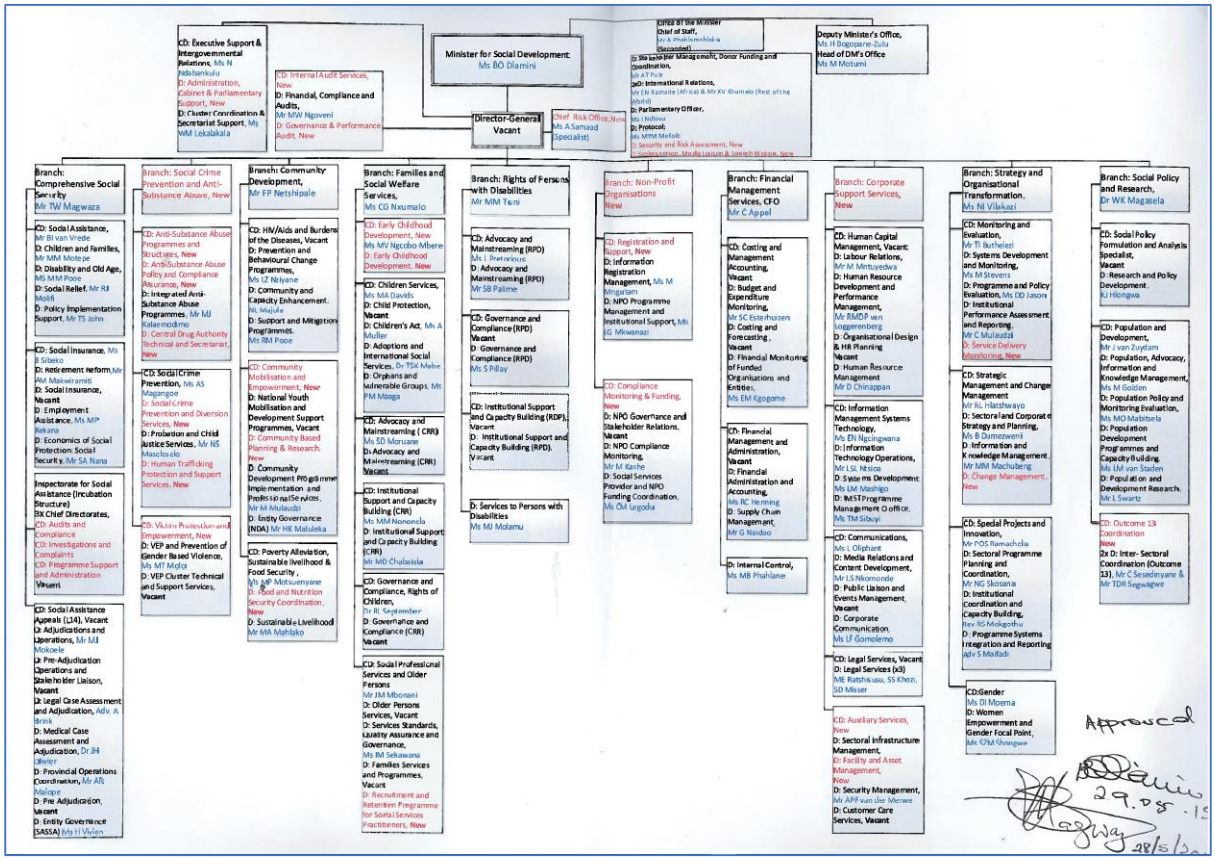
- IsiGaba 27(1)(c) somThethosisekelo weRiphabhliki yeSewula Afrika, ka-1996, unikela ngelungelo lokuthola isizo elifaneleko lezehlalakuhle kilabo abangakghoniko ukuzondla ngokwabo kunye nalabo abandliwa ngibo.
- Ngaphezu kwalokho, isiGaba 28(1) somThethosisekelo weRiphabhliki yeSewula Afrika sibeka amalungelo wabantwana malungana nokutlhogonyelwa okufaneleko (ukudla okusisekelo, indawo yokuhlala, izenzelwa zokutlhogonyelwa kwezamaphilo kunye nezenzelwa zezehlalakuhle) kunye nolungelo lokutlhogomela umntwana.

Imithetho elandelako le ekhona namkha iingcenye zayo zihlanganisa igunya elisemthethweni lomNyango wezokuThuthukiswa koMphakathi:

- UmThetho waBantwana, ka-2005 (umThetho No. 38 ka-2005)
- UmThetho waBantu abaDala, ka-2006 (umThetho No.2006)
- UmThetho wemiSebenzi yeZenzelwa zezeHlalakuhle, ka-1978 (umThetho No. 1978)
- UmThetho wokuHlukunyezwa ngeKhaya, ka-1998 (umThetho no. ka-1998)
- UmThetho wokuKhandela nokweLatjhwa kokuSebenzisa Kumbi iinDakamizwa, ka-2008 (umThetho No. 70 ka-2008)
- UmThetho weenHlangano eziNgenzi Nzuzo, 1997 (UmThetho no. ka-1997)
- UmThetho weSizo lezeHlekelele, ka-2004 (umThetho no. 13 ka-2004)
- UmThetho weSewula Afrika weHlangano yezokuPhepha komPhakathi, ka-2004 (umThetho No. 09 ka-2004)
- UmThetho weHlangano yokuThuthuka kwesiTjhaba, ka-1998 (umThetho No. ka-1998)

3. ISAKHIWO SOMNYANGO WEZOKUTHUTHUKISWA KOMPHAKATHI NEMISEBENZI

3.1 Isakhiwo



3.2 Imisebenzi

UmNyango wezokuThuthukiswa koMphakathi wenza imisebenzi elandelako le:

- Ukuphatha nokwengamela ukuphepha komphakathi, okufaka hlangana isizo lezehlalakuhle kunye nemithethomgomo yetjhorensi yezehlalakuhle ezihlose ukukhandela nokuphungula umtlhago nakwenzeka iingozi zemizombe yokuphila njengokulahlekelwa yimalingeniso ngebanga lokungasebenzi, ukurholophala, ukuluphala namkha ukuhlongakala okwenzekako.
- Izenzelwa zezehlalakuhle ezithuthukisako ezinikela isekelo ekuphunguleni umtlhago, ukuba sengozini kunye nomthelela we-HIV ne-AIDS ngokusebenzisa amahlelo wetuthuko azinzileko ngokukhambisana neenthunywa ezisebenzako ezifana namaziko asiswa nguRhulumende ngeemali, iinHlangano Ezingasi ngezakaRhulumende (ama-NGO), iinHlangano eziZinze emiPhakathini (ama-CBO), kunye neenHlangano eziSekelwe ekuKholweni (ama-FBO).

4. IMININGWANA YOKUTHINTANA YOKUFINYELELA ILWAZI LOMNYANGO WEZOKUTHUTHUKISWA KOMPHAKATHI

IsiKhulu seLwazi

Ibizo: Mnm Peter Netshipale
Umtato: 012312 7647
Iposomoya: PeterN@dsd.gov.za

Isekela lesiKhulu seLwazi

Ibizo: Mnm Michael Machubeng
Umtato: 012312 7839
Iposomoya: MichaelM@dsd.gov.za

Imininingwana yokuthintana ejayelekileko yokufinyelela ilwazi

Iposomoya: PAIA@dsd.gov.za
POPIA@dsd.gov.za

Kwesitjhaba

Isiphande Seposi: Private Bag X901
Pretoria
0001

Isiphande Sendawo: HSRC Building
134 Pretorius Street
Pretoria
0001

Umtato: 012312 7500

Iposomoya: PAIA@dsd.gov.za

Izinzolwazi: www.dsd.gov.za

5. IHLATHULULO YAZOZOKE IINRARULULO EZITHOLAKALA MALUNGANA NOMTHETHO NAMKHA UKUBHALELWA KUTHATHA IGADANGO KOMNYANGO WEZOKUTHUTHUKISWA KOMPHAKATHI

5.1 Isibilayejo sangaphakathi

a) Umfakisibawo angafaka isibilayejo sangaphakathi esiphikisana nesiqundo sesiKhulu seLwazi/iSekela lesiKhulu seLwazi ngeenzathu ezilandelako:
   (i) Ukubhala ukunikela ukufinyelela emarekhodini;
   (ii) Ukubhalelwa kuveza amarekhodi;
b) Umfakisibawo angafaka isibilayejo sangaphakathi ngokwesigaba 74 se-PAIA esiphathimandleni esifaneleko (uNgqongqotjhe wezokuThuthukiswa komPhakathi).
c) Bona kudluliselwe isibilayejo kinanyana ngisiphi isi(iin)qunto esenziwe siKhulu seLwazi namkha iSekela lesiKhulu seLwazi, okukhulunywe ngaso endimeni (a) ngehla, ofake isibawo kufuze afake isibilayejo sangaphakathi ngokuzalisa iForomo 4. Iforomo 4, elifakwe lapha, kufuze likhanjiswe esiKhulwini seLwazi namkha iSekela lesiKhulu seLwazi esenze isiqunto sokuthoma, okuzokutlhogeka bona sidlulisele kubaphathi abathintekako (uNgqongqotjhe wezokuThuthukiswa komPhakathi) kungakapheli amalanga ali-10 wokusebenza ngemuva kokuthola isibilayejo sangaphakathi.

d) Zikhona iinsombululo ezitholakalako malungana nesenzo namkha ukubhalelwa kusebenza komNyango wezokuThuthukiswa komPhakathi ngokukhambisana namahlelo wemithetho kunye namkha imithethomgomo.

e) Nangabe ikhastama liphatheke kumbi ngesiqunto esenziwe ngebakwa-SASSA malungana nesibawo salo sesibonelelo namkha ukubuyekezwa kwesibonelelo sakaRhulumende saBantu abaDala, abaRholopheleko, abaThembele eTlhogomelweni, aboMakekere bezePi, iSondlo saBantwana, isiBonelelo Esitholwa kuRhulumende kunye nesiBonelelo sakaRhulumende neSizo lezeHlalakuhle ebuJameni obunjalo. Umuntu angafaka isibilayejo, esikhathini isingangamalanga ama-90 kusukela ngelanga lesiqunto se-SASSA, neKhotho yeeNghonghoyilo eziJameleko yeSizo leeMbilayejo zoMphakathi ngokukhetha iForomo lokuDluliselwa kwesiBilayejo kunye namaphepha afaneleko aya eKhotho yeeMbilayezo eziJameleko yeSizo leeMbilayejo zoMphakathi ema-ofisini we-SASSA aseduze nmamkha ngeposomoya Grantappeals@dsd.gov.za.

   Nanyana ngisiphi esinye isibilayejo singanqotjhiswa ngokunqophileko ku-Complaints@dsd.gov.za.

5.2 Isikhathi sokufaka isibilayejo

a) Iforomo lokudlulisela isibilayejo sangaphakathi kufuze lilethwe namkha lithunyelwe esiKhulwini seLwazi namkha esiphandeni seSekela lesiKhulu seLwazi, imininingwana yalo ingatholakala ekhasini 6 kungakadluli amalanga ama-60 ngemva kokuthathwa kwesiqunto; begodu hlangana namalanga ama-30 ngemva kobana isaziso sinikelwe ilunga lesithathu lesinquntο esibilayejwako.

b) Isibilayejo kufuze sikhanjiswe esiKhulwini seLwazi okufanele ngokwe-PAIA, sidluliselwe kuNgqongqotjhe wezokuThuthukiswa komPhakathi, hlangana namalanga alitjhumi (10) wokusebenza, kunye namabanga wakhe wesiqunto esithintekako kunye nebizo, isiphandle seposi, inomboro yomtato kunye yesiphande seposomoya, kungakhathaliseki bona ngikuphi okutholakalako, kwananyana ngiliphi ilunga lesithathu okufanele laziswe ngesibawo, ngokwesigaba 47(c) 1) se-PAIA.

c) Isibilayejo kufuze sifakwe namkha sithunyelwe kinanyana ngiliphi ilwazi lokuthintana eliserhelweni lekhasi lesithandathu (6).
d) UNgqongqotjhe wezokuThuthukiswa komPhakathi angase, ngamabanga amahle atjengisiwe, avumele ukufakwa kwesibilayejo sangaphakathi esele kuladelwe. Nangabe uNgqongqotjhe wezokuThuthukiswa komPhakathi angakaneliseki ngamabanga asikiselweko wokufaka isibilayejo sekudlule isikhathi, isibawo angekhe sivunyelwe ngesasizo esitlolweko esiya emuntwini ofake isibilayejo sangaphakathi.
e) UNgqongqotjhe wezokuThuthukiswa komPhakathi kufuze ahlele begodu aqunte ngesibilayejo sangaphakathi hlangana namalanga amatjhumi amathathu (30) kusukela ngelanga okwatholwa ngalo isibilayejo sangaphakathi siKhulu seLwazi namkha iSekela lesiKhulu seLwazi.

5.3 Ikambiso yokunghonghoyila kumLawuli weLwazi nananyana ngimuphi umkhandlu olawulako

Umfakisibawo namkha ilungu lesithathu lingathumela isibilayejo kumLawuli weLwazi ngemuva kobana umfakisibawo loyo namkha omunye umuntu sekayiqedile ikambiso yangaphakathi yesibilayejo ephikisana nesiqunto sesiKhulu seLwazi namkha iSekela lesiKhulu seLwazi.

a) UmLawuli weLwazi angase asilandule isibilayejo nangabe ikambiso yokudlulisela icala esiphathimandleni esifaneleko (uNgqongqotjhe wezokuThuthukiswa komPhakathi)
b) Ukuthobela umThetho wokuLawulwa kweLwazi ngofake isibawo namkha ilungu lesithathu kfuuze kufakwe hlangana namalanga ali-180 kutholwe isiqunto esivela emkhandlwini.
c) Umfakisibawo angafaka isibilayejo kumLawuli weLwazi, nangabe akakathabi ngompumela wesibilayejo sangaphakathi esivela eemphathimandleni ezifaneleko (uNgqongqotjhe wezokuThuthukiswa komPhakathi) okungaba nganasi indlela elandelako:
    (i) Isiqunto sesiphathimandla esifaneleko (uNgqongqotjhe wezokuThuthukiswa komPhakathi) sokungavumeli ukufakwa kwesibilayejo sangaphakathi sekulada
    (ii) Isinqunto sesiKhulu seLwazi sokulandula isibawo sokufinyelela; namkha

(iii) Nweba isikhathi sokuqalana nesibawo; namkha unikele ukufinyelela ngendlela ethileko

d) Ilunga lesithathu lingafaka isibilayejo kumLawuli weLwazi, nangabe alikaneliseki ngomphumela wesibilayejo sangaphakathi esiphathisweni esifaneleko (uNgqongqotjhe wezokuThuthukiswa komPhakathi) okungaba ngendlela elandelako:

(i) Isinqunto sesiKhulu seLwazi namkha iSekela lesiKhulu seLwazi sokunikela isibawo sokufinyelela

5.4 Umuntu unghonghoyila njani kumLawuli weLwazi

a) Ukuthobela umthetho kumLawuli weLwazi kufuze kutlolwe phasi begodu iforomo lesibilayejo kufuze lizaliswe, ngesandla namkha nge-inthanethi. Iforomo lesinghonghoyilo, iForomo 5, lingadawunilodeka kuzinzolwazi lomLawuli weLwazi, https://www.justice.gov.za/inforeg/

5.5 Ikambiso yokuya ekhotho enegunya bona uthole isizo elifaneleko

Isiqunto esithethwe ziimphathimandla ezifaneleko (uNgqongqotjhe wezokuThuthukiswa komPhakathi) esiphathelene nananyana ngisiphi isiqunto umfakisibawo namkha ilunga lesithathu elinghonghoyila ngaso, singesamaswaphela begodu umfakisibawo namkha ilungu lesithathu lingakghona, ngendlela yokufaka isibawo, hlangana namalanga ali-180 ekhotho bona athole isizo elifaneleko ngokwesigaba 82.

a) Isibawo esiya eKhotho ngaphasi kwe-PAIA senziwa ngokudenjwa kwamacala begodu kufuze sisetjenziswe njengegadango lamaswaphela.

b) Amacala wokufinyelela elwazini angadenjwa ngaphambi kwamakhotho kamaRhastrada, njengekhotho yokuthoma kunye neKhotho ePhakemeko enegunya lokulawula.

c) Ukubhalelwa kuletha isibawo esikhathini esimalanga ali-180 kungas kulitjalelwe yiKhotho nangabe umuntu utjengisa bona ikareko yobulungiswa iyakutlhoga lokho. Lokhu kutjho bona ikhotho ingasamukela isibawo sekulada nangabe indaba ezokuhlungwa kutholakala bona ikhambisana nobulungiswa.

6. UMHLAHLANDLELA WOKUSEBENZISA I-PAIA NENDLELA YOKUFINYELELA UMHLAHLANDLELA

6.1 Umlawuli, ngokwesigaba 10(1) se-PAIA, ubuyekeze bewenza bona kutholakale umhlahlandlela obuyiekziweko wokuthi isebenza njani i-PAIA ("Umhlahlandlela"), iforomo nendlela ezwisiseka lula, njengombana kungase kutlhogwe mumuntu ofisa ukusebenzisa nanyana ngiliphi ilungelo elihlongozwe ku-PAIA kunye ne-POPIA.

6.2 Umhlahlandlela uyatholakala ngelimi ngalinye elisemthethweni.

Umhlahlandlela otjhiwo ngenhla emumethe ihlathululo yeenhloso ze-PAIA kunye ne-POPIA;

isiphande seposo nesendlela, inomboro yomtato kunye nefeksi begodu, nangabe ikhona, isiphande seposomoya yesiKhulu seLwazi sawo woke amagatja karhulumende, kunye neSekela lesiKhulu seLwazi kiwo woke amagatja karhulumende nazijameleko akhethwe ngokwesigaba 17(1) se-PAIA nesigaba 56 se-POPIA;

Indlela neforomo lesibalo sokuthola irekhodi lomkhandlu womphakathi elihlongozwe esigabeni 11; kunye

Ukuthola irekhodi lomkhandlu ozijameleko elihlongozwe esigabeni 50;

Isizo elitholakala esiKhulwini seLwazi sehlangano yomphakathi ngokwe-PAIA kunye ne-POPIA;

Isizo elitholakala kumLawuli weLwazi ngokwe-PAIA kunye ne-POPIA;

Zoke iinsombululo ezikhona emthethweni malungana nesizo namkha ukubhalelwa kukwenza okuthileko malungana namalungelo namkha umsebenzi onikelwe namkha obekwe yi-PAYA ne-POPIA, kuhlanganise nendlela yokufaka isibilayejo; isinghonghoyilo kumLawuli; kunye nesibawo sekhotho esiphikisana nesiqunto sesikhulu selwazi somkhandlu womphakathi, isiqunto sokudlulisa icala kwangaphakathi namkha isiqunto somLawuli namkha isiqunto sehloko yomkhandlu ozijameleko;

amahlelo wesigaba 14 no-51 atlhoga ihlaka lakarhulumende kunye nomkhandlu ozijameleko, ngokulandelana, bona enze ilayelo, kunye nendlela yokuthola ukufinyelela elayelweni;

Amahlelo wesigaba 15 no-52 aziveza ngokusepepeneneni ngokuzithandela iingaba zamarekhodi womkhandlu womphakathi nomkhandlu ozijameleko, ngokulandelana;

Izaziso ezikhitjhwe ngokwesigaba 22 no-54 malungana neemali okufuze zibhadelwe maqondana neembawo zokufinyelela; kunye nemithethokambiso eyenziwe ngokwesigaba 92. Amalungu womphakathi angahlola namhka enze amakhophi womHlahlandlela ema-ofisini womkkhandlu karhulumende namkha azijameleko, okufaka hlangana i-ofisi lomLawuli, ngeenkhathi zomsebenzi ezijayelekileko.

Umhlahlandela ungatholwa nalokha nawukhonjelwa esiKhulwini seLwazi; kusukela ezinzolwazini lomLawuli (https://www.justice.gov.za/inforeg/).

7. IHLATHULULO YEENHLOKO UMKHANDLU OGCINE NGAZO AMAREKHODI NEENGABA ZAMAREKHODI APHETHWE MNYANGO WEZOKUTHUTHUKISWA KOMPHAKATHI

a) Amarekhodi aphethwe mNyango wezokuThuthukiswa komPhakathi akhiqizwa ngegatja ngalinye nangeenqunto ezithathwa makomidi ahlukahlukeneko.

b) Igatja ngalinye lomNyango wezokuThuthukiswa komPhakathi likhiqiza amarekhodi aqakathekileko ahlobene nemiphumela yegatja kunye namarekhodi wokusebenza ngesikhathi somNyango wezokuThuthukiswa komPhakathi.

c) Iingaba zamarekhodi akhiqizwa emNyangweni wezokuThuthukiswa komPhakathi zihlukaniswa nganasi indlela etlolwe ngenzasi:

   i) Ngokwehlelo lefayili yokutlolelana, amafayili amalungana nesekelo lamano, imisebenzi eyihloko, amafayili wamacala kunye neenkambiso zokusebenza zomNyango wezokuThuthukiswa komPhakathi.

   ii) Ihlelo lokuLawula amaRekhodi lamanye amarekhodi okufaka hlangana agadangisiweko namarekhodi alalelwako nabukelwako namahlelo welwazi le-elekthroniki lomNyango wezokuThuthukiswa komPhakathi.

f) Amarekhodi athileko womNyango wezokuThuthukiswa komPhakathi atholwa ngesikhathi somsebenzi womNyango wezokuThuthukiswa komPhakathi begodu ebujameni obuthileko amarekhodi atholwa ebantwini ngabodwana kunye nemikhandlwini yomphakathi ngokukhambisana nelayelo lomthetho nemithethomgomo.

g) UmNyango wezokuThuthukiswa komPhakathi unelungelo lokudlulisela iimbawo zamarekhodi eendleleni ezifaneleko lapho iinhlanganwezi bezibanikazi abayihloko namkha abakhiqizi belwazi elikhonjelweko, namkha lapho umNyango wezokuThuthukiswa komPhakathi ungasenalo irekhodelo.

h) UmNyango wezokuThuthukiswa komPhakathi unelungelo lokwenza iingaba ezitjha zamarekhodi nakutlhogekako.

i) Ilayelo leli lizokubuyekezwa bona litjengeise amatjhuguluko eengabeni zamarekhodi ngokufaneleko.

7.1 Ihlathululo yesihloko somNyango wezokuThuthukiswa komPhakathi ophethe amarekhodi kunye neengaba zamarekhodi aphethwe esihlokweni ngasinye.

a) UmNyango wezokuThuthukiswa komPhakathi unamarekhodi alandelako la, atholakala emNyangwenin wezokuThuthukswa komPhakathi begodu angakhonjelwa ngokwekambiso yesibawo se-PAIA. Amarekhodi anjalo ngokujayelekileko awanalo ilwazi okungase kuthiwe liyifihlo.
b) Amarekhodi amanengi angena kilesi sigaba selwazi ayatholakala ku-Registry yomNyango wezokuThuthukiswa komPhakathi e-Ofisini eliKhulu lawo namkha kuzinzolwazi lomNyango wezokuThuthukiswa komPhakathi: https://www.dsd.gov.za.
c) Ngenzasi kunerhelo lamarekhodi kunye nelwazi elingakhonjelwa ngokusemthethweni ngokwe-PAIA namkha lidawunilodwe kuzinzolwazi elivezwe ngehla lomNyango wezokuThuthukiswa komPhakathi.

Iinhloko	**Iingaba zamarekhodi**	**Isibawo sokufinyelela**	**Dawuniloda kuzinzolwazi**
Amaphepha wamano, amahlelo, iimphakamiso	Ihlelo lamano Ihlelo Lokusebenza Laqobe mNyaka Imibiko yaqobe mnyaka	X	X

Iinhloko	Iingaba zamarekhodi	Isibawo sokufinyelela	Dawuniloda kuzinzolwazi
Ukunqophisa Nokuhlola	Imibiko Yokuhlola	X	X
UmNyango wezabaSebenzi	Imithethomgomo neenkambiso zomNyango wezabaSebenzi Amarekhodi wabasebenzi Ukuthuthukiswa Kokusebenza Amaphosti akhangisiweko Ihlelo Lokuqatjhwa Ngokulingana Neembalobalo	X	
Imithethomgomo Yokusebenza, Iinkambiso, Amahlaka, Amahlelo	Iimvumelwano Zephrothokholi Ubulawuli Bokuphakela Ngeensiza Amathenda Namakontraga Iminikelo Iimali Abaphakeli Ukulawulwa Kwengozi Imibiko Yokuhlaziywa Kwamaphepha Ilwazi Lobucwephetjhe Ukuphathwa Kweemali UmNyango wezabaSebenzi Iimaraga Namatshwayo Wokuthengisa	X	

Iinhloko	**Iingaba zamarekhodi**	**Isibawo sokufinyelela**	**Dawuniloda kuzinzolwazi**
Zomthetho, Imithethomgomo, Irhubhululo	Imibono Yezomthetho	X	
Ukwengamelwa Kwebhizinisi	Imemorandamu Yokuzwisisa Imithethomgomo neenkambiso Uhlelo Lezamaphilo Nokuphepha Emsebenzini Ikomidi Ephetheko Ikomidi Yabaphathi IKomidi Lokulawula Ukulahleka	X	
Ilayelao Nomhlahlandlela	Ilayelo Lokulawula Ilwazi kanye Nomhlahlandlela Wendlela yokusebenzisa i-PAIA	X	X
Ukuphadhlalajwa Nezinto Zeemaraga	Okugadangisiweko Iphenyo Imibiko Yokuhlola Imibuzo Evame Ukubuzwa	X	
Ilwazi Lobucwephetjhe	Iinhlekelele Neembawo Zesevisi Ukukhitjhwa Kwepahla Nelwazi Lobunikazi Amalogu Wesenzakalo Sesistimu Amalogu Wokusebenza Kwesistimu	X	

Iinhloko	Iingaba zamarekhodi	Isibawo sokufinyelela	Dawuniloda kuzinzolwazi
	Irhelo Lokuhlola Ukubulungwa Kwamahlelo Imibiko Yangenyanga Yokusebenza Iimvumelwano Zezinga Lesevisi Imithethomgomo Neenkambiso ze-ICT Ukutlhogonyelwa Kwenethiwekhi Amaphepha Wesistimu Yokuthuthukisa Umzombe Wokuphila		
Okugadangisiweko	Iincwadi, Iincwadi Zesikhathi, Amajenali, Imibiko, Iincwadi Zeendaba, Imibiko, Umagazini we-DSD, Ama-e-Publication	X	X
Iimbikindaba	Okukhitjhwa Ziimbikindaba, Imikhulumiswano Yomrhatjho ne-TV, Iintatimende, Iinkulumo Ezisemthethweni, Izipho Nemitlomelo, Okumunyethweko Kuzinzolwazi kunye Nobunikazi Bekhamphani namai-Infograph	X	X

Iinhloko	Iingaba zamarekhodi	Isibawo sokufinyelela	Dawuniloda kuzinzolwazi
Izenzakalo, imisebenzi, imbizo namakhonferensi	Izethulo, imikhulumiswano, imitlolo, imibiko	X	X
Amarejista	Imitlolo yangaphakathi Ihlelo lefayela Ihlelo lokulawula amarekhodi Amarejista wangaphakathi Irejista Yeminikelo Eyamukelwe	X	
Imibiko/imizuzu/iinqunto	Amamemo nokuthunyelwe, imizuzu	X	
Iindaba zokuphakelangeensiza	Amaphepha wokubhida, amakontraga, ama-oda wokuthenga, amakotitjhini, amathenda, imigomo yereferensi neemvumelwano zokuqatjhisa, irhelo labafakimbawo zamathenda, irhelo lamathenda akhitjhiweko.	X	
Iphenyo nokuthobelana umthetho	Ukulalelwa okusekelwe encwadini yedarhfari, incwadi ebizela ekhotho, izaziso zokukatelela, izaziso zelwazi, Ukungenenla Kwabasebenzi, Ukulalelwa Kwamacala Emphakathini,	X	

Iinhloko	Iingaba zamarekhodi	Isibawo sokufinyelela	Dawuniloda kuzinzolwazi
	Imibiko Yomhlangano Womphakathi kunye Nombiko Wephenyo.		
Iimali	Ukubalwa kweemali, ukubika iimali, amakontraga nokuphathwa kwamathenda, Ukuphathwa Kwepahla, Irejister Yepahla, Ukubalwa Kweemali, Iinlinganiso, Iintatimende, Izabelomali, Imibiko, Amarekhodi Wehlolombono, Iintatimende Zemalingeniso, Imibiko Yembuyiselo Ihlaka Lesibonelelo Sakarhulumende Esinemibandela.	X	
Ukugadangiswa kokulalelwako nokubukelwako	Amaslayidi, Iinthombe, Amafilimu, Amavidiyo	X	

7.2 Iingaba zamarekhodi okungenzeka zibe ngaphasi kwamabanga wokulandulwa kokufinyelela emarekhodini

a) Amarekhodi aserhelweni leengaba ezingenzasi angase akhonjelwe ngokusemthethweni, kodwana ukufinyelela eengabeni zamarekhodi la namkha loke irekhodi kungase kulandulwe ngamabanga womthetho aserhelweni lesigaba 33 ukuya ku-46 se-PAIA.

b) UmNyango wezokuThuthukiswa komPhakathi ubuye ube nelungelo lokulandula ekufinyeleleni amarekhodi lokha ukuhlaziywa kwerekhodi

nakuzokubangela ukuphambuyka okukhulu okunganangqondo kwemithetho yawo.

c) Ukufinyela kuzokubuye kulandulwe lokha iimbawo zibonakala zililize begodu zihlubayeza.

d) Kodwana, isiKhulu seLwazi namkha iSekela lesiKhulu seLwazi somNyango wezokuThuthukiswa komPhakathi singanikela isibawo sokuthola irekhodi lomNyango wezokuThuthukiswa komPhakathi, nange:

   i. Ukuvezwa epepeneneni kwerekhodi kuzokuveza ubufakazi bokuphulwa komthetho okukhulu namkha ukubhalelwa kuthobela nomthetho; begodu

   ii. Ikareko yomphakathi ekuvezweni epepeneneni kwerekhodi ikudlula ngokukhanyakako ukulimala okuhlongozwe kinanyana ngimaphi amabanga wokubhala ukufinyelela emarekhodini.

Isigaba serekhodi	**Efomini Lesibawo kwaphela**
Ilwazi elihlobene nokuphepha	X
Amarekhodi aphethwe Masevisi Wezomthetho	X
Ukuthintana Okuyifihlo Kwangaphakathi Kwabaphathi Abaphezulu	X
Irhubhululo elenziwe mNyango wezokuThuthukiswa komPhakathi	X
Ilwazi Eliyifihlo Letlayenti	X
Ilwazi elikhethekileko elikhiqizwa hlangana nephenyo, ilwazi elihlobene nokuphepha kwesitjhaba, ilwazi lelunga lesithathu	X
Ilwazi Labasebenzi, okuhlanganisa, kodwana kungagcini nje emafayilini ahlobene nekambiso yokukhalinywa namarekhodi, ilwazi lomuntu mathupha ngokujayelekileko.	X
Ukuvezwa epepeneneni kwepahla neenkambiso zokuvikela ipahla	X
Iimvumelwano zezinga lesevisi	X
Amaphepha wamathenda	X

Isigaba serekhodi	Efomini Lesibawo kwaphela
Ama-ajenda, imizuzu yemihlangano nemibiko	X
Imibiko, amaphepha wemithethomgomo nemikhulumiswano	X
Amaphepha werhubhululo nemibono yezomthetho	X
Ama-invoyisi nobufakazi bokubhadela	X
Imibiko yephenyo	X

8. IMIHLOBO YAMAREKHODI WOMNYANGO WEZOKUTHUTHUKISWA KOMPHAKATHI AZOKUTHOLAKALA NGAPHANDLE KOBANA UMUNTU ABAWE UKUFINYELELA KIWO

Iimbethamthetho	UmThetho waBantwana, ka-2005 (umThetho No. 38 ka-2005) UmThetho waBantu abaDala, ka-2006 (umThetho No.2006) UmThetho wemiSebenzi yeZenzelwa zezeHlalakuhle, ka-1978 (umThetho No. 1978) UmThetho wokuHlukunyezwa ngeKhaya, ka-1998 (umThetho no. ka-1998) UmThetho wokuKhandela nokweLatjhwa kokuSebenzisa Kumbi iinDakamizwa, ka-2008 (umThetho No. 70 ka-2008) UmThetho wokuVimbela nokweLatjhwa kokuYama eenDakamizweni, 1992 (umThetho No. ka-1992) UmThetho weSizo lezeHlalakuhle, ka-2004 (umThetho no. ka-2004) UmThetho weenHlangano Ezingenzi Nzuzo, ka-1997 (umThetho no. ka-1997) UmThetho weHlangano yokuThuthuka kwesiTjhaba, ka-1998 (umThetho No. ka-1998)	X

	UmThetho wokuKhuthaza ukuTholakala kweLwazi, 2000 (umThetho No. 02 ka-2000) UmThetho wesiTjhaba weZenzelwa zokuBulungwa kwamaRekhodi namaPhepha weSewula Afrika, ka-1996 (umThetho No. 43 ka-1996 njengoba ukhitjelelwe) UmThetho wokuVikelwa kweLwazi loMuntu Mathupha, ka-2013 (umThetho no. 04 ka-2013) UmThetho wokuKhuthaza ubuLungiswa bokuPhatha, ka-2000 (umThetho, no. 03 ka-2000) UmThetho wokuPhathwa kweeMali zakaRhulumende, ka-1999 (umThetho No. 1 ka-1999) 3.7. UmThetho wezokuThintana nokuRhwebelana ngeGezi, 2002 umThetho No. 25 ka-2002) UmThetho wobuJamo obusiSekelo sokuQatjhwa, ka-1997 (umThetho No. 75 ka-1997) UmThetho weTjhebiswano labaSebenzi, ka-1995 (umThetho No. 66 ka-1995) UmThetho wokuLingana Emsebenzini, ka-1998 (umThetho No. 55 ka-1998)	
ImiThethokambiso	ImiThethokambiso yomThetho waBantwana	X
Amaforomo	IForomo lesiBawo le-PAIA	

	IForomo lesiBilayejo le-PAIA IForomo lesiNghonghoyilo le-POPIA	
Imithethomgomo, Amatlhatlha, Imihlahlandlela,	Umhlahlandlela we-PAIA Ilayelo le-PAIA Umthethomgomo Oyifihlo Wezinzolwazi Umthethomgomo Wokuveza Ikareko Iphepha eliMhlophe lamaLungelo waBantu abaRholopheleko Iinkambisolawulo Nemigomo	X
Amaphepha Wamano (Amahlelo Nemibiko)	Iphrofayili yehlangano (Iburujo, Iminqopho, Imisebenzi, i-Oganogram) Amahlelo Wamano Ihlelo Lokusebenza Laqobe Mnyaka Umbiko Wokusebenza Waqobe Mnyaka Amahlelo Wokusebenza Waqobe Mnyaka	X
Zokuthuntana	Ikulumo kaNgqongqotjhe Ikulumo yeSekela lakaNgqongqotjhe Iintatimende Zeembikindaba Iindaba ze-DSD	X
Ukuphathwa Kwezabasebenzi	Iforomo Lokufaka Isibawo Sesikhala Somsebenzi Kurhulumende (Z83) Imizombe yamaphosti akhangisiweko	X

	Umthethomgomo Wokuqatjha Nokukhethwa Umthethomgomo Wokulingana Ngokomsebenzi Ihlelo Lokulingana Kwezemisebenzi Umthethomgomo Wokuphatha Umsebenzi Umthethomgomo Wama-awara Womsebenzi Umthethomgomo Wokuhlola Umsebenzi Umthethomgomo Wendleal Yokwembatha Umthethomgomo Wokusiza Abasebenzi Ukuqunta Isikhathi Sokungabikhona Isiqunto Sokujanyiswa Kwesevisi Umthethomgomo Wokuhlukumeza Ngokwamabhayi Umthethomgomo Wesizo Lokufunda Umthethomgomo Wokuhlaliswa Kabutjha	

9. AMASEVISI ATHOLAKALA EMALUNGENI WOMPHAKATHI KUSUKELA EMNYANGWENI WEZOKUTHUTHUKISWA KOMPHAKATHI NENDLELA YOKUFINYELELA AMASEVISI LAWO

9.1 Irejista Yokuvikelwa Kwabantwana

a) Ngokwesigaba 111 somThetho waBantwana 38 ka-2005, umNqophisi-Zombelele kufuze abulunge begodu atlhogomele irejista ezokubizwa ngokuthi

yiRejista yesiTjhaba yokuVikelwa kwaBantwana. Irejista Yesitjhaba Yokuvikelwa Kwabantwana iqukethe Ingcenye A kunye Nengcenye B.

b) Ingcenye A kufuze ibe nerekhodi layo yoke iminiko yokuhlukunyezwa namkha ukungatjhejwa komntwana ngabomu, yoke imilandu yabo boke abantu ngemilandu efaka hlangana ukutlhorisa namkha ukungatjhejwa komntwana ngabomu kunye nakho koke okutlolwe yikhotho yabantwana ukuthi umntwana utlhoga ukutlhogonyelwa nokuvikelwa ngebanga lokutlhoriswa kunye nokungatjhejwa komntwana ngabomu (Qala: Isigaba 114 somThetho waBantwana 38 ka-2005).
c) Ingcenye B kufuze ibe nerekhodi labantu abangafanelekeli ukusebenza nabantwana kunye nokusebenzisa ilwazi lokutlolisa (ingcenye B) bona kuvikelwe abantwna ngokujayelekileko ekutlhorisweni babantwaba (Qala: Isigaba 118 somThetho waBantwana 38 ka-2005).
d) Boke abantwana abatlhorisiweko abayingcenye yephenyo eliphathelene nananyana ngimuphi umhlobo wokutlhorisa abantwana ngokomzimba, ngokwamazizo, ngokomseme namkha ukungatjhejwa ngabomu kufuze kufakwe eNgcenyeni A yeRejista yesiTjhaba yokuVikelwa kwaBantwana.

9.2 Amasevisi wabantwana

a) UmNyango wezokuThuthukiswa komPhakathi unikela ngamasevisi wabantwana abatlhoga itjhejo nokuvikelwa; abaneendingo ezikhethekileko (lokhu kungabandakanya ukugula okungapheliko, ukurholophala, kunye nalabo abantwana abatjengisa ukuziphatha okubudisi ukukulawula).
b) Ngehlelweli, umNyango uzibophezele ekwakheni imindeni nemiphakathi etlhogomelako nevikela abantwana bona bafinyelele amakghono wabo ngokuzeleko.

9.3 Amasevisi Wabantu Abarholopheleko

a) UmNyango wezokuThuthukiswa komPhakathi utlama bewuthome amahlelo hlanganyelo begodu unikele ngamasevisi asiza ukukhuthazwa kwehlalakuhle kunye nokuthuthukiswa komnotho kwabantu abarholopheleko ngokubanikela

amahlelo wokungenenela kunye namasevisi nokwenziwa kwamandla esekelo.

9.3 I-HIV ne-AIDS

a) UmNyango wezokuThuthukiswa komPhakathi unikela ngemitlamo nokusebenzisa amahlelo hlanganyelo wokutlhogomela asekelwe emphakathini kunye namahlelo okuhloswe ngawo ukuphungula umthelela we-HIV ne-AIDS kwezehlalakuhle nezomnotho ngokunikela ngamahlelo wokungenenelela kunye nezenzelwa, amahlelo wokuvimbela kunye nesekelo lengqondo nokuthuthukiswa kweemali nokuthuthukiswa kwamandla weenhlangano ezisiswa ngeemali..

9.4 Isi Lomphakathi

a) UmNyango wezokuThuthukiswa komPhakathi uqalana neendingo ezirhabako ezikhonjwe miphakathi ekhinyabezekileko ngeenhlekelele ezingakavezwa tjhatjhalazi, kunye nananyana ngibuphi obunye ubujamo bezehlalo obudosela ebudisini obungatlhogekiko ngokunikela iseluleko nesekelo ebantwini nemindenini ethintekileko, ukuthuthukisa amahlelo wokunakekela ngokungenela esikhathi esifitjhani, esiphakatjhana nesikhathi eside, kunye nokunikela ngesizo lezeemali nelezinto ezibonakalako ebantwini namkha imindeni ngokunqophileko namkha ngabalingani abafanelekako bokwethulwa kwezenzelwa.

9.5 Ukunakekelwa Kwekhaya Emphakathini

a) UmNyango wezokuThuthukiswa komPhakathi unikela ngeemali kunye nesekelo eenhlanganweni ezinikela ngezenzelwa ezinengi ebantwini nemindenini ethelelekе nethinteka ku-HIV ne-AIDS. Iinhlanganwezi zinikela ngesizo lokuNakekelwa kweKhaya Emphakathini bona kuqinisekw ebonyana iindingo ezisisekelo zabantu abaphila ne-HIV ne-AIDS ziyafinyelelwa.

9.6 Indawo Yeentantani

a) Indawo Yeentantadi kulapho kubekwa khona umntwana bona atlhogonyelwe mumuntu ongasiye umbelethi wakhe ngebanga lomthetho wekhotho

yabantwana; namkha ukudluliselwa komntwana kwenye indawo yokutlhogonyelwa.

9.7 Ukusisiselwa

a) Ukusisiselwa kulapho kubekwa khona umntwana bona atlhogonyelwe unomphela mumuntu ongasiye umbelethi wakhe wamambala namkha umtlhogomeli wakhe unomphela. Ukusisiselwa kunikela umntwana umndeni wasafuthi ozinzileko ebeyinganawo.
b) Ukusisiselwa phakathi kweenarha kulapho umntwana atholwa mumuntu namkha abantu abavela kwenye inarha.

9.8 Ukutloliswa kwama-NPO Nokwakha Ikghono Lokusekela Iziko

a) UmNyango wezokuThuthukiswa komPhakathi utlolisa bewutjheje ukuthotjelwa kwama-NPO. UmNyango wezokuThuthukiswa komPhakathi unikela ngokwakhiwa kwamakghono wamaziko nesekelo ku-NPOS, i-CBO, kunye nama-FBO anikela ngezenzelwa ezinengi ezifana Nokwelapha ukusetjenziswa kumbi kweendakamizwa, ukubandulelwa amakghono wepilo kunye nokuzithuthukisa komuntu mathupha, ukwelulekwa, i-HIV ne-AIDS, Amahlelo amatjha werarano lelutjha ngomthetho.

9.9 Ukusiswa kwama-NPO

a) UmNyango wezokuThuthukiswa komPhakathi unikela ngeemali kunye nesekelo leenhlangano ezinikela ngezenzelwa endaweni yezenzelwa zezehlalakuhle.

9.10 Izenzelwa zebengubo neendaba Zobulili

a) UmNyango wezokuThuthukiswa komPhakathi unikela ngeemali nesekelo eenhlanganweni ezisebenza ngeendaba zebengubo neZobulili. Iinhlanganweezi zinikela imihlobohlobo yezenzelwa okufaka hlangana:
    - Indawo yokuhlala yebengubo abatlhorisekileko
    - Ukuhlonyiswa kwabongazimbi
    - Ukwelulekwa kwebengubo abatlhorisiweko nabantwana/imindeni yabo

- Ukubandulwa nokuthuthukiswa kwamakghono
- I-HIV ne-AIDS

9.11 Ukuthuthukiswa Komthethomgomo Wabantu Nerhubhululo

a) UmNyango wezokuThuthukiswa komPhakathi wenze irhubhululo malungana nokutjhuguluka kwenani labantu begodu uthuthukise, uthomise, bewatjheja bona uhlole umThethomgomo waBantu.

9.12 Ukutlhogonyelwa nokusekelwa kwabantu abadala

a) UmNyango wezokuThuthukiswa komPhakathi unikela amandla bewuvikele abantu abadala ekutlhorisweni. UmNyango wezokuThuthukiswa komPhakathi uragela tjhubelo nokunikela ngamahlelo nezenzelwa ezifana nokuluphala ngekuthalo, iindawo zokuhlala ezinesizo kunye neendawo zokuhlala (amakhaya wabantu abadala).

9.13 Ukubuthelela Umphakathi

a) Ukwakha imiphakathi ephephileko nezinzileko ngokwakha amathungelwano womphakathi aqinileko, asekelwe emahlelweni wokuthembana nokuhlonipha ukuhlukahluka kwendawo, kunye nokuthuthukisa amazizo wokuba yingcenye nokuqinisekisa abantu bendawo.

9.14 Ukuqedwa komtlhago neendleal zokuphila ezizinzileko

a) Vuselela imiphakathi yendawo kunye nemindeni etlhagileko ngokuzakhela amandal wokuziphilisa azinzileko kunye nokuzijamela.

9.15 Amandla, imisebenzi nokwenza

a) Ukuphatha nokwengamela ukuphepha komphakathi, okufaka hlangana isizo lezehlalakuhle kunye nemithethomgomo yetjhorensi yezehlalakuhle ezihlose ukukhandela nokuphungula umtlhago nakwenzeka iingozi zemizombe yokuphila njengokulahlekelwa yimalingeniso ngebanga lokungasebenzi, ukurholophala, ukuluphala namkha ukuhlongakala okwenzekako.

b) Izenzelwa zezehlalakuhle ezithuthukisako ezinikela isekelo ekuphunguleni umtlhago, ukuba sengozini kunye nomthelela we-HIV ne-AIDS ngokusebenzisa amahlelo wetuthuko azinzileko ngokukhambisana neenthunywa ezisebenzako

ezifana namaziko asiswa nguRhulumende ngeemali, iinHlangano Ezingasi ngezakaRhulumende (ama-NGO), iinHlangano eziZinze emiPhakathini (ama-CBO), kunye neenHlangano eziSekelwe ekuKholweni (ama-FBO).

10. UKUBANDAKANYEKA KOMPHAKATHI EKWENZIWENI KOMTHETHOMGOMO NAMKHA EKUSETJENZISWENI KWAMANDLA NAMKHA UKWENZA IMISEBENZI YOMNYANGO WEZOKUTHUTHUKISWA KOMPHAKATHI

a) Ekusebenziseni amandla wayo namkha ukwenza imisebenzi yawo ngokwesigaba 27 somThethosiseklo weRiphabhliki yeSewula Afrika neminye imithetho (etjhiwo ekasini 5), amalungu womphakathi ayamenywa ngeenkhathi ezithileko ukuthi enze izethulo namkha ukuhlanganyela namkha ukuba nomthelela ekuthuthukisweni kwemiThethomlingwa yomNyango wezokuThuthukiswa komPhakathi, amaPhepha amHlophe, imiThethomgomo neeNqophiso namaZinga.
b) Amalunga womphakathi ayakhuthazwa bona alethe iimphakamiso zokuthuthukiswa kwemiThethomlingwa, amaPhepha amHlophe, imiThethomgomo, neeNqophiso namaZinga. Amalungu omphakathi nawo ayakhuthazwa ukuthi abambe iqhaza ekuxoxisaneni nomphakathi nasekuxoxisaneni nababambiqhaza okuhlelwe ukuThuthukiswa Kokuthuthukiswa Komphakathi. Amalunga womphakathi nawo akhuthazwa bona ahlanganyele ekucocisaneni nomphakathi nekucocisaneni nabahlanganyeli okuhlelelwe umNyango wezokuThuthukiswa komPhakathi.
c) Ikundla yesetjenziselwa ukuhlanganyeal komphakathi ingase ibe neendawo zokulalelwa kweemvumo zomphakathi (mathupha namkha ngokubukela), ngeposomoya namkha ngemitlolo ethunyelwako.
d) Imibono kunye nokwethulwa kwamalungo womphakathi kucantjangelwa khulu ngesikhathi kwakhiwa umthethomlingwa womNyango wezokuThuthukiswa komPhakathi, amaPhepha amHlophe, imithethomgomo neeNqophiso namaZinga.
e) UmNyango wezokuThuthukiswa komPhakathi usabalalisa ilwazi emphakathini ngokusebenisa imithombo yeendaba ye-elekthroniki negadangisiweko, igazethi karhulumende kunye namathungelwano wezokuthintana.

11. UKUHLAZIYWA KWELWAZI LOMUNTU

11.1 Ihloso Yokuhlaziya

1. UmNyango wezokuThuthukiswa komPhakathi uhlaziya ilwazi lomuntu mathupha leenhloko zethada ezingaphasi kwetlhogomelo lawo ngokuzalisa namkha ukwenza iimbopho zawo zomthetho nomthethomgomo ngokusebenzisa –
    i. Irejista Yokuvikelwa Kwabantwana
    ii. Ukutloliswa kwama-NPO
    iii. Ukuquntwa kweembilayejo zeembonelelo
    iv. Ukusisiselwa
    v. Indawo Yeentantani
    vi. Tlolisela Abantu Abadala
    vii. Ukuhlonyiswa Kwabongazimbi
    viii. Ukuqedwa kwendlala kanye neendlela zokuziphilisa ezizinzileko
    ix. Ukuphathwa kwabasebenzi neembawo zomsebenzi
    x. Ukubuluna irekhodi lama-akhawunti
    xi. Ikambiso yokuthenga
    xii. Iimvakatjhi ezivakatjhela nanyana ngiziphi izakhiwo zomNyango wezokuThuthukiswa komPhakathi
    xiii. Ukuthobelana neminye imithetho efaneleko, njengomThetho wokuLingana ngokuQatjhwa kunye ne-PFMA, imiThethokambiso engaphasi kwawo kunye namaNothi womlawu womPhathimafa wesiTjhaba.

11.2 Ihlathululo yeengaba zeenHloko zeDatha kunye nelwazi namkha iingaba zelwazi elihlobene nakho

Ngenzasi sifanekiso seibeka iingaba zeenhloko zedatha kunye nehlathululo yemvelo namkha iingaba zelwazi lomuntu mathupha okufuze lihlaziywe. Yelela bona umhlobo welwazi lomuntu mathupha lidzimelele ehlosweni yomzimab ekwenzeni imisebenzi namkha izenzelwa zawo.

Iingaba Zedatha Iinhloko	Ilwazi lomuntu mathupha elingahle Lihlaziywe
Abahlomuli bomNyango wezokuThuthukiswa komPhakathi: Abanghonghoyilako: Abantu Bemvelo	Amabizo neembongo; imininingwana yokuthintana (iinomboro zokuthintana), inomboro yefeksi, isiphande seposomoya); Isiphande sendawo yokuhlala, seposo namkha sebhizinisi; Isitjengisi/Ubunikazi obuhlukileko Inomboro neencwadi eziyifihlo
Abanghonghoyilako: Abantu Abasemthethweni	Amabizo wabantu okuthintanwa nabo; Ibizo lebhizinisi elisemthethweni; isiphande sendawo neseposo; imininingwana yokuthintana (iinomboro zokuthintana), inomboro yefeksi, isiphande seposomoya); inomboro yokutlolisa; ilwazi lezeemali, lezerhwebo, lelayisensi namkha lobucwephetjhe kunye neemfihlo zerhwebo
Abasebenzi / Amalungu / Amalungu Wekomidi	Ubulili, ukuba sidisi; ubujamo bakho bomtjhado; ihlanga, ubudala, ilimi, ilwazi lezefundo (iziqu); ilwazi lezeemali; Umlando Wokusebenza; Iinomboro zakamazisi; isiphande sendawo neseposo; imininingwana yokuthintana (iinomboro zokuthintana), inomboro yefeksi, isiphande seposomoya); irekhodi lobugebengu; ihlalakuhle kunye namalungu womndeni, zamaphilo, ubutjhaba, imvelaphi yobuhlanga namkha yehlalo, ipilo yomzimba namkha yengqondo, ukurholophala, ilwazi lokufakazela ubuwena, umlando wokuqatjhwa, ukusebenzisana kobucwephetjhe kunye neenkhombo.
Abantu / Amabhizinisi Angaphandle	Ibizo; imininingwana yokuthintana (iinomboro zokuthintana), inomboro yefeksi, isiphande seposomoya); iimphande zendawo yokuhlala nezeposo.
Umlamuli / Umeluleki / Bezokubonisana	Amabizo wabantu okuthintanwa nabo; Ibizo Lebhizinisi; Isiphande sendawo neseposo kunye nemininingwana yokuthintana (iinomboro

Iingaba Zedatha Iinhloko	Ilwazi lomuntu mathupha elingahle Lihlaziywe
	zokuthintana), inomboro yefeksi, isiphande seposo); Inomboro Yokubhalisa.
Abanikela Ngezenzelwa Abanekontraga	Amabizo wabantu okukhulunywa nabo; ibizo lebhizinisi; amabizo wabanqophisi nabanikazi bamatjhere, isiphande sendawo neseposo kunye nemininingwana yokuthintana (iinomboro zokuthintana), inomboro yefeksi, isiphande seposomoya); ilwazi leemali; inomboro yokutlolisa; imitlolo yokusungula; ilwazi elihlobene nomthelo; abatlikitli abagunyaziweko, ubujamo bokuhlonyiswa kwabanzima kwezomnotho ngokunabileko (B-BBEE), amahlaka angaphasi, amano webhizinisi.

11.3 Abamukeli namkha iingaba zabamukeli belwazi lomuntu mathupha elingakanikelwa kibo

a) UmNyango wezokuThuthukiswa komPhathi unganikela ngelwazi lomuntu mathupha ledatha engaphasi kwabasebenzi bomNyango wezokuThuthukiswa komPhathi, njengengcenye yokuzalisa igunya lawo elisemthethweni.
b) UmNyango wezokuThuthukiswa komPhathi unganikela ngelwazi lomuntu mathupha ledatha engaphasi kwababoneleli bezenzelwa abanenza izenzelwa ezilandelakwezi:
    i. Ukubulungwa kwelwazi lomuntu mathupha
    ii. Ukuthunyelwa kweemposomoya nezinye iincwadi emphakathini
    iii. Ukwenza amatjhege ngekuthalo efaneleko
    iv. Ukuraga amatjhege wobutsotsi
    v. Ukwenza isiqinisekiso sokufaneleka
    vi. Ukuhlolwa kwabasebenzi abafaneleko ekusebenzeni nabantwana
    vii. Iphenyo lezobuhloli kunye nananyana ngiliphi elinye iphenyo elihlobene nemisebenzi yomNyango wezokuThuthukiswa komPhathi
    viii. Ukuhlaziywa kweencwadi
    ix. Ukuphathwa Kweenkhwama Zomndende Nesizo Lezokwelatjhwa

x. Umthangalasisekelo we-ICT

c) UmNyango wezokuThuthukiswa komPhathi godu ungase unikele ngelwazi lomuntu mathupha leenhloko zedatha ku:

i. Nanyana ngimuphi umuntu okufakwe isinghonghoyilo ngaye;

ii. Nanyana ngisiphi isiphathimandla esilawulako somuntu namkha ikhotho, malungana nananyana ngiyiphi indaba namkha ingcenye yayo, ewela ngaphasi kwamandla wabo;

iii. Amaziko aqinisekisa ukuthotjelwa komthetho, njengeNational Prosecuting Authority, isiPholisa seSewula Afrika (sephenyo lobugebengu kunye nokutjhutjhiswa)

iv. Amakhotho, malungana nananyana ngiyiphi indaba ethethwe ekubuyekezweni kwezomthetho.

v. Imikhandlu enomthwalo wokuhlola ukuphepha komuntu mathupha kunye nokuqinisekiswa kweziqu, njengamaCredt Bureuas neSouth African Qualifications Authority

11.4 Ukugelelza kwe-transborder okuhleliweko kwelwazi lomuntu mathupha

a) UmNyango wezokuThuthukiswa komPhathi ungene emahlelweni Wokusisiselwa kweenTjhabatjhaba Ngaphasi kweenTjhaba eziHlukahlukeneko ezilawulwa Mkhandlu we-Hague Ekuvikelweni Nekusebenzisaneni Nabantwana malungana nezenzelwa zokusisiselwa kunye nokuvikelwa kwamalungelo wabantwana.

b) Nakungahle kutlhogeke bona kudluliselwe nanyana ngiliphi ilwazi lomuntu mathupha kwenye inarha ngananyana ngiziphi iinhloso ezisemthethweni, umNyango wezokuThuthukiswa komPhathi uzokuqinisekisa bona nanyana ngubani odlulisela kuye ilwazi lomuntu mathupha ungaphasi komthetho, imithetho esibopho yebhizinisi namkha isivumelwano esibophezelako esinikela izinga elaneleko lokvikela nokuthi ilunga lesithathu liyavuma ukuphatha ilwazelo lomuntu mathupha ngezinga elifanako lokuvikela njengombana umNyango wezokuThuthukiswa komPhathi ubophekile ngaphasi kwe-POPIA.

c) Nanyana ngikuphi ukudluliswa kwelwazi lomuntu mathupha okudlula amaqintelo kuzokuba nemvumo yesihloko sedatha, kodwana nange kungenzeki ngokuzwakalako ukuthola imvumo yesihloko sedatha umNyango

wezokuThuthukiswa komPhathi uzokudlulisela imininingwana yomuntu mathupha nange:

i. Kuba ngenzuzo yesihloko sedatha; begodu
ii. Isihloko sedatha besiyokunikela imvumo nakungenzeka ngokuzwakalako ukuthola imvumo leyo.

11.5 Ihlathululo Ejayelekileko Yamagadango Wokuvikeleka Kwelwazi okufanele asetjenziswe yihlangano enesibopho bona kuqinisekiswe ubumfihlo, ukuthembeka nokutholakala kwelwazi

a) UmNyango wezokuThuthukiswa komPhathi uyaraga nokwenza nokubulunga amagadangao afaneleko, afanelana nobucwephetjhe kunye nehlangano ngokuthatha amagadango afaneleko, wobucwephetjhe kunye nokuhlela ukukhandela:
   i. Umonakalo wokulahlekelwa namkha ukuphulwa okungasi semthethweni kwelwazi lomuntu mathupha; kunye
   ii. Ukufinyelelwa ngokungasi semthethweni namkha ukuhlaziywa kwelwazi lomuntu mathupha.
b) UmNyango wezokuThuthukiswa komPhathi uthethe amagadango afaneleko amunyethwe esigabeni (c) ngenzasi bona:
   i. Tjengisa zoke iingozi zangaphakathi nezangaphandle ezibonakala ngokukhanyaka elwazini lomuntu mathupha ezikilo namkha elawulwa ngiyo.
   ii. Ukuhloma bewubulunge iimvikelo ezifaneleko ngokujamelene neengozi ezikhonjiweko.
   iii. Qinisekisa qobe bnoa iimvikelo zisetjenziswa ngepumelelo.
   iv. Qinisekisa bona iimvikelo zivuselelwa ngokuragela phambili malungan neengozi ezitjha namkha ukusalela kweemvikelo ezisetjenziswe ngaphambilini.
c) Amagadango athethwe mNyango wezokuThuthukiswa komPhathi ahlanganisa, hlangana nokhunye:
   i. Ukulawula ukufinyelela
   ii. Ukulodlhelwa Kwedatha
   iii. Amagadango Wokuzivikela

iv. Ukutjheja ngokuqinileko, ukuhlaziya iincwadi kkunye namakghono wokubika
v. Idatha ebekelwe ngeqadi
vi. Iinrarululo zesivikela mulwani kunye nesivikeli buthi
vii. Ukuyelelisa nokuphaphama
viii. Iimvumelwano ziphethwa nabaragi bona kusetjenziswa iinlawuli zokuphepha.

c) UKUTHOLAKALA KWELAYELO

12.1 Ilayelo leli lenziwa litholakale ngawo woke amalimi asemthethweni alandelako-

a) IsiNgisi
b) isiPedi
c) isiTswana
d) isiBhuru
e) isiZulu
f) isiXhosa
g) isiNdebele
h) isiSuthu
i) isiSwati
j) isiVenda
k) isiTsonga
l) I-Braille

12.2 Ikhophi yeLayelo leli nakha igadagniso lalyo elibuyekeziweko, nalo liyatholakala ngendlela elandelako:

a) Ku-www.dsd.gov.za nayikhona, yomkhandlu womphakathi
b) I-ofisi elikhulu lomkhandlu womphakathi bona ihlolwe mphakathi ngesikhathi sebhizinisi.
c) Umlawuli weLwazi nakabawako.

d) AMAREKHODI ANGATHOLAKALIKO NAMKHA ANGEKHO

a) Abafake iimbawo banelungelo lokuthola iimpendulo ngendlela yobufakazi besipholiseni (affidavit) namkha isiqinisekiso lapho amarekhodi angekhe atholakale khona ngefanelo, kodwana loyo ofake isibawo uzokwazi ukufinyelela kiyo nange irekhodi litholakala.
b) Abafake iimbawo godu banelungelo lokuthola iimpendulo ngendlela yobufakazi besipholiseni (affidavit) namkha ngesiqinisekiso salokha amarekhodi akhonjelweko angekho.

e) UKULAHLWA KWAMAREKHODI

a) UmNyango wezokuThuthukiswa komPhakathi unelungelo lokuwalahla ngokusemthethweni amarekhodi athileko ngokweemphathimandla ezitholwe eeNsizeni zesiTjhaba zeButhelelo lamaRekhodi.
b) Abafake iimbawo bazokwaziswa bona amarekhodi athileko aphayiwe lapho kukhambisana namarekhodi akhonjelweko.
c) Ngokukhambisana nesigaba 24(1) se-POPIA, umNyango wezokuThuthukiswa komPhakathi ungase, nawuthola isibawo esivela esihlokweni sedatha:

i. Lungisa namkha susa ilwazi lomuntu mathupha elimalungana nesihloko sedatha ekiso namkha engaphasi kwelawulo layo elingakanembi, eliqakathekileko, elidlulelwe sikhathi, elingakapheleli, elidurhisako namkha elitlolwe ngokungekho emthethweni; namkha
ii. Ukurhayila namkha ukususa irekhodi lelwazi lomuntu mathupha malungana nesihloko sedatha umNyango wezokuThuthukiswa komPhakathi ongakagunyazelwa ukusibulunga ngokwesigaba 14 se-POPIA.

f) UKUBUYEKEZWA KWELAYELO

a) UmNyango wezokuThuthukiswa komPhakathi, nakutlhogekako, uzokubuyekeza bewugadangise iLayelo leli qobe mnyaka.

Ikhitjhwe ngu

Mnm Peter Netshipale

Nqophisi-Zombelele