



UMZIMVUBU
LOCAL MUNICIPALITY

IMANUAL

Umthetho Wokukhuthaza Ukutholakala Kolwazi, 2 ka-2000 (njengoba kuchitshiyelwe)

&

Umthetho Wokuvikela Ulwazi Lomuntu Siqu, 4 ka 2023

Lo mbhalo walungiswa futhi wenziwa watholakala ngokuhambisana neSigaba 14 se- PAIA futhi uyingxenye yezibopho ze Isikhulu Esibhekele Ulwazi ngokoMthethonqubo 4 c) weMithethonqubo ku maqondana Nokuvikelwa Kolwazi Lomuntu Siqu

USUKU LOKUMUKELA NGUMKHANDLU: 31/01/2024

OKUQUKETHWE

1. IZINCAZELO	5
2. ISINGENISO.....	8
3. IMININGWANE NGOKWESIGABA 14 SE-PAIA.....	10
3.1. INHLOSO YE-PAIA INCWADI	10
4. UKUSUNGULWA KOMASIPALA WASEMZIMVUBU.....	10
4.1. Izingongo/Igunya.....	10
4.2 Igunya Lezomthetho	11
5. ISAKHIWO NEMISEBENZI KAMASIPALA WASEMZIMVUBU	14
5.1. Isakhiwo	14
5.2. Amandla kanye Nemisebenzi kaMasipala Wendawo Umzimvubu	15
6. IMININGWANE YOKUXHUMANA EQHUBEKAYO YOKUTHOLA ULWAZI LUKAMASIPALA WASEMZIMVUMBU	16
7. IKHOMISHINI YAMALUNGELO ABANTU KANYE NOMLAWULI WEZOLWAZI.....	17
8. UKUTHOLAKALA KWALE NCWADI ISIGABA 14(3) SE-PAIA].....	18
9. UMHLAHLANDLELA WOKUTHI UNGAYISEBENZISA KANJANI IPAIA NOKUTHOLA UFINYELELA KANJANI KUMHLAHLANDLELA.....	18
10. IZICELO ZOKUFINYELELA OLWAZI (s 11 OF PAIA).....	19
10.1. Inqubo yokucela amarekhodi.....	19
10.2. Inqubo.....	20
11. AMAREKHODI / ULWAZI OKUMELE LUCELWE NGOKUSEMTHETHWENI NGEMIBANDELA YE-PAIA KUHLANGANISA AMANYE ALA:	24
12. AMAREKHODI NEZIGABA ZAMAREKHODI APHETHWE UMASIPALA WENDAWO UMZIMVUBU.....	24
13. UMASIPALA WASEMZIMVUBU UDALULA NGOKUZITHANDELA UKUTHOLAKALA KALULA KWAMAREKHODI ATHILE NGAPHANDLE KWENKOKHELO YESICELO.....	27
14. UKWENQATSHELWA UKUFINYELELA KUMAREKHODI ATHILE (s 33-46 of PAIA)	27
15. ISAZISO NOKUNGENELA KWELUNGA LESITHATHU (ISAHLUKO 5)	28
15.1. Isaziso esiya kumalunga angaphandle (s 47 of PAIA).....	28
15.2. Isinqumo sokumelwa kwamalunga angaphandle (s 49 wePAIA).....	28
16. IZISOMBULULO EZIKHONA MAYELANA NESENZO ESITHILE NOMA UKWEHLULEKA UKUTHATHA ISINYATHELO KUKAMASIPALA WENDAWO UMZIMVUBU.....	29
16.1. Isikhalazo sangaphakathi (s 74 se-PAIA)	29
16.2. Isicelo sokuya enkantolo (s 78 wePAIA)	32
17. UKUBANDAKANYA KOMPHAKATHI EKWAKHIWENI KWENQUBOMGOMO NOMA EKUSETSHENZWENI KWAMANDLA NOMA UKWENZIWA KOMSEBENZI KUKAMASIPALA WENDAWO YOMZIMVUBU.....	32
18. UMTHEHO WOKUVIKELWA KOLWAZI LOBUQU, NOMBOLO 4 KA-2013	33
19. UKUTSHUNGULWA KOLWAZI LOMUNTU (ss 8-35 wePOPIA).....	36
19.1. Inhloso Yokucubungula	36
20. UHLU LOLWAZI LOMUNTU LUGCINIWE	36
21. UKUPHIKISANA NOKUCUTSHUNGULWA KOLWAZI LOBUQU (s 11 of POPIA)	41
22. ISICELO SOKULUNGISWA NOMA UKUCISHWA NOMA UKUPHELISWA KOLWAZI LOMUNTU (isigaba 24 se-POPIA).....	41

23. ISICELO SOKUKHISHWA KOMTHETHO WOKUZIPHATHA (s 61 we-POPIA)	41
24. ISICELO SEMVUME kuMNIKAZI WEMININGWANE UKUTHI KUCUTSHUNGULWE IMININGWANE YAKHE	41
25. UKWETHULWA KWEZIKHALAZO	41
26. UMLAWULI USEBENZA NJENGOMHLELI NGESIKHATHI SOKUPHENYA	41
27. IZINKQUBO EZANDULELA UKUPHENYA KOMLAWULI	42
28. UKUXAZULULWA KWEZIKHALAZO.....	43
29. UKUHLOLA	43
30. UKWAZISA AMAQEMBU MAYELANA NOPHENYO.	44
31. UKUTHOLAKALA KWENCWADI.....	44

IZITHASISELOI-PAIA

Ifomu lesicelo elinqunyiwe A

Isakhiwo semali ekhokhwayo kanye nezimali ezikhokhwayo

Ukukhululwa okusebenzayo

Ifomu lesikhalazo elinqunyiweU-POPIA

Iziphikiso zeFomu lokuqala (1)

Ifomu 2 Isicelo sokulungisa/ukususwa/sokucekelwa phansi

Imithetho Yokuziphatha Yefomu lesithathu (3)

Isicelo sefomu lesisine (4) semvume somnikazi wemininingwane

Ingxenye I Ifomu lesihlanu (5) Izikhalazo ngabanikazi bemininingwane

Ingxenye II Ifomu lesihlanu (5) Izikhalazo zikamasipala

1. IZINCAZELO

Kulo mhlahlandlela ngaphandle uma umongo udinga okuhlukile –

“inhlawulo” kushiwo imali enqunyelwe izinhloso zesigaba 22 (6) noma 54 (6),njengoba kungaba njalo;

“inkantolo” isho –

iNkantolo yoMthethosisekelo esebenza ngokwesigaba 167 (6) (a) soMthethosisekelo weNingizimu Afrika, 1996; noma

(i) iNkantolo Ephakeme noma enye inkantolo enesimo esifanayo; noma

(ii) INkantolo Yemantshi, ngokuvamile noma ngokuphathelene nezinqumo ezithile ngokwemibandela ye-PAIA, eqokwe uNgqongqoshe; ngesaziso kuGazethi futhi yenganyelwe imantshi noma imantshi eyengeziwe eqokwe ngokwesigaba 91A se-PAIA, endaweni engaphansi kwayo isinqumo seSikhulu Esibhekele Ulwazi noma isiphathimandla esifanele sebandla lomphakathi noma inhloko yebandla elizimele sithathiwe;

inhlango kahulumeni noma inhlango ezimele ethintekayo inendawo yayo eyinhloko yokuphatha noma yebhizinisi; noma

umfakisicelo noma ilunga langaphandle othintekayo ehlala noma ehlala ngokujwayelekile;

“ULM” kushiwo uMasipala Wendawo Umzimvubu;(Umzimvubu Local Municipality) **“uMasipala”** kushiwo uMasipala Wendawo Umzimvubu;

“Umhlahlandlela” usho incwadi ekhiqizwe yiKhomishana Yamalungelo Abantu ngokwesigaba 10 se-PAIA ngenhloso yokusiza umuntu ofisa ukusebenzisa noma yiliphi ilungelo ngokwe-PAIA;

“Ikhomishana Yamalungelo Abantu” kushiwo iKhomishana Yamalungelo Abantu yaseNingizimu Afrika

Okukhulunywe ngakho esigabeni 181 (1) (b) soMthethosisekelo;

“Isikhulu Esibhekele Ulwazi, maqondana ne-ULM, kushiwo iMentja kaMasipala;

“Amasekela Ezikhulu Zolwazi” kushiwo izikhulu ezigunyazwe ngokusemthethweni yisiKhulu soLwazi ukuze ziqinisekise ukuthi izidingo ze-PAIA ziphathwa ngendlela enobulungiswa, enenjongo futhi engachemi;

“umsebenzi” maqondana nenhlango kahulumeni noma inhlango ezimele isho – noma yimuphi umuntu oqashiwe (kungaba isikhashana noma isikhathi esigcwele noma itoho) welunga lomphakathi noma elizimele, njengoba kungaba njalo, kuhlenganisa umphathinje ngokuba sesikhundleni sakhe; noma

ilungu lebandla lomphakathi noma elizimele, esikhundleni salo kanjalo;

“I-PAIA” ichaza uMthetho Wokukhuthazwa Kokutholakala Kolwazi, wezi-2000 (uMthetho No.2 wezi-2000)

“umuntu” kushiwo umuntu ngokwemvelo noma ngokomthetho;

“ofake isicelo somuntu siqu” kushiwo umfakisisicelo ofuna ukufinyelela irekhodi eliqukethe ulwazi lomuntu siqu olumayelana nomfakisisicelo;

“ umkhakha ozimele” kusho –

umuntu wemvelo oqhuba noma oke wahweba, ibhizinisi noma ubungcweti, kodwa ngaleso sikhundla kuphela;

ubambiswano oluqhubekisela phambili noma oluqhubekile nokuhwebelana, ibhizinisinoma ubungcweti; noma

© nanoma yimuphi umuntu osemthethweni noma okhona; kodwa ayifaki indikimba yomphakathi.

“umkhakha ka hulumeni” ichaza –

noma yimuphi umnyango wombuso noma wokuphatha ezingeni likazwelonke nomalesifundazwe likahulumeni nanoma yimuphi umasipala emazingeni asekhaya; noma

nanoma yisiphi esinye isisebenzi noma isikhungo lapho –

ukusebenzisa amandla noma ukwenza umsebenzi ngokoMthethosisekelo noma umthethosisekelo wesifundazwe; noma

esebenzisa amandla omphakathi noma enze umsebenzi womphakathi ngokwanomayimuphi omunye umthetho;

“irekhodi” lichaza noma yiluphi ulwazi olurekhodiwe – (a) kungakhathalekile ukuthi luluphi uhlobo noma indlela;

(b) ephethwe noma elawulwa yileso sigungu sika hulumeni noma esizimele ngokulandelana; futhi

© ukuthi ngabe lasungulwa yilelo gatsha lomphakathi noma elizimele, ngokulandelana;

“Imithethonqubo ngokoMthetho Wokukhuthazwa Kokutholakala Kolwazi” ichaza

imithethonqubo ephathelene nokukhuthazwa kokutholakala kolwazi eshicilelwe eSaziso

Sikahulumeni No. 1244 yamhla zingama-22 kuMandulo 2003 (iGazethi Kahulumeni No.25411);

“Umlawuli” uchaza i-Information Regulator esungulwe ngokwesigaba 39 se-POPI;

“igunya elifanele” maqondana namarekhodi acelwe ku-ULM, kusho uMzimvubuUmasipala Wendawo (umasipala);

“iqembu elifanele” lichaza uMasipala;

“isicelo sokufinyelela” sichaza isicelo sokuthola irekhodi ngokwesigaba 11 se-PAIA;

“isicelo” kushiwo isicelo esiya enkantolo ngokwesigaba 78;

“ilunga langaphandle” kusho noma yimuphi umuntu (okuhlanganisa, kodwa kungacini, kuhulumeni wezwe langaphandle, i

Inhlangano yamazwe ngamazwe noma uhlaka lwalowo hulumeni noma lwenhlangano)

ngaphandle – (a) komfakisicelo othintekayo; kanye (b) nebandla lomphakathi

“izinsuku zokusebenza” kushiwo noma yiziphi izinsuku ngaphandle kweMigqibelo, amaSonto noma amaholide, njengoba kuchazwe esigabeni 1 soMthetho wamaHolidi oMphakathi, 1994 (uMthetho, No. 36 ka-1994).

Kule manuwali, amagama angenisa noma ibuphi ubulili obubodwa azofaka nobunye ubulili, futhi ubunye buyofaka ubuningi, ngaphandle uma umongo ubonisa okuhlukile

2. ISINGENISO

UMthetho Wokukhuthazwa Kokutholakala Kolwazi, wesi-2 wezi-2000 (PAIA) uhlinzeka ukuthi kusebenze ilungelo lomphakathi lokuthola ulwazi ezinhlakeni zikahulumeni nezizimele njengoba liqukethwe esigabeni 32 soMthethosisekelo weNingizimu Afrikakanye nokuqhubekisela phambili nokugxila kakhulu ukuthuthukiswa kokubusa okuhle kwebhizinisi.

Qhaphela:

Ukuthi ilungelo lokuthola noma yiluphi ulwazi oluphethwe uMasipala Wendawo Umzimvubu lilinganiselwe ngezinga lokuthi imikhawulo ibe nengqondo futhi ifaneleke endaweni evulekile nenentando yeningi esekelwe esithunzini somuntu, ukulingana nenkululeko njengoba kuhlongozwe esigabeni 36 soMthethosisekelo futhi njengoba ebalulwe eSahlukweni sesi-4 se-PAIA.

Protection of Personal Information Act 4, ka-2013 (POPIA) ihlose ukukhuthaza ukuvikelwa kolwazi lomuntu siqu olucutshungulwa izinhlangano zomphakathi nezizimele, ukwethula izimoezithile maqondana nokucutshungulwa kolwazi lomuntu siqu kanye nokulawula ukugeleza kolwazi lomuntu siqu ezweni lonke nangaphesheya kwemingcele.

Leli bhukwana lenzelwa uMasipala Wendawo Umzimvubu ngokuhambisana nezinhlinzeko zesigaba 14 se-PAIA kanye neMithethonqubo ephathelene Nokuvikelwa Kolwazi Lomuntu Siqu. Le manuwali ihlose ukwenza ukuthi kusebenze ilungelo lomphakathi lokufinyelela olwazini olugcinwe yi-ULM kanye nokuvikelwa kolwazi lomuntu siqu olucutshungulwa ngumasipala. Umasipala Wendawo yaseMzimvubu uhlose ukukhuthaza ukuba sobala, ukuziphendulela, kanye nokuphatha ngempumelelo. Le manuwali ihlose ukwenza abantu bakwazi ukusebenzisa amalungelo abo ngokwemithetho esebenzayo, kanye nokwenza kuqondwe imisebenzi eyenziwayo, amarekhodi kanye neminingwane yomuntu egcinwe futhi/ecutshungulwe nguMasipala Wendawo Umzimvubu.

Isigaba sama-32(1)(a) soMthethosisekelo weNingizimu Afrika, 1996, sinquma ukuthi wonke umuntu unelungelo lokufinyelela kunoma yiluphi ulwazi olugcinwe uMbuso. Isigaba sama-32(2) soMthethosisekelo sihlinzekela ukushaywa komthetho kazwelonke ukuze kufezeke leli lungelo eliyisisekelo. I-PAIA ingumthetho kazwelonke ohlongozwe esigabeni 32(2) soMthethosisekelo. Isigaba 14 soMthethosisekelo weNingizimu Afrika, 1996, ngakolunye uhlangothi sihlinzekela ilungelo lokuba nemfihlo. I-POPI iqalisa ukusebenza kwelungelo lomthethosisekelo lemfi hlo elihlinzekwe esigabeni 14 soMthethosisekelo –

Ngokuvikela ulwazi lomuntu siqu lapho lucutshungulwa imikhakha kahulumeni nezizimele;

Ngendlela elinganisa ilungelo lemfiho nanoma imaphi amanye amalungelo, okuhlanganisa namalungelo akuMqulu Wamalungelo eSahluko sesi-2 soMthethosisekelo, ikakhulukazi ilungelo lokuthola ulwazi; futhi

Kuncike emikhawulweni ebambekayo, okuhlanganisa, kodwa kungagcini ngokubusa okuphumelelayo, okuphumelelayo nokuhle kanye nokugeleza okukhululekile kolwazi lomuntu siqu, ikakhulukazi ukudluliselwa kwamanye amazwe.

Isigaba sesi-9 se-PAIA siyaqaphela ukuthi ilungelo lokufinyelela olwazini lingaphansi kwemikhawulo ethile efaneleka okuhloswe ngayo, phakathi kokunye:

ukuvikelwa okufanele kobumfiho;

ukugcinwa kwemfiho kwezohwebo; futhi

© ukubusa okuphumelelayo, okuphumelelayo nokuhle.

Isigaba sama-55(2) se-POPI sidinga umasipala ukuthi abhalise iSikhulu Sezolwazi kuMlawuli ngaphambi kokuthatha imisebenzi yakhe ngokwemibandela yoMthetho Wokuvikeleka Kolwazi Lomuntu Siqu, 2013 (uMthetho No. 4 wezi-2013) kanye noMthetho Wokukhuthazwa Kokutholakala Kolwazi, wezi-2000 (uMthetho No. 2 wezi-2000).

Isigaba se-14(1) se-PAIA sibeka ukuthi iSikhulu Esibhekele Ulwazi lomkhakha kahulumeni kufanele sihlanganise imanuwali okungenani ngezilimi ezintathu ezisemthethweni equkethe ulwazi ngeNdikimba Yomphakathi ukuze isetshenziswe umphakathi. Uma kwenzeka leli bhukwana lihunyushelwa kunoma yiluphi olunye ulimi futhi kuba nokushayisana noma ukungqubuzana phakathi kwenguqulo yesiNgisi nezinye izilimi, umbhalo wolimi lwesiNgisi webhukwana uyosebenza. Umthethonqubo wesi-4 (1) © weMithetho ye-POPI uqinisekisa isidingo sokushicilelwa kwe-PAIA uma ubeka ukuthi “...ibhukwana liyenziwa, liqashwe (monitored), ligcinwe futhi lenziwe litholakale njengoba kushiwo esigabeni 14 no-15 se-PAIA.” Isidingo semanuwali sibe sesinweshwa ukuze sifake izimfuneko ze-POPI lapho isigaba 17 se-POPI sihlinzeka ngokuthi “...inhlango ebophezelekile kufanele igcine amaphepha (documents) akho konke ukucubungula imisebenzi ngaphansi kwesibopho sayo njengoba kushiwo esigabeni 14 noma 51 Sokukhuthazwa Kokufinyelela Olwazini.

Inhloso yale manuwali ukuqinisekisa ukuthi uMasipala Wasekhaya wase-Umzimvubu (uhlaka lukahulumeni ngokwe-PAIA kanye ne-POPIA) uthobelana nezidingo zombili i-PAIA kanye ne-POPIA.

3. IMINININGWANE NGOKWESIGABA 14 SE-PAIA

3.1. INHLOSO YE-PAIA INCWADI

Le Manuwali ye-PAIA iwusizo emphakathini uku-

hlola uhlobo lwamarekhodi okungenzeka ukuthi aseyatholakala kuMasipala Wendawo Umzimvubu, ngaphandle kwesidingo sokuhambisa isicelo esisemthethweni se-PAIA; abe nokuqonda ukuthi usenza kanjani isicelo sokuthola irekhodi likaMasipala Wendawo Umzimvubu);

thola yonke imininingwane yokuxhumana efanele yabantu abazosiza umphakathingamarekhodi abahlose ukuwathola;

ukwazi zonke izixazululo ezitholakala kuMasipala Wendawo Umzimvubu mayelananesicelo sokufinyelela kumarekhodi, ngaphambi kokuya kuMlawuli noma Ezinkantolo;

chaza ngezinsiza ezitholakala kumalungu omphakathi kuMasipala WendawoUmzimvubu, nokuthi ungafinyelela kanjani kulezo zinsizakalo;

nika incazelo yomhlahlandlela wokuthi isetshenziswa kanjani i-PAIA, njengoba ibuyekezwa nguMlawuli kanye nendlela yokuthola ukufinyelela kuyo;

uma umkhakha noma ilunga lizocubungula ulwazi lomuntu siqu, inhloso yokucubungula ulwazi lomuntu siqu kanye nencazelo yezigaba zabanikazi bemininingwane kanye nolwazi noma izigaba zolwazi oluhlobene nalokho;

kwazi ukuthi uMasipala Wendawo Umzimvubu uhlele ukudlulisa noma ukucubungula ulwazi lomuntu siqu ngaphandle kwaseNingizimu Afrika kanye nabamukeli noma izigaba zabamukeli ulwazi lomuntu siqu olunganikezwa kubo; futhi

azi ukuthi ingabe uMasipala Wendawo yase-Umzimvubu unazo yini izinyathelo zokuphepha ezifanele zokuqinisekisa ubumfihlo, ubuqotho kanye nokutholakala kolwazi lomuntu siqu okumele lucutshungulwe.

4. UKUSUNGULWA KOMASIPALA WASEMZIMVUBU

Umasipala Wendawo Umzimvubu wasungulwa nguNgqongqoshe obhekele Ukubusa Ngokubambisana Nezindaba Zomdabu eMpumalanga Koloni, ngokwesigaba 12 soHulumeni Wasekhaya: Umthetho Wezinhlaka Zomasipala, we-117 ka-1998 njengoba uchitshiyelwe.

4.1. Izinjongo/Igunya

Igunya likaMasipala Wendawo Umzimvubu ngokweSigaba 152 (1) soMthethosisekelo weNingizimu Afrika ukufeza izinhloso zikahulumeni wasekhaya:

ukuhlinzeka ngohulumeni wentando yeningi futhi oziphendulela emiphakathini yendawo;

ukuqinisekisa ukuhlinzekwa kwezinsiza emiphakathini ngendlela esimeme;
 ukukhuthaza intuthuko yezenhlalakahle nezomnotho;
 ukukhuthaza indawo ephephile nenempilo; futhi
 ukukhuthaza ukuzibandakanya kwemiphakathi nezinhlangano zomphakathi ezindabeni
 zikahulumeni wasekhaya.

4.2 Igunya Lezomthetho

Umasipala usebenza ngaphakathi kohlaka lomthetho oluqukethe imithetho eyahlukene, phakathi kokunye ehlanganisa:

Umthetho	Igunya
iMunicipal Demarcation Act, 27 of 1998	Lo mthetho uhlinzekela ukunqunywa kwemingcele kamasipala yiziphathimandla ezizimele.
I-Municipal Structures Act, 117 ka-1998	Lo mthetho uhlinzekela: ukusungulwa komasipalangukumbisana nezidingoeziphathelene nezigaba nezinhlobozomasipala. ukwahlukaniswa okufanele kwemisebenzi namandla phakathi kwezigaba zomasipala. ukulawulwa kwezinhlelozangaphakathi, izinhlaka, kanye nabaphathi bezikhundla zomasipala.
Umthetho Wezinhlalo Zomasipala, 32ka-2000	Lo mthetho uhlinzekela: izinqubo nezinqubo ezibalulekile ukuze omasipala baqhubekile phambili ekuthuthukisweni kwezenhlalo nezomnotho emiphakathini yendawo. Ukuchaza isimo esisemthethweni sikamasipala. amandla nemisebenzi kamasipala. uhlinzekela ukubamba iqhaza komphakathi
Umthetho WokuphathwaKwezimali	Lo mthetho uhlinzekela:

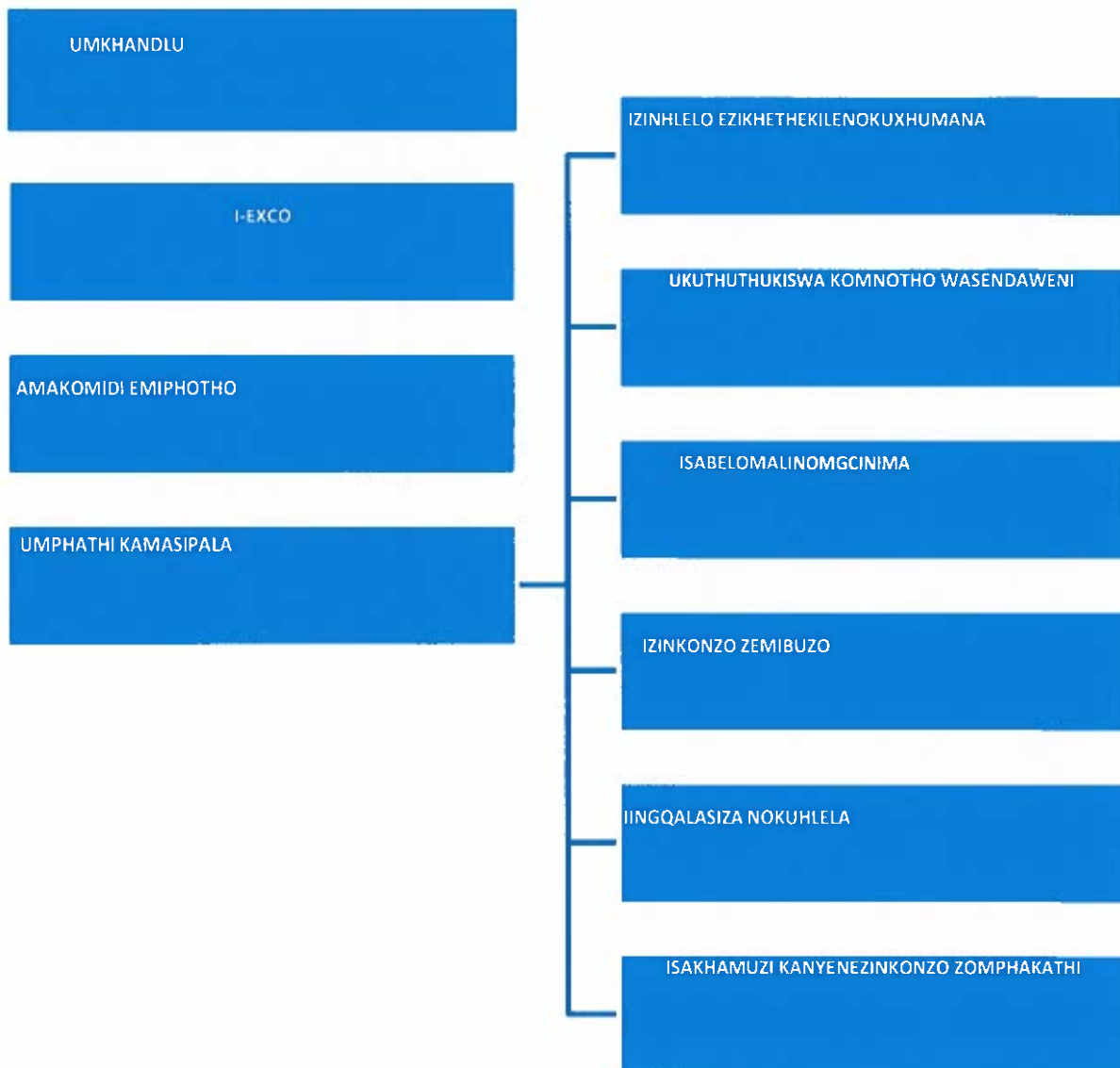
<p>Zomasipala, wama-56 wezi-2003</p>	<p>ukuthola ukuphathwa okuphusile nokusimeme kwezindaba zezezimali zomasipala nezinye izikhungo emazingeni ohulumeni basekhaya. ukusungula imikhuba namazinga omkhakha kahulumeni wendawo.</p>
<p>UMthetho Wentela Yezakhiwo Kamasipala, wesi-6 wezi-2004 njengoba uchitshiyelwe uMthetho, wama-29 wezi-2014.</p>	<p>Lo mthetho uhlinzekela: ukulawula amandla kamasipala okukhokhisa intela yendawo. uhlinzeka ukuthi omasipala basebenzise uhlelo olusobala nolunobulungiswa lokukhululwa. ukwethula izaphulelo ngezinqubomgomo zokulinganisa. uhlinzeka izindlela zokulinganisa ezinobulungiswa nezilinganayo zezakhiwo. uhlinzeka inqubo yokuphikisa kanye nesikhalazo. UMthetho Ochibiyelwe Wentela Yezakhiwo zikamasipala, wezi-2014 uhlose ukuhlinzekela izichibiyelo ezihlukahlukene ezifakiwe, nokususwa ukuze kuthuthukiswe ukubika okufanele, ukuthotshelwa kanye nokuqaliswa kwezinqubo nezinqubo eziphathelene noMthetho.</p>
<p>Umthetho WokulawulwaKwezinhlekelele, wama-57 wezi-2002 UMthetho Ochitshiyelwe WokulawulwaKwezinhlekelele, we-16 wezi-2015</p>	<p>Lomthetho uhlinzekela: ukudidiyela nokudidiyela inqubomgomo yokulawulwa kwezinhlekelele. ukulungela izimo eziphuthumayo, ukusabela ngokushesha nangempumelelo ezinhlekeleleni kanye nokupheliswa kwezinhlekelele.</p>

	<p>ukusungulwa kwezikhungo zezinhlekelele zikazwelonke, zezifundazwe kanye nezomasipala.</p> <p>Ukuchitshiyelwa kwalo mthetho kuhlinzekela ukucaciswa kwenqubomgomo egxile ekuhlumelelweni nasekusebenzeni kwezikhungo zokulawulwa kwezinhlekelele</p>
<p>I-Intergovernmental Relations Framework Act, 13 ka-2005</p>	<p>Inhloso yalo mthetho:</p> <p>wukusungula uhlaka lukahulumeni kazwelonke, lesifundazwe kanye nomasipala ukuze kuthuthukiswe futhi kube lula ubudlelwano phakathi kohulumeni.</p> <p>Ukuhlinzeka ngezindlela nezinqubo zokulekelela ukuxazululwa kwezingxabano phakathi kohulumeni.</p>
<p>Umthetho WokuHlelwa Kwendawo kanye Nokuphathwa Kokusetshenziswa Komhlaba, we-16 wezi-2013</p>	
	<p>Lo mthetho uhlinzekela:</p> <p>uhlaka lokuhlelwa kwendawo kanye nokuphathwa kokusetshenziswa komhlaba eweZwekazi.</p> <p>Ihlinzeka ngohlaka lokuqapha, Lokudidiyela kanye nokubuyekezwa kokuhlelwa kwendawo kanye nohlelo lokuphathwa kokusetshenziswa komhlaba.</p> <p>ibhekana nokungalingani kwezindawo kanye nokulawula okwedlule.</p> <p>ihlinzekela ukusungulwa, imisebenzi, kanye nokusebenza kweziGungu</p>

	<p>zokuHlela zikaMasipala.</p> <p>Iqondisa ukugqugquzelwa</p> <p>Nokuphoqelelwa kwezinyathelo</p> <p>Zokusetshenziswa komhlaba</p> <p>nentuthuko.</p>
--	---

5. ISAKHIWO NEMISEBENZI KAMASIPALA WASEMZIMVUBU

5.1. Isakhiwo



Umasipala wakhiwe ngabasebenzi noMkhandlu onamaKhansela angama-55 womabili akhethiwe (abamele amawadi angama-28) kanye nokumelwa ngokulinganayo (amakhansela angama-27).

Ukumelwa kweqembu kubekwe ngezansi:

- I-African National Congress
- I-African Independent Congress
- I-African Transformation Movement
- IDemocratic Alliance
- I-United Democratic Movement
- I-Economic Freedom Fighters

Umasipala uneMeya kanye noSomlomo ophinde abe nguSihlalo woMkhandlu kaMasipala.

Ukusebenza kwansuku zonke kanye nokuthathwa kwezinqumo kukamasipala kwenzeka ngeMenenja kaMasipala njengenhloko yezokuphatha.

Umasipala Wendawo yaseMzimvubu unalawa maKomidi eMigodla alandelayo asungulwe ngokwesigaba 80 soMthetho Wezinhlaka Zomasipala, 117 ka-1998:

- Inggalasizinda nokuHlela
- Izakhamizi kanye Nezinsiza Zomphakathi
- Ukuthuthukiswa Komnotho Wasekhaya
- Isabelomali kanye noMgcinimafa
- Igatsha kwaba Imali Nokugcinwa Kwayo
- Izinhlelo Ezikhethekile Nokuxhumana

5.2. Amandla kanye Nemisebenzi kaMasipala Wendawo Umzimvubu

Umasipala Wendawo Umzimvubu usebenza ngaphansi kohlaka lomthetho oluqukethe imithetho eyahlukene. Umasipala unegunya lokushaya umthetho nelokuphatha futhi unikezwe amandla okuzibusa ngokwawo, izindaba zohulumeni wasekhaya emphakathiniwawo njengoba kuhlinzekwe ezigabeni 156 no-229 zoMthethosisekelo weNingizimu Afrika.

Ngokwemithetho elawula ohulumeni basekhaya, amandla nemisebenzi kaMasipalaWendawo Umzimvubu ihlanganisa phakathi kokunye:

- ukuphoqelela intela yendawo kanye nezinkokhelo ezengeziwe ezinkokhelwenizemisebenzi ehlinzekwe ngumasipala noma egameni lakhe;
- Ukuphathwa kwemfucuzo;

- Imithethonqubo yokwakha;
- ukukhuthaza ezokuvakasha zendawo;
- ukuhlela kukamasipala;
- izithuthi zomphakathi zikamasipala;
- amanzi esiphepho;
- Imithethonqubo yokuhweba;
- amabhodi ezikhangiso kanye nokuvezwa kwezikhangiso ezindaweni zomphakathi;
- amathuna, indawo yomngcwabo kanye nendawo yokulothisa izidumbu;
- Ukulawulwa kohlupho emphakathini;
- Ukulawulwa kwezindawo ezidayisela umphakathi utshwala;
- ukugunyazwa kanye nokulawula imisebenzi edayisela umphakathi ukudla;
- izinsiza zasendaweni;
- izikhungo zemidlalo zendawo;
- amapaki kamasipala nezokungcebeleka;
- imigwaqo kamasipala;
- umsindo;
- izindawo zokugcina;
- ukukhanya komgwaqo;
- ukuhweba emgwaqweni;
- izimoto emgwaqweni kanye nokupaka;

**6. IMINININGWANE YOKUXHUMANA EQHUBEKAYO YOKUTHOLA ULWAZI
LUKAMASIPALA WASEMZIMVUMBU**

Ikheli Lendawo Ikheli Leposi

Dabula Street P/Bag X9020

Sophia KwaBhaca

KwaBhaca 5090

5090

67 Church StreeteMaXesibeni 4735

Inombolo yocingo: 039 255 8500 / 039 254 6000

Inombolo yefeksi: 039 255 0167

I-imeyili: enquiries@umzimvubu.gov.za

Imininingwane yokuxhumana yesiKhulu soLwazi kanye nePhini leSikhulu soLwazi

Isikhulu Solwazi

Igama: UMnu. Gladstone Philip Tobela Notalsikhundla: Imenenja kaMasipala

Ucingo: 039 255 8510

I-imeyili: Nota.Tobela@umzimvubu.gov.za Ikheli leposi: P/Bag X9020, KwaBhaca, 5090

Ikheli lendawo: Dabula Street, Sophia, KwaBhaca, 5090

IPhini lesiKhulu soLwazi

Igama: Nkk Thozama Madotyeni-Ngcongca

Isikhundla: Umphathi Omkhulu: Izinsizakalo Zebhizinisi Ucingo: 039 255 8500

I-imeyili: Ngcongca.Thozama@umzimvubu.gov.za Ikheli leposi: P/Bag X9020, KwaBhaca, 5090

Ikheli lendawo: Dabula Street, Sophia, KwaBhaca, 5090

IPhini lesiKhulu soLwazi

Igama: Mrs Celiwe Nenemba

Isikhundla: Imenenja eHhovisi leMenenja kaMasipala Ucingo: 039 255 8510 / 88

imeyili: Nenemba.Celiwe@umzimvubu.gov.za Ikheli leposi: P/Bag X9020, KwaBhaca, 5090

Ikheli lendawo: Dabula Street, Sophia, KwaBhaca, 5090

7. IKHOMISHINI YAMALUNGELO ABANTU KANYE NOMLAWULI WEZOLWAZI

IKhomishana Yamalungelo Abantu phambilini yayinomthwalo wemfanelo wemisebenzi ethile njengoba ihlinzekwe ku-PAIA. I-Information Regulator ithathe izintambo zokulawula eziphathelele ne-PAIA kusukela zingama-30 kuNhlanguvana 2021. Lokhu kulandela isimemezelo esenziwa nguMongameli wezigaba 110 kanye nese-114(4) ze-POPIA, esihlinzekela ukuchitshiyelwa kwe-PAIA kanye nokudluliselwa ngempumelelo kwemisebenzi ethile eyayenziwa ngaphambilini yiKhomishana Yamalungelo Abantu yaseNingizimu Afrika kuMlawuli Wolwazi. Isahluko sesi-5 se-POPIA sikhuluma ngokusungulwa koMlawuli Wolwazi futhi isigaba sama- 40 sibeka amandla, imisebenzi kanye nemisebenzi yoMlawuli:

- Ukuphathwa kwezikalazo;
- Ukukhishwa kwemithetho yokuziphatha;
- ukubonisana nabathintekayo; futhi
- ukuqapha kanye nokuphoqeelwa kokuthotshelwa kwe-POPIA

8. UKUTHOLAKALA KWALE NCWADI ISIGABA 14(3) SE-PAIA]

Le manuwali izokwenziwa itholakale kwiKhomishana Yamalungelo Abantu ngokuhambisana nesigaba 4(1) seMithethonqubo emenyazelwe ngokwe-PAIA, futhi izoshicilelwa ku-Isizindalwazisikamasipala (<http://www.umzimvubu.gov.za>). Amakhophi ale manuwaliazophinde atholakale endaweni yokwamukela amahhovisi kamasipala ukuze uwafunde. Izimali ezinqunyiwe ziyasebenza uma amakhophi kufanele enzelwe abaceli.

9. UMHLAHLANDLELA WOKUTHI UNGAYISEBENZISA KANJANI IPAIA NOKUTHOLA UFINYELELA KANJANI KUMHLAHLANDLELA

9.1. Umlawuli, ngokwesigaba 10(1) se-PAIA, ubuyekeze futhi wenza ukuba kutholakale umhlahlandlela obuyekeziwe wendlela yokusebenzisa i-PAIA (“Umhlahlandlela”), ngendlela eqondakala kalula, njengoba kungase kudingwe umuntu ofisaukusebenzisa noma yiliphi ilungelo elihlongozwe kwi-PAIA kanye ne-POPIA.

9.2. Umhlahlandlela utholakala ngolimi ngalunye olusemthethweni.

9.3. Umhlahlandlela oshiwo ngenhla uqukethe incazelo ya-

9.3.1. izinjongo ze-PAIA kanye ne-POPIA;

9.3.2. ikheli leposi nelomgwaqo, inombolo yocingo neyefeksi futhi, uma likhona, ikheli le-imeyili le-

9.3.2.1. Sikhulu Esihlinzeka Ngolwazi sawo wonke amagatsha kahulumeni, kanye

9.3.2.2. Phini leSikhulu soLwazi lawo wonke amagatsha kahulumeni nezizimele aqokwe ngokwesigaba 17(1) se-PAIA1 kanye nesigaba 56 se-POPIA2;

9.3.3. indlela kanye nesimo sesicelo soku-

9.3.3.1. ukufinyelela kwirekhodi lomkhakha kahulumeni elihlongozwe esigabeni 113; futhi

9.3.3.2. ukufinyelela kwirekhodi kumkhakha ozimele elihlongozwe esigabeni 504;

9.3.4. usizo olutholakala kuSikhulu Solwazi kumkhakha kahulumeni ngokwe-PAIA kanye ne-POPIA;

9.3.5. usizo olutholakala kuMlawuli ngokwe-PAIA kanye ne-POPIA;

9.3.6. wonke amakhambi akhona emthethweni mayelana nesenzo noma ukwehluleka ukwenza okuthile maqondana nelungelo noma umsebenzi onikezwe noma obekwe yi-PAIA kanye ne-POPIA, kuhlenganisa nendlela yokufaka-

9.3.6.1. isikhalo sangaphakathi;

9.3.6.2. isikhalazo kuMlawuli; futhi

9.3.6.3. isicelo enkantolo esiphikisana nesinqumo sesikhulu solwazi somphakathi, isinqumo

sokudlulisa icala kwangaphakathi noma isinqumo soMlawuli noma isinqumo senhloko yebandla elizimele;

- 9.3.7. izinhlinzeko zezigaba 145 kanye nesama-516 ezidinga ukuthi umkhakha kahulumeni kanye nomkhakha ozimele, ngokulandelana, ukuba yenze imanuwali, kanye nendlela yokuthola imanuwali;
- 9.3.8. Izinhlizeko zezigaba 157 kanye nesama-528 ezihlinzekela ukudalulwa ngokuzithandela kwezigaba zamarekhodi umkhakha ka hulumeni kanye nomkhakha ozimele, ngokulandelana;
- 9.3.9. izaziso ezikhishwe ngokwezigaba 229 kanye no-5410 mayelana nezimali okufanele zikhokhwe maqondana nezicelo zokufinyelela; futhi
- 9.3.10. imithethonqubo eyenziwe ngokwesigaba 9211.
- 9.4. Amalungu omphakathi angahlola noma enze amakhophi oMhlahlandlela emahhovisi emikhakha kahulumeni noma ezimele, kuhlanganisa nehhovisi loMlawuli, ngezikhathi zokusebenza ezijwayelekile.
 - 9.4.1. Umhlahlandlela ungatholwa- ngesicelo kwiSikhulu Esibhekele Ulwazi;
 - 9.4.2. kusizindalwazi soMlawuli (<https://www.justice.gov.za/infoereg.org.za>).

10. IZICELO ZOKUFINYELELA OLWAZI (s 11 OF PAIA)

Wonke umuntu unelungelo lokucela ukufinyelela olwazini olurekhodiwe olugcinwe ngumasipala, kuncike ekutheni isicelo senziwa efomini elinqunyiwe nokuthi izimali ezinqunyiwe ziyakhokhwa. Ukufinyelela nakho kungaphansi kwezizathu zokungafakwa nomazokwenqatshwa ezitholakala eSahlukweni sesi-4 se-PAIA. Isicelo singenziwa yinoma ngubaniozifunela yena noma osebenzela umuntu ongakwazi ukuzenzela yena.

10.1. Inqubo yokucela amarekhodi
Umfakisisicelo kufanele agcwalise ifomu elinqunyiwe:

- (a) ingatholakala kuMithethonqubo eya ku-PAIA;
- (b) likusizindalwazi se-SAHRC ku-www.sahrc.org.za kanye naku-www.infoeregulator.org.za;
- (c) inanyathiselwe kulo mbhalo njengeSithasiselo "A"; noma
- (d) itholakala kumasipala.

10.2. Inqubo

Isicelo solwazi kufanele sithunyelwe ku:

Isikhulu Solwazi / IMenenja Kamasipala Private Bag X9020

KWABACA5090

Qaphela: Mnu GPT NotaUcingo: 039 255 8500

Ifeksi: 039 255 0167

meyili: Nota.Tobela@umzimvubu.gov.za / Nenemba.Celiwe@umzimvubu.gov.za

Ifomu lezicelo (s 18 of PAIA)

Ukufinyelela olwazini olungatholakali ngokushesha kufanele kucelwe ngokubhaliwe efomini elinqunyiwe, **Ifomu A** elinamathiselwe lapha njenge **Sithasiselo "A"** futhi lidluliselwe kusiKhulu soLwazi noma iPhini leSikhulu soLwazi.

Ifomu lesicelo kufanele lihambisane nemali yesicelo enqunyiwe.

(a) Isicelo kufanele sisho ngokucacile ukuthi yiluphi ulwazi oludingekayo, noma ngabe ikhophi yerekhodi iyadingeka, noma umfakisiselo angathanda ukubuka irekhodi ehovisi likamasipala.

(b) Uma umfakisiselo ecela ukufinyelela ngendlela ethile, kufanele afinyelele ngendlela ayicelile. Lo mgomo uyasebenza, ngaphandle uma ukwenza kanjalo kuzophazamisa ngokungafanele ukusebenza kukamasipala, noma kulimaze irekhodi, noma kwephule ilungelolokukopisha elingelona elikamasipala.

(c) Uma ngezizathu ezibambekayo, ukufinyelela kungeke kunikezwe ngendlela edingekayo, kodwa ngenye indlela, imali ekhokhwayo kumele ibalwe ngokwendlela ecelwe kuqala ngumfakisiselo. Uma, ngaphezu kwempendulo ebhaliwe esicelweni sakhe serekhodi, umfakisiselo efuna ukwaziswa ngesinqumo nganoma iyiphi enye indlela, isibonelo ngocingo, lokhu kufanele kukhonjiswe [s 18(2)e kwe PAIA].

(d) Uma umfakisiselo engakwazi ukufunda noma ukubhala noma enokukhubazeka, isicelo singenziwa ngomlomo lapho Isikhulu Esibhekele Ulwazi noma iPhini Lesikhulu Esibhekele Ulwazi lizogcwalisa ifomu egameni lomfakisiselo. Isikhulu Esibhekele Ulwazi noma iPhini Lesikhulu Esibhekele Ulwazi lizonikeza lolo sizo olunengqondo mahhala, njengoba kudingekaukuze umfakisiselo akwazi ukuthobela isigaba 18(1) se-PAIA.

(e) Uma umfakisiselo enze isicelo sokuthola ulwazi esingahambisani nesigaba 18(1), iSikhulu Esibhekele Ulwazi noma iPhini Lesikhulu Esibhekele Ulwazi esithintekayo, singasengqaba isicelo uma: Kwaziswa umfakisiselo ngenhloso yokwenqaba isicelo futhi Isikhulu Solwazi noma Isekela Lesikhulu Solwazi noma esinye isikhulu sizonikeza umfakisiselo ithuba elanele lokushintsha isicelo sakhe ukuze ahambisane nesigaba 18(1) se-PAIA.

Isicelo egameni lomunye umuntu

- (a) Uma isicelo senziwa egameni lomunye umuntu, umfakisisicelo kumele alethe ubufakazi besikhundla asenza ngaso isicelo, ngendlela egculisa isiKhulu soLwazi [s 18(2)(f) se-PAIA.].

Isicelo sabantu abakhubazekile

- (a) Uma umfakisisicelo engakwazi ukufunda noma ukubhala, noma uma enokukhubazeka okumvimbela ukuba agcwalise ifomu elinqunyiwe, angafaka isicelo ngomlomo. ISikhulu Sezolwazi siyobe sesigcwalisa ifomu egameni lomfakisisicelo bese sinikeza umfakisisicelo ikhophi yefomu eligcwalisiwe [s 18(3) of PAIA].
- (b) ISikhulu Esibhekele Ulwazi sizosiza ofake isicelo ukuthi ahambisane nalezi zidingo ezibalwe ngenhla ukuze acele ukufinyelela olwazini, okuhlanganisa nokudlulisela umfakisisicelo kwemunye umkhakha kahulumeni, uma kubonakala ukuthi isicelo solwazi bekufanele senziwe, kuleyo nhlangano [s 19 se-PAIA].

Ukudluliswa kwezicelo (s 20 of PAIA)

- (1) Uma isicelo sokuthola ulwazi senziwa ngolwazi olungekho kumasipala, noma ulwazi luxhunye komunye umkhakha kahulumeni, iSikhulu Esibhekele Ulwazi noma iPhini Lesikhulu Esibhekele Ulwazi sizosiza ofake isicelo ukuthi enze isicelo kumkhakha kahulumeniofanele zingakapheli izinsuku eziyishumi nane (14) emva kokuba isicelo samukelwe.
 - (a) ISikhulu Esibhekele Ulwazi se-ULM singadlulisela izicelo zamarekhodi komunye umkhakha kahulumeni lapho:
 - (i) Irekhodi likulowo mkhakha kahulumeni;
 - (ii) isihloko serekhodi sihlotschaniswa kakhulu nemisebenzi yalowo mkhakha ka hulumeni;
 - (iii) Irekhodi ladalelwa lowo mkhakha kahulumeni, noma latholwa kuqala yilowo mkhakha; noma
 - (iv) irekhodi liqukethe ulwazi lwezohwebo lapho umkhakha kahulumeni unentshisekelo enkulu yezohwebo.
 - (b) Uma umasipala ephethe irekhodi elicelwayo futhi iSikhulu Esibhekele Ulwazi sikubona kuwusizo ukwenza kanjalo ukuze iSikhulu Esibhekele Ulwazi somunye umkhakha kahulumeni sikwazi ukubhekana nesicelo, irekhodi noma ikhophi yerekhodi ithunyelwe kuleso Sikhulu Sezolwazi.

- (c) Uma isicelo sokuthola irekhodi sidlulisiwe, noma yisiphi isikhathi esinqunyiwe ukuze kuqedwe umsebenzi ohlobene nesicelo, kufanele sibalwe kusukela ngosuku esamukelwe ngalo yiSikhulu Esibhekele Ulwazi esidluliselwe kuso. Zonke izikhathi ezifanele ezisebenza esicelweni solwazi kufanele zilandelwe.

Isaziso sokudlulisa

- (a) Uma isicelo sokufinyelela sesidlulisiwe, ISikhulu Esihlinzeka Ngolwazi esidlulisayo sizokwazisa umfakisisicelo ngokushesha:
- (i) ukudluliswa;
 - (ii) izizathu zokudluliselwa; futhi
 - (iii) isikhathi okufanele kusetshenzwe ngaso isicelo [s 20(5) se-PAIA].
- (b) ISikhulu Esibhekele Ulwazi sizoqinisekisa ngokunengqondo ukuthi irekhodi okucelwe ukufinyelela kulo liyagcinwa kuze kube kuthathwa isinqumo mayelana nokutholakala kolwazi[s 21 of PAIA].

Ukukhokhwa Kwezimali (s 22 of PAIA)

- (a) Izinhlobo ezimbili zezimali zidingeka ukuba zikhokhwe ngokwe-PAIA, okuyimali yesicelo kanye nemali yokufinyelela. Umfakisisicelo ofuna ukuthola irekhodi eliqukethe ulwazi lomuntu siqu akudingekile ukuba akhokhe imali yokufaka isicelo. Wonke omunye umfakisisicelo kufanele akhokhe imali enqunyiwe efanele. ISikhulu EsibhekeleUlwazi kumele ngesaziso sifune ukuthi umfakisisicelo akhokhe imali enqunyiwe yesicelo(uma ikhona) ngaphambi kokuqhubeka kwesicelo.
- (b) Umfakisisicelo angafaka isikhalo sangaphakathi, lapho kufanele, noma afake isicelo enkantolo esiphikisa ukukhokhwa kwemali yesicelo.
- (i) Ngemva kokuba iSikhulu Esibhekele Ulwazi sesenze isinqumo ngesicelo, umfakisisicelo kufanele aziswe ngaleso sinqumo ngendlela umfakisisicelo afuna ukwaziswa ngayo.
 - (ii) Uma isicelo samukelwe, kufanele kukhokhwe enye imali yokufinyelela ekusesheni, ukulungisa, ukukhiqizwa kabusha kanye nanoma yisiphi isikhathi eseqe amahora anqunyiwe okucinga nokulungisa irekhodi ukuze lidalulwe.
- (c) Izimali ezikhokhwayo ezinqunyiwe ziqukethwe kwiMithethonqubo emenyezalwe ngokwe-PAIA futhi kufanele ikhokhwe ngumfakisisicelo ngaphambi kokuba umasipala enze noma imaphi amarekhodi aceliwe atholakale kumfakisisicelo.

Ikhophi yeshejuli yezimali ezinqunyiwe inanyathiselwe kulo mbhalo njengeSithasiselo “B”. Imali ikhokhwa ngezikhathi zomsebenzi, ehhovisi likamasipala elikuDabula Street, Sophia, KwaBhaca noma 67 Church Street, eMaXesibeni. Kungenjalo, izimali zingakhokhwa nge-Electronic Funds Transfer ngokwemininingwane yasebhange engezansi, kucashunwe inombolo ye-PAIA njengenombolo yereferensi:

Igama le-akhawunti: First National BankInombolo ye-akhawunti: 6202218 3727

Inombolo Yegatsha: 210821

Igama Legatsha: Umasipala Wendawo Umzimvubu – Mount Frere Ireferensi: Inombolo yereferensi ye-PAIA kanye negama lomfakisicelo

e) Abantu abathile njengoba kushiwo kusiThasiselo “C” abazikhokhi izimali zokufinyelela [s 22(8)].

Amarekhodi angatholakali noma angekho (s 23 of PAIA)

a) ISikhulu soLwazi noma iPhini lesiKhulu soLwazi, ngenchwadi efungelwe noma isiqinisekiso, sizokwazisa umfakisicelo esimweni sokuthi amarekhodi awatholakali noma awekho nokuthi zonke izinyathelo ezizwakalayo sezithathiwe ukuze kutholwe irekhodi eliceliwe, linikeze ngokugcwele izizathu.

Ukulehliswa kokufinyelela (s 24 of PAIA)

a) Izicelo zingahlehliswa kuze kube ulwazi luyatholakala. Umfakisicelo uzokwaziswa ngokufanele futhi acelwe ukuba enze izethulo zingakapheli izinsuku ezingamashumi amathathu (30) zokuthi kungani ulwazi ludingeka ngaphambi kokuthi lube sesidlangalaleni.

Izinqumo ngesicelo kanye nesaziso salokho (s 25 of PAIA)

a) Umasipala uzophendula isicelo zingakapheli izinsuku ezingamashumi amathathu (30), ngaphandle uma isicelo siqukethe izinto ezidinga ukwelulwa kwesikhathi. Laphokudingeka khona ukwelulwa komkhawulo wezinsuku ezingama-30, umfakisicelo uzokwaziswa ngokunikeza incazelo yokuthi kungani kudingeka leso sandiso. Umkhawulo wesikhathi unganwetsywa kanye kuphela, ngesinye isikhathi esiyizinsukuezingama-30 (Isigaba sama-26).

Lapho isicelo solwazi singeke sivunywe khona, umfakisicelo ufanele:

- Ukwaziswa ngelungelo lakhe lokufaka isicelo esisemthethweni ngaphansi kwe-PAIA.
- Ukwaziswa ngeqiniso lokuthi izinhlobo ezithile zezicelo zolwazi zinganqatshwa.
- Ukwaziswa ngelungelo lakhe lokukhalaza uma isicelo senqatshwa ekuqaleni.

11. AMAREKHODI / ULWAZI OKUMELE LUCELWE NGOKUSEMTHETHWENI NGEMIBANDELA YE-PAIA KUHLANGANISA AMANYE ALA:

- Amaphepha emiholo
- Izimbuyiselo ze-UIF
- Imibiko yezimali yonyaka
- Amarekhodi ezezimali
- Amarekhodi ekhefu labasebenzi
- Izinqubomgomo nezinqubo zangaphakathi
- Imibhalo ngezindaba zokuqondiswa kwezigwegwe
- Ukuxhumana kwangaphakathi ngemibhalo esemthethweni
- Imibhalo enemibandela yokuqashwa
- Amarekhodi atholwe kumalunga angaphandle aphethwe umasipala
- Izivumelwano ezehlukene okungenwe kuzo phakathi kukamasipala namalunga angaphandle
- Imibhalo ephathelene namathenda nezinye izindaba ezihlobene nokuthengwa kwempahla
- Amaminithi oMkhandlu namakomidi awo ahlukeno namakomidi amancane
- Imininingwane yabathola usizo, okuhlanganisa kodwa akukhawulelwe kubahlali, amakhasimende, abahlinzeki, njll.

12. AMAREKHODI NEZIGABA ZAMAREKHODI APHETHWE UMASIPALA WENDAWO UMZIMVUBU

Incazelo yezihloko nezigaba zamarekhodi aphethwe:

“Amarekhodi” kamasipala asho amarekhodi adaliwe noma atholwe ngesikhathi sebhizinisi, agcinwe njengobufakazi bemisebenzi kamasipala, imisebenzi kanye nokuthengiselana. Umasipala ugcina izinhlobo ezahlukene zamarekhodi ezingatholakala ngezindlela ezahlukene zezinhlelo zokuxhumana okungukuthi iphepha noma i-electronic.

Amarekhodi agciniwe nafinyelelekayo

Amarekhodi agcinwe umasipala aphathwa ngokuhambisana nezidingo zoMgcinimlando wesiFundazwe. Lawa marekhodi ayatholakala kuncike ekutheni umuntu kumele acele ukufinyelela ngokwe-PAIA futhi kuncike ekutheni lolo lwazi lungabandakanywa ekuvezweni ngokomthetho.

Umaspala wase Mzimvubu unalamareloDI aleziHloko naleziGaba ziLandelayo

<p>Ingqalasizinda</p> <p>Amamephu nezinhleloAmapulani Okwakha Ulwazi lwendawo Amatayitela ezakhiwo zikamasipala Amarekhodi okuqinisa ukuhlelwakwedolobha Ulwazi ngomhlaba woMkhandlu Izicelo zokuqashisa noma zokuthengaindawo Izicelo zokuhlela idolobha nezimvume</p>	<p>Ukuphathwa Kwethrafikhi Yomgwaqo / Ukuhlolwa kwezimoto kanye namarekhodi</p> <p>elayisensi</p> <p>Ukwephulwa nokushushiswaAmarekhodi ezingozi Imibiko yokuboshwa Izinhlawulo, amasamanisi, amaphephaenkantolo</p> <p>Ulwazi lwelayisensi yemoto Izicelo zelayisensi yabafunda ukushayela Izicelo zelayisensi yokushayela Ulwazi ngokuvuselelwa kwelayisensi yokushayela</p>
<p>Inhlangano nokulawula</p> <p>Ukudluliselwa Kwamandla Izinqubomgomo Izinqubo Ezijwayelekile ZokusebenzaImibiko namaminithi oMkhandlu Imibiko esemthethweni ihanjiswekuMgcinimafa Ukuhlelwa Kwentuthuko Okudidiyelwe Imithetho yokuziphatha kwamaKhanselanabasebenzi Irejista yamacala Ukuphathwa Kokusebenza KomasipalaAmarejista Abahlwempu Kamasipala Ubudlelwano Bohulumeni Ukwesekwa kweKomidi Lesigceme Ukulawulwa Kwezinhlekelele</p>	<p>Ukuphathwa Kwezimali Kwangaphakathi Imibiko yoCwaningo lwangaphakathi</p>
<p>Ukuphathwa kwemfucuza</p> <p>I-Solid Waste kanye nezindawo zokulahlaimfucumfucu</p>	<p>Imitapo yolwazi Iminingwane yobulungu belabhulali</p>

<p>Ukuhlola Umthelela Kwezemvelo</p> <p>Ulwazi</p> <p>Lwezezimali</p> <p>Amarekhodi e-VAT</p> <p>Ama-invoyisi neminingwane achazayo</p> <p>Izitatimende zasebhange namarekhodiokutshalwa</p> <p>kwezimali</p> <p>Izitatimende Zezimali</p> <p>Izitatimende zabakweleti kanye nomlando</p> <p>wezezimali</p> <p>Ukubuyisana kwebhange lomkhandlu</p> <p>Imininingwane yezinkokhelo ezenziwekubabolekisi</p> <p>Izimali eziqashisayo ezikhokhiswayonezikweletwayo</p> <p>Imiqulu yokulinganisa</p> <p>Izivumelwano zokuqashisa ngezakhiwozikamasipala</p> <p>eziqashiwe</p> <p>Izivumelwano zokudayiswa kwezakhiwo ezikhishwe umasipala</p>	<p>Amarekhodi Ezabasebenzi</p> <p>Izinqubomgomo nezinqubo zabasebenzi</p> <p>Imininingwane yephekheji yeholo kanye</p> <p>nemholo</p> <p>Izikhala zabasebenzi, amasekhula kanye nezikhangisi</p> <p>Amarekhodi abasebenzi</p> <p>Amafayela e-EAP</p> <p>Ukufunda nokuthuthukisa isb: amakhono izinhlelo zokuthuthukisa nokuqeqesha</p> <p>Uhlelo lokuqashwa ngokulingana nezibalo</p> <p>Amarekhodi e-UIF</p> <p>Shiya amarekhodi</p>
<p>I-Supply Chain kanye</p> <p>NokuphathwaKwempahla</p> <p>Ukuthengwa</p> <p>kwempahlaAmarejista</p> <p>amathenda</p> <p>Ukuhlinzeka</p> <p>Ukuphathwa Kwempahla</p>	<p>Izinkonzo Zolwazi Lwangaphakathi</p> <p>Ukuphathwa kwamarekhodi angaphakathi</p> <p>Izindaba zokuphepha zangaphakathi</p>
<p>Ezokuxhumana</p> <p>Ukuxhumana</p> <p>kwangaphakathilzinkulumo</p> <p>Ukushicilelwa kwemidiya</p> <p>Imniningwano Yokuxhumana</p>	<p>Ukuhambela nokubamba</p> <p>imihlanganoneminye</p> <p>imibuthano</p> <p>Ukubamba iqhaza komphakathiAma-IDP</p>

13. UMASIPALA WASEMZIMVUBU UDALULA NGOKUZITHANDELA UKUTHOLAKALA KALULA KWAMAREKHODI ATHILE NGAPHANDLE KWENKOKHELO YESICELO.

Amarekhodi abekwe lapha atholakala kalula ngaphandle kokuthi umuntu aceleukufinyelela ngokwe-PAIA, kodwa lapho kufanele, ahlala engaphansi kokubuyekwezwa yiSikhulu soLwazi noma iPhini leSikhulu soLwazi ngokweSigaba 15 (4) soMthetho). Wonke amanye amarekhodi kufanele acelwe ngokusemthethweni njengoba kuhlinzekwe kuleli bhukwana. Imali ekhokhwayo kuphela, uma ikhona, yokuthola lawa marekhodi yimali enqunyiwe yokukhiqiza kabusha.

- Ama-akhawunti omkweleti
- Izinhlelo Zokuhlela Idolobha
- Izincwadi zezindaba
- Izincwajana
- Izinqubomgomo
- Lonke ulwazi njengoba lutholakala mahhala kusizindalwazi sikamasipala:
www.umzimvubu.gov.za

14. UKWENQATSHELWA UKUFINYELELA KUMAREKHODI ATHILE (s 33-46 of PAIA)

- (1) ISikhulu Esibhekele Ulwazi noma iPhini Lesikhulu Solwazi lingenqaba ukuthi kufinyelelwe kumarekhodi athile ngaphansi kwezimo njengoba kuhlinzekwe esigabeni 33 kuya ku-46, esahlukweni 4 se-PAIA.

Umasipala Wendawo Umzimvubu ungenqaba ukunikeza ukufinyelela kumarekhodi ngalezi zizathu ezilandelayo:

- (a) Isivikelo esiyisibopho selunga langaphandle (esiwumuntu).
- (b) Ukuvikelwa okuyimpoqo kolwazi lwezohwebo lwelunga langaphande, uma irekhodi liqukethe:
- Izimfihlo zohwebo zelunga langaphandle;
 - Ulwazi lwezezimali, lwezohwebo, lwesayensi noma lobuchwepheshe ukudalulwa okungadala ukulimala kwezezimali noma kwezohwebo zalelo lungu langaphandle;
 - Ulwazi oludalulwe ngokuthenjwa yilungu langaphandle kumasipala waseMzimvubu uma ukudalulwa kungase kubeke eceleni ilungu langaphandle ezingxoxweni noma emqhudelwaneni wezohwebo.

- (c) Ukuvikelwa okuyimpoqo kolwazi oluyimfihlo lwamalunga angaphandle uma luvikelwe ngokwanoma yisiphi isivumelwano;
- (d) Isivikelo esiyisibopho sokuphepha kwabantu kanye nempahla;
- (e) Ukuvikelwa okuyisibopho kwamarekhodi azothathwa njenganelungelo lokuqulwa kwecala;

Imisebenzi yezohwebo kamasipala waseMzimvubu engabandakanya:

- Ulwazi lwezezimali, lwezohwebo, lwesayensi noma lwezobuchwepheshe, ukudalulwa okungase kudale umonakalo ezithakazelweni zezezimali noma zezohwebo zikamasipala.
 - Ulwazi oluthi uma ludalulwa lubeke umasipala kwisimo esingasihle ezingxoxweni noma emiqhudelwaneni yezohwebo.
 - Uhlelo lwekhompyutha oluphethwe umasipala waseMzimvubu futhi oluvikelwe yilungelo lobunikazi.
 - Ulwazi locwaningo lukamasipala noma lwelunga langaphandle, uma ukudalulwa kwalo kuzodalula ubunikazi bukamasipala waseMzimvubu, okucwaningiwe nomaimininingwane yocwaningo kuzobeka umasipala kusimo esingasihle.
- (f) Izicelo zolwazi olungenangqondo ngokusobala, noma olukhathazayo noma olubandakanya ukuphambukiswa kwezinsiza ngendlela engafanele ngokwesigaba sama-45 se-PAIA.

15. ISAZISO NOKUNGENELA KWELUNGA LESITHATHU (IS AHLUKO 5)

15.1. Isaziso esiya kumalunga angaphandle (s 47 of PAIA)

- (a) ISikhulu Esibhekele Ulwazi noma iPhini Lesikhulu Esibhekele Ulwazi kumele sithathe izinyathelo ezifanele zokwazisa ilunga langaphandle lelo noma irekhodi elihlobene nalo ngesicelo ngokushesha okukhulu, kodwa kunoma yikuphi, zingakapheli izinsuku ezingama-21 isicelo samukelwe.
- (b) Ilunga langaphandle, kumele zingakapheli izinsuku ezingama-21 ngemuva kokwaziswa, lenze izethulo ezibhaliwe noma ngomlomo kuSikhulu Esibhekele Ulwazi noma iPhini Lesikhulu Solwazi ukuthi kungani isicelo kufanele senqatshwe noma linikeze imvume ebhaliwe yokudalulwa kwerekhodi kumfakisicelo.

15.2. Isinqumo sokumelwa kwamalunga angaphandle (s 49 wePAIA)

- (a) ISikhulu Esibhekele Ulwazi kumele zingakapheli izinsuku ezingama-30 sinqume ukuthi siyasivuma yini isicelo sokufinyelela futhi sazise ilunga langaphandle ngokufanele. Uma isicelosokufinyelela samukelwe, isaziso kufanele sisho:

- izizathu ezanele zokwamukela isicelo, kubandakanya nezinhlinzeko zalo Mthetho okuthenjelwe kuwo;
- ukuthi ilunga langaphandle lingafaka isikhalo sangaphakathi noma isikhalazo kuMlawuli Wezolwazi noma isicelo, kuye njengoba kungaba njalo, ngokumelene nesinqumo phakathi kwezinsuku ezingama-30 ngemva kokunikezelwa kwesaziso, kanye nenqubo yokufaka isikhalo sangaphakathi noma isicelo;
- ukuthi ofake isicelo uzonikezwa ukufinyelela kurekhodi ngemva kokuphelelwayisikhathi; futhi
- ngaphandle uma leso sikhalo sangaphakathi noma isikhalazo noma isicelo enkantolo sifakwe phakathi naleso sikhathi.

16. IZISOMBULULO EZIKHONA MAYELANA NESENZO ESITHILE NOMA UKWEHLULEKA UKUTHATHA ISINYATHELO KUKAMASIPALA WENDAWO UMZIMVUBU.

Umthetho osebenza kuhulumeni wasekhaya ungahlinzeka ukubuyekezwa kwangaphakathi noma inqubo yokukhalaza. Uma kwenzeka le nqubo iphela, noma kungekhokuhlinzekwa kwenqubo enjalo, kungase kuyiwe enkantolo ukuze kukhishwe umyalo ofanelengokoMthetho Wokukhuthaza Ubulungiswa Bokuphatha, wezi-2000.

Imibuzo, izikhalo, noma ukuphawula mayelana nanoma yikuphi ukulethwa kwezidingo ngumasipala kungenziwa ngale ndlela elandelayo:

Ucingo: 039 255 8500 ngoMsombuluko kuya kuLwesine: 07h45 kuya ku-16h30NgoLwesihlanu: 07h45 kuya ku-15h15

I-imeyili: enquiries@umzimvubu.gov.za

Noma

Vakashela umasipala okuDabula Street, Sophia, KwaBhaca noma 67 Church Street,eMaXesibeni.

16.1. Isikhalazo sangaphakathi (s 74 se-PAIA)

Umfakisisicelo angafaka isikhalo sangaphakathi kumasipala ephikisana nesinqumo seSikhulu soLwazi noma iPhini leSikhulu soLwazi uma:

- isicelo sokufinyelela sinqatshiwe;
- izimali ezikhokhiswayo azamukelekile;
- isikhathi okumele kuthathwe ngaso isinqumo mayelana nokufinyelela irekhodi sinwetshiwe;
- ukufinyelela kwirekhodi akuhlinzekiwe ngefomu eliceliwe; futhi

- ilunga langaphandle lingafaka isikhalo sangaphakathi kumasipala ephikisana nesinqumo seSikhulu soLwazi noma iPhini leSikhulu soLwazi sokudalula imininingwane ephathelene nelunga langaphandle.

Inqubo Yangaphakathi Yokudlulisa Isikhalazo kanye Nezindleko Zokudlulisa Izikhalazo(s 75(1) se-PAIA)

Isikhalazo kufanele sifakwe kwiFomu B elinqunyiwe elikhishwe ngokwe-PAIA. Ikhophi yefomu inamathiselwe kulo mbhalo njengeSithasiselo "D". Amakhophi akho ayatholakala futhi kumasipala ehhovisi leSikhulu soLwazi okukhulunywe ngaso kulo mbhalo. Ifomu liyatholakala nakusizindalwazi sikamasipala.

- (a) Isikhalazo kumele sifakwe phakathi kwezinsuku ezingama-60 noma uma isaziso esiya komunye umuntu sidingeka ngokwemibandela ye-s49(1)(b) ye-PAIA, zingakapheli izinsuku ezingama-30 ngemuva kokunikezelwa kwesaziso kummangali ngesinqumo esidluliselwe phambilini, noma uma isaziso kummangali singadingeki, ngemva kokuthathwa kwesinqumo.
- (b) Isikhalazo kufanele sihanjiswe noma sithunyelwe ngefeksi, ikheli le-imeyili noma sithunyelwe ekhelini leSikhulu Esibhekele Ulwazi.
- (c) Ofake isikhalazo kufanele ahlinzeke ngezizathu zesikhalazo sangaphakathi, ukuthiufisa ukwaziswa kanjani ngesinqumo mayelana nesikhalazo futhi kufanele akhokhe imali enqunyiwe yesikhalazo (uma ikhona) [s 75(3) ye-PAIA].
- (d) Isikhulu Esibhekele Ulwazi sizovumela ukufakwa sekwephuzile kwesikhalazo kuphela uma isizathu sofake isikhalo sithembekile. Ummangali uzokwaziswa uma isikhalazo sakhe sekwephuzile sanqatshwa.
- (e) Isinqumo ngesikhalazo sangaphakathi singahlehliswa kuze kukhokhwe imali yesikhalazo.
- (f) Ukwethulwa kwesikhalazo sangaphakathi kuSikhulu Esibhekele Ulwazi [s 75(4) se-PAIA], Isikhulu Esihlinzeka Ngolwazi kufanele sifake isikhalo sangaphakathi zingakapheli izinsuku eziyi-10 zokusebenza ngemuva kokusithola ebhodini lokubuyekeza ngokubhaliwe ukuze sisicubungule.
- (g) Ibhodi lesikhalazo kufanele, ngesikhathi esifanayo, lihlinzekwe ngezizathu zesinqumo seSikhulu Esibhekele Ulwazi okufakwa kuso isikhalazo sangaphakathi kanye nemininingwane yanoma iliphi ilunga langaphandle okungenzeka ukuthi liyathinteka.

Isaziso kanye nokumelwa kwelunga langaphandle (s 76 wePAIA)

- (a) Lapho ibhodi lesikhalazo licubungula isikhalo sangaphakathi sokwenqatshwakwesicelo sokufinyelela irekhodi lelunga langaphande, ukudalulwa kwalo okungase kuhilele ukudalulwa okungenangqondo kolwazi lomuntu siqu, kungase kulimaze izithakazelo zezentengiselwano noma zezezimali zelunga langaphandle. Noma kungaba ukwepulwa kokuthenjwa, ibhodi lesikhalazo kufanele lazise ilunga langaphandle ngesikhalazo zingakapheli izinsuku ezingama-30 ngemuva kokusithola.
- (b) Ibhodi lesikhalazo kufanele linikeze ilunga langaphandle incazelo yokuqukethwe isikhalazo, imininingwane yomkhalazi futhi kumele lisho ukuthi ibhodi lesikhalazo linombono wokuthi kungaba yinzuzo yomphakathi ukuthi ulwazi ludalulwe. Ilunga langaphandle liba nezinsuku ezingama-21 zokwenza isethulo esibhaliwe ebhodini lokudluliswa kwezikhalazo ukuthi kungani isicelo solwazi kungafanele sivunywe noma, kungenjalo, sinikeze imvume ebhalwe phansi ukuze kudalulwe irekhodi kumfakisicelo.
- (c) Uma ibhodi lesikhalo licubungula isikhalo sangaphakathi sokuphikisana nokuvunywa kwesicelo sokufinyelela olwazini, ibhodi lesikhalazo kufanele lazise umfakisicelo othintekayo ngesikhalazo zingakapheli izinsuku ezingama-30 ngemuva kokusithola. Ilunga langaphandle linezinsuku ezingama-21 lokwenza isethulo esibhaliwesokuthi kungani kufanele kunikezwe ukufinyelela kwerekhodi.

Isinqumo ngesikhalazo sangaphakathi kanye nesaziso saso (s 77 wePAIA)

- (a) Lapho uthatha isinqumo ngesikhalazo sangaphakathi, umasipala angaqinisekisa isinqumo sokuqala noma enze isinqumo esisha. Lokhu kufanele kwenziwe zingakapheli izinsuku ezingama-30 ngemuva kokuthola isikhalazo sangaphakathi, noma phakathi kwezinsuku ezi-5 zokusebenza ngemva kokuthola isethulo esibhaliwemayelana nesikhalazo.
- (b) Umasipala kumele ngokushesha wazise ofake isikhalo, onke amalunga angaphandle athintekayo kanye nomfakisicelo ngesinqumo futhi kumele unikeze izizathu zesinqumo. Uma umasipala ehluleka ukuhambisana nalezi zinqubo ezingenhla kanye nezikhathi ezibekiwe zokucutshungulwa kwesikhalazo sangaphakathi, kuzothathwa ngokuthi umasipala usichithile isikhalazo sangaphakathi.

16.2. Isicelo sokuya enkantolo (s 78 wePAIA)

- (a) Umdluliseli wesikhalo, ilunga langaphandle noma ofake isicelo nabo bazokwaziswaukuthi bangafaka isicelo enkantolo enamandla ukuze kubuyekwezwe isinqumo sikamasipala ngesikhalazo sangaphakathi. Leso sicelo kumele senziwe zingakapheli izinsuku ezingama-30 isinqumo sesithathiwe, nokho, umfakisicelo noma ilunga langaphandle angafaka KUPHELA isicelo enkantolo sokuthi ibuyekwezwe ngemuva kokuba umfakisicelo noma ilunga langaphandle eseyisebenzisile yonke inqubo yangaphakathi yesikhalazo kanye nenqubo yezikhalazo.
- (b) Inkantolo ingaqinisekisa, ichibiyele, noma ibeke eceleni isinqumo sesikhalo sangaphakathi noma inganikeza isivimbelo.

17. UKUBANDAKANYA KOMPHAKATHI EKWAKHIWENI KWENQUBOMGOMO NOMA EKUSETSHENZWENI KWAMANDLA NOMA UKWENZIWA KOMSEBENZI KUKAMASIPALA WENDAWO YOMZIMVUBU.

I-ULM ihlinzeka ngala mathuba alandelayo okubonisana, ukwenza izethulo noma ukubamba iqhaza noma ukuthonya ukwakhiwa kwenqubomgomo/umthetho noma ukwenziwa kwegunya likamasipala:

- (a) Ukusasazwa kwe I-IDP kanye Nokwabiwa kwezimali;
- (b) Ukushicilelwa kwezinqubomgomo kuGazethi Kahulumeni nakusizindalwazi sikamasipala;
- (c) Ukuxhumana nababambe iqhaza;
- (d) Inggungquthela Yabaholi Bendabuko;
- (e) Izincwadi zikamasipala namaphephandaba;
- (f) Imbizo yeMeya; futhi
- (g) Nokumenywa kwemibono yomphakathi ngoMbiko Wonyaka.

18. UMTHETHO WOKUVIKELWA KOLWAZI LOBUQU, NOMBOLO 4 KA-2013

18.1. IZINCAZELO

“**I-POPIA**” noma “**i-POPI**” isho uMthetho Wokuvikelwa Kolwazi Lomuntu Siqu, wezi-2013 (uMthetho No. 4 wezi-2013);

“**Imithetho ye-POPI**” ichaza imithethonqubo yokuvikela ulwazi lomuntu siqu ekhishwe ngokwesigaba 112(2) soMthetho Wokuvikelwa Kolwazi Lomuntu Siqu, 2013 (uMthetho No. 4 wezi-2013) zingama-14 kuZibandlela wezi-2018;

“**umnikazi wemininingwane**” sichaza umuntu ulwazi lomuntu siqu oluhlobene naye;

“**imvume**” isho noma yikuphi ukuveza ngokuzithandela, okuqondile nokwaziswa kwencwadiyefa ngokwemibandela lapho kunikezwa khona imvume yokucutshungulwa kolwazi lomuntu siqu.

“**Isikhulu Esibhekele Ulwazi**” maqondana ne-ULM, kusho iMenenja kaMasipala;

“**ukucisha**” kusho, maqondana nolwazi siqu ngomnikazi wemininingwane, ukususa noma yiluphi ulwazi: olukhomba umnikazi wemininingwane; kungasetshenziswa noma kusetshenziswe indlela ebonwayo ukuze kutholakale umnikazi wemininingwane; noma ingaxhunyaniswa ngendlela ebonakala ingenzeka nolunye ulwazi oluhlonza umnikazi wemininingwane; kanye

“**nokungahlonzwa**” kunencazelelo efanayo.

“**ukumaketha okuqondile**” kusho ukuxhumana nomnikazi wemininingwane, kungaba mathupha nomangeposi noma ngokuxhumana ngogesi, ngenjongo eqondile noma engaqondile yokuthuthukisa noma ukunikeza ukuhlinzeka, esikhathini esivamile sebhizinisi, noma yiziphi izimpahla noma izinsinza kumnikazi wemininingwane; noma ukucela imininingwane engaphansi kokwenza umnikelo wanoma yiluphi uhlobo nganoma yisiphi isizathu.

“**ukuxhumana ngezindlela zezikhathi sanamuhla**” kusho noma yimuphi umbhalo, izwi, umsindo nomaumyalezo wesithombe othunyelwe ngenethiwekhi yezokuxhumana ye-elektronikhi ogcinwe kunethiwekhi noma kumshini wokuthola imishini yomamukeli kuze kube uqoqwa umemukeli.

“**umqhubi**” kushiwo umuntu ngokwemvelo noma ngokomthetho.

“**ulwazi lomuntu siqu**” luchaza ulwazi oluhlobene nomuntu okhonjwayo, ophilayo, futhi lapho kufanele khona, umuntu okhonjwayo, okhona ngokomthetho, kubandakanya, kodwa kungagcini nje:

Kulwazi oluphathelele nohlanga, ubulili, ukukhulelwa, umshado, ubuzwe, ubuzwe noma imvelaphi yenhlalo, umbala, ukukhetha ubulili, ubudala, impilo yomzimba nomayengqondo, inhlalakahle, ukukhubazeka, inkolo, unembeza, inkolelo, isiko, ulimi nokuzalwa komuntu;

ulwazi olumayelana nemfundo noma umlando wezokwelapha, wezezimali, wobugebengu noma wokuqashwa komuntu; noma iyiphi inombolo ekhombayo, uphawu, ikheli le-imeyili, ikheli lendawo, inomboloyocingo, imininingwane yendawo, isihlonzi esiku-inthanethi noma omunye umsebenzi othile; ulwazi lwebhayomethrikhi yomuntu; imibono yomuntu, imibono noma izintandokazi zomuntu; izincwadi ezithunyelwa ngumuntu eziyimfihlo noma ngokusobala eziyimfihlo noma ezinye izincwadi ezingadalula okuqokethwe yincwadi yokuqala; imibono noma imibono yomunye umuntu ngomuntu; kanye negama lomuntu uma livela nolunye ulwazi lomuntu siqu oluphathelene nomuntu noma uma kudalulwa kwegama ngokwalo kuzoveza ulwazi ngomuntu.

“Ilunga langaphandle” ichaza: umuntu wemvelo oqhuba noma oke wahweba, ibhizinisi noma umkhakha, kodwa ekulesosikhundla kuphela;

ubambiswano oluqhubekisela phambili noma oluqhubekile nokuhwebelana, ibhizinisi noma ubungcweti; noma yimuphi umuntu wangaphambili noma okhona ngokomthetho kodwa angafaki uhlaka lukahulumeni.

“ukucubungula” kushiwo noma yikuphi ukusebenza noma umsebenzi nanoma iyiphi iqoqo lemisebenzi, kungakhathaliseki ukuthi kuzenzakalela noma cha, mayelana nolwazi lomuntu siqu, okuhlenganisa:

ukuqoqwa, irisidi, ukurekhoda, inhlango, ukuhlenganisa, ukugcinwa, ukuvuselela noma ukuguqulwa, ukubuyisa, ukuguqulwa, ukubonisana. Noma sebenzisa;

ukusatshalaliswa ngendlela yokudlulisa, ukusabalalisa noma ukwenza kutholakale nganoma iyiphi enye indlela; noma

ukuhlenganisa, ukuxhumanisa, kanye nokuvinjelwa, ukucekelwa phansi, ukusulwa noma ukucekelwa phansi kolwazi.

“umkhakha kahulumeni” kushiwo:

noma yimuphi umnyango wombuso noma wokuphatha kuhulumeni kazwelonke noma wesifundazwe; noma

yimuphi omunye umsebenzi wesikhungo lapho: - esebenzisa amandla noma enza umsebenzi ngokoMthethosisekelo noma ngokomthethosisekelo wesifundazwe; noma – ukusebenzisa amandla omphakathi noma ukwenza umsebenzi womphakathi ngokwanoma yimuphi umthetho.

“irekhodi lomphakathi” lichaza irekhodi elifinyeleleka endaweni yomphakathi futhieliphethwe noma elingaphansi kokulawulwa umkhakha kahulumeni, noma ngabe lakhiwe yilowo mkhakha noma cha.

“irekhodi” lichaza noma yiluphi ulwazi olurekhodiwe: kungakhathalekile ukuthi luluphi uhlobo noma ulimi, kubandakanya noma yikuphi kwalokhu okulandelayo:

ukubhala kunoma iyiphi into;

ulwazi olukhiqiziwe, olurekhodiwe noma olugcinwe nganoma iyiphi i-tape-recorder, okokusebenza kwekhompiyutha, noma ngabe i-hardware noma isoftware noma kokubili, noma enye insiza, nanoma iyiphi enye into etholakala olwazini olukhiqiziwe, olurekhodiwe noma olugciniwe;

ilebula, ukumaka noma okunye okulotshiweyo okukhomba noma okuchaza noma yini eyingxenye yayo, noma enamathiselwe kuyo nganoma iyiphi indlela;

incwadi, ibalazwe, ipulani, igrafu noma umdwebho; isithombe, ifilimu, i-negative, iteyiphu noma elinye ithuluzi lapho isithombe esisodwa noma ngaphezulu esibukwayo sifakwe khona ukuze sikwazi, noma ngaphandle kosizo lwezinye izinto zokusebenza, ukukhiqizwa kabusha; ephethwe noma elawulwa yiqembu elibhekele;

ukuthi yadalwa noma cha umkhakha ofanelekile; futhi

kungakhathalekile ukuthi yaba khona nini.

“Umlawuli” mina njengoMlawuli Wolwazi osungulwe ngokoMthetho Wokuvikela Ulwazi Lomuntu Siqu.

“ukuhlonza kabusha” kusho, maqondana nolwazi lomnikazi wemininingwane, ukuvuselela noma yiluphi ulwazi olungakhonjwanga, lokho: Ikhomba umnikazi wemininingwane;

kungasetshenziswa noma kusetshenziswe indlela ebonwayo ukuze kutholakale umnikazi wemininingwane; noma ingaxhunyaniswa ngendlela ebonakala ingenzeka nolunye ulwazi oluhlonza umnikazi wemininingwane;

futhi “ukuphinda kukhonjwe” kunencazelo efanayo.

“Iqembu elibhekelele” lichaza umkhakha kahulumeni noma ozimele nanoma yimuphi omunye umuntu, eyedwa noma ngokuhlanganyela nabanye, enquma inhloso kanye nezindlela zokucubungula ulwazi lomuntu siqu.

“ulwazi lomuntu siqu olukhethekile” luchaza ulwazi lomuntu siqu oluhlobene: nezinkolelo zezenkolo noma zefilosofi, uhlanga noma ubuzwe, ubulungu bezinyunyana, ithonya lezombusazwe, impilo noma impilo yobulili noma ulwazi lwebhayomethrikhi yomnikazi wemininingwane; noma ukuziphatha ngobugebengu komnikazi wemininingwane kuze kubengathi lolo lwazi luhlobene: - nezinsolo zokwenza komnikazi wemininingwane noma yiliphi icala; – noma

yiziphi izinyathelo maqondana nanoma yiliphi icala okusolwa ukuthi lenziwe umnikazi wemininingwane noma ukuchithwa kwalezo zinqubo.

“Izihlonzi ezihlukile” zisho noma yisiphi isihlonzi esinikezwe umnikazi wemininingwane futhi sisetshenziswa umkhakha ofanele ngezinjongo zokusebenza komkhakha ofanele futhi oluhlonza ngokuhlukile lowo mnikazi wemininingwane mayelana nomkhakha ofanele.

19. UKUTSHUNGULWA KOLWAZI LOMUNTU (ss 8-35 wePOPIA)

Umasipala uzocubungula imininingwane yomuntu ngokwemibandela yokucutshungulwa okusemthethweni kolwazi lomuntu siqu.

19.1. Inhloso Yokucubungula

- (a) Ulwazi lomuntu siqu luyacutshungulwa ukuze luhambisane nemigomo yomthethosisekelo kanye nemithetho yeNdikimba Yomphakathi.
- (b) Ulwazi lomuntu siqu phakathi kwezinye izinto lusetshenziselwa:
- Ukumema izicelo zokuqashwa; nokuqasha;
 - ukuphathwa kwemiholo kanye nezinzuzo;
 - ukuphathwa kokusebenza nokuqeqeshwa;
 - Ukulawulwa kobungozi okubandakanya ukuvikeleka okuphathekayo nekagesi kanye nokulawula ukufinyelela kusetshenziswa i-biometrics;
 - ukuthengwa kwezimpahla nezonsiza;
 - sebenzisana nabahlinzeki;
 - ukubuyisela isikweletu sikamasipala;
 - izinjongo zomthetho nezenkontileka; futhi
 - ukunikezwa kwezinsizakalo.

20. UHLU LOMUNTU LUGCINIWE

- (a) Umasipala uqoqa futhi ugcine imininingwane yomuntu ngezizathu ezahlukene ukuze ufeze umsebenzi wawo ngokuhambisana noMthethosisekelo waseNingizimu Afrika.
- (b) Umasipala ugcina imininingwane yomuntu siqu yemiphakathi yasendaweni/abahlali ukuze kuthuthukiswe ukuhlinzekwa kwezidingo emiphakathini yawo. Ngakolunye uhlangothi, abasebenzi kudingeka ukuthi babelane ngemininingwane yabo siqu nomasipala ngezinjongo zezinba ezibhekene nabasebenzi.

Ulwazi lomuntu siqu olungatholakala luhlanganisa, kodwa lungaphelele kulokhu:

- (a) iziqu
- (b) imininingwane yokuxhumana;
- (c) imininingwane yamaholo;
- (d) ukuhlonza;
- (e) amagama nesibongo;
- (f) ulwazi lwebhayomethrikhi;
- (g) Imininingwane yezibalo ezifana neminyaka, ubulili, ikheli lendawo kanye neleposi;
- (h) ukumenyenzelwa kwentshisekelo;
- (i) ulwazi lwezempilo;
- (j) ulwazi lwesihlobo;
- (k) ulwazi lomsebenzi;
- (l) ulwazi lobunikazi noma lokuqashisa;
- (m) imininingwane yemoto okusho inombolo yokubhaliswa kwemoto;
- (n) Ulwazi losomathenda;
- (o) Ulwazi lwabakhokhi bentela

Ukuqoqwa kolwazi lomuntu siqu (s 12 se-POPIA)

Umasipala uqoqa ulwazi lomuntu siqu ukuze usekele igunya lakhe lokulethwa kwezinsiza, futhi ulwazi luqoqwa ngokuqondile kubanikazi beminingwane lapho kusebenza khona futhi kufanele kuhambisane ne-POPIA.

Ulwazi lomuntu siqu lungaqoqwa ngeziteshi ezihlukahlukene futhi lungafaka lokhu okulandelayo:

- Izinhlobo
- Isizindalwazi
- Amafomu okufaka isicelo
- Amathenda nezinkontileka
- Izinkundla zokuxhumana
- Ukuthobela ukuhlelwa kwedolobha
- Ukuphendula imibuzo
- Ngokusebenzisa abahlinzeki bamalunga angaphandle
- Ngokusebenzisa amakhamera agadayo (ngobuchwepheshe bokubona ubuso).

Izizathu zokugcina ulwazi lomuntu siqu:

- Ukuhlola ingemuva lezokuphepha (ukuhlola);
- ukuvala izivumelwano nezinkontileka;
- ukubhaliswa kwezinsizakalo;
- ukubonisana nomphakathi kanye nempendulo;
- ukubuyiswa kwezikweletu;
- ukudalulwa;
- ukubika eMkhandlwini ngezikweletu ezimbi;
- ukucubungula izinzuzo okungukuthi i-medical aid kanye nempesheni;
- ukuphendula imibuzo, izikhalazo kanye nezicelo;
- ecubungula amabhidi ngokwamathenda namakhotheshini;
- ukuthumela nokwabelana ngokuthintana okubalulekile;
- ukuqashwa, iholo, nezinye izidingo zabasebenzi; futhi
- ukugcina isizindalwazi sezinsiza ezibalulekile, ukwesekwa kwabantulayo, kanye nezindlu.

Ukuqoqwa kolwazi lomuntu siqu ngenjongo ethile (isigaba 13 se-POPIA)

- (a) Umasipala uzosebenzisa ulwazi ngenjongo ehlosiwe kuphela obuqoqwe ngayo ngaphandle uma umnikazi wemininingwane enikeza imvume yokusebenzisa okwengeziwe.

Ukugcinwa kolwazi lomuntu siqu (isigaba 14 se-POPIA)

- (a) umasipala uzogcina ulwazi lomuntu siqu isikhathi eside uma kunesidingo ukufeza inhloso obuqoqwe ngayo.
- (b) ukuthobela izimfuneko zomthetho kanye noma zokulondoloza umlando ngemuva kwalokhozizosuswa noma zilahlwe.
- (c) Izikhathi zokugcinwa zizohluka kuye ngokuthi ulwazi lwenhloso oluqoqwelwe nini.

Le mibandela elandelayo izonquma izikhathi zokugcinwa:

- izibopho zomthetho noma zenkontileka noma ezinye zokugcina imininingwane yomuntu siqu;
- imininingwane edingekayo ukuze kwenziwe uphenyo noma ngezinhloso zokuqulwa kwamacala; futhi
- ukugcina amarekhodi anembayo ngokuhambisana nomthetho ofanele.

Ukwabelana ngolwazi lomuntu siqu

- (a) Njengomgomo, umasipala uzokwabelana ngolwazi lomuntu siqu kuphela umaumasipala ethole imvume kumninkazi wemininingwane.

Ukudluliswa kolwazi lomuntu siqu ngaphandle kweZwekazi

Umasipala awuhlelanga ukuhamba kolwazi lomuntu siqu lwedlule imingcele, kodwa, uma kudingekile ukudlulisela ulwazi lomuntu siqu kwelinye izwe nganoma yiziphi izinjongo ezisemthethweni, umasipala uzoqinisekisa ukuthi noma ubani odlulisela kuye ulwazi lomuntusiqu ungaphansi komthetho noma isivumelwano esibophezelayo inikeza izinga elanele lokuvikela futhi ilunga langaphandle liyavuma ukuphatha lolo lwazi lomuntu siqu ngezinga elifanayo lokuvikela njengoba umasipala ebophekile ngaphansi kwe-POPIA.

Ulwazi lomuntu siqu lungabiwa nababambe iqhaza ababonisiwe futhi ngale ndlela elandelayo:

- I-SARS;
- izinsiza zokwelapha, izikhwama zempesheni;
- izikhungo zezimali zokukhokha;
- izikhungo zezimali ngezinhloso zamaholo;
- lapho kudingeka khona ukuthobela ukuqulwa kwamacala kanye neziyalezo zenkantolo;
- lapho imvume itholakele kumninkazi wemininingwane ukuze kwabelwane ngaso;
- ozakwethu bebhizinisi, abathengisi noma osonkontileka ukuthi banikeze izinsiza eziceliwe noma baqondise ukuthengiselana;
- ekuphenduleni isicelo solwazi seziphathimandla ezisemthethweni ngokuhambisana, noma kudingwa yinoma yimuphi umthetho osebenzayo, isimiso noma inqubo yezomthetho; futhi
- ukuvikela amalungelo, impahla noma ukuphepha kukamasipala noma abanye noma njengoba kudingwa umthetho osebenzayo.

Ukuvikelwa kolwazi lomuntu siqu (s 19 of POPIA)

- (a) Umasipala uzibophezele ukuvikela imininingwane yomuntu siqu ekusetshenzisweni kabi, ekulahlekeni, ekwebiweni, ekufinyeleleni okungagunyaziwe noma ekuvezweni nasekulungisweni ngokuthi:
- ngokusebenzisa izinyathelo zokuphepha zikagesi nezomzimba.
 - ngokwenkontileka edinga ukuthi amalunga angaphandle okuvezwa kubo ulwazi lomuntu siqubenze okufanayo.

- (b) Ngenxa yokwepfulwa kwezokuphepha ku-inthanethi okungenzeka kwenzeke, umasipala ngeke akwazi ukuqinisekisa ngokugcwele ukuvikeleka noma ukujinjwa okuvela emithonjeni yangaphandle yanoma yiluphi ulwazi lomuntu siqu oluthunyelwayo noma oluthunyelwa ku- inthanethi.
- (c) Umasipala usebenzise izivikelo ezifanele nezifanele ubungozi obuhlonziwe kanye nokuzwela kolwazi.

Amalungelo omnikazi wemininingwane mayelana nokunyelela nasekugcinweni kolwazi lomuntu siqu

- (a) Umnikazi wemininingwane angacela umasipala ukuthi afinyelele, alungise, abuyekeze, avimbe nomaasuse ulwazi lomuntu siqu umasipala analo ngokuhambisana nezidingo zomthetho ezenza kuphoqekele ukuthi umasipala agcine lolo lwazi lomuntu siqu.
- (b) ISikhulu Esibhekele Ulwazi sizovuma ukuthi usitholile leso sicelo zingakapheli izinsuku ezintathu (3) zosuku lokulethwa.
- (c) Lezo zicelo zizodingidwa yiSikhulu Esibhekele Ulwazi esizophendula esikhathini esifanelekile futhi kungakedluli izinsuku ezingamashumi amathathu (30) osukwini lwesicelo.
- (d) Umnikazi wemininingwane angahoxisa imvume nganoma yisiphi isikhathi ukuze sicutshungulwe esikhathini esizayo
- (e) Umnikazi wemininingwane angacela ukufinyelela, kanye nokulungiswa kolwazi lomuntu siqu olugcinwe umasipala nganoma yisiphi isikhathi ngokuthumela isicelo esibhaliwe kuSikhulu Sezolwazi
- (f) Umnikazi wemininingwane angaphikisa ukucutshungulwa kwemininingwane yakhe nganoma yisiphi isikhathi
- (g) Kunoma ikuphi izinsolo zokuthi ulwazi lomuntu siqu lucutshungulwe ngokungemthetho, futhi amalungelo ahlobene nokuvikelwa kolwazi lwakho lomuntu siqu aphulwa noma ulwazi lomuntu siqu lonakalisiwe, umnikazi wemininingwane uyothintana neSikhulu soLwazi futhi uma enganelisekile, angafaka isikhalazo ku. Umlawuli Wolwazi
- (h) Esimeni sokuphulwa kolwazi umasipala azi ngakho, umasipala uzokwazisa umnikazi wemininigwane

21. UKUPHIKISANA NOKUCUTSHUNGULWA KOLWAZI LOBUQU (s 11 of POPIA)

- a) Umnikazi wemininingwane ofisa ukuphikisa ukucutshungulwa kolwazi lomuntu siqu ngokwesigaba 11(3)(a) se-POPI, kufanele ahambise ukuphikisa kumasipala ngeFomu loku-1.
- (b) Umasipala, noma umuntu oqokiwe, kufanele anikeze lolo sizo olufanele njengoba ludingeka, mahhala, ukuze umnikazi wemininingwane akwazi ukuphikisa kusetshenziswa iFomu loku-1.

22. ISICELO SOKULUNGISWA NOMA UKUCISHWA NOMA UKUPHELISWA KOLWAZI LOMUNTU (isigaba 24 se-POPIA)

Umnikazi wemininingwane ofisa ukucela ukulungiswa noma ukusulwa kolwazi lomuntu siqu noma ukekelwa phansi noma ukususwa kwerekhodi lolwazi lomuntu siqu lwaleyo mininingwane ngokwesigaba 24(1) se-POPI, kufanele athumele isicelo kumasipala esebenzisa Ifomu 2. Umasipala, noma umuntu oqokiwe, kufanele anikeze lolo sizo olufanele, njengoba ludingeka mahhala, ukuze umnikazi wemininingwane angcwalise Ifomu lesi-2.

23. ISICELO SOKUKHISHWA KOMTHETHO WOKUZIPHATHA (s 61 we-POPIA)

- (a) Izicelo zokukhishwa kwekhodi yokuziphatha umkhakha ka hulumeni noma umkhakha ozimele zingakhishwa ngokombono woMlawuli.
- (b) Izicelo kufanele zithunyelwe kuMlawuli ngeFomu lesi-3.

24. ISICELO SEMVUME kuMNIKAZI WEMINININGWANE UKUTHI KUCUTSHUNGULWE IMINININGWANE YAKHE

a)Uma umasipala efisa ukucubungula ulwazi lomuntu siqu lomnikazi wemininingwane ngenjongo Sokumaketha okuqondile ngokuxhumana ngogesi kufanele ngokwesigaba 69(2) se-POPI balethe isicelo semvume esibhaliwe kulowo mnikazi wemininingwane kusetshenziswa iFomu lesi-4.

25. UKWETHULWA KWEZIKHALAZO

Noma yimuphi umuntu ofisa ukuhambisa isikhalazo esihlongozwe esigabeni 74(1) se-POPI kufanele ahambise lesi sikhalo kuMlawuli esebenzisa Ingxenye I yeFomu lesi-5.

Umasipala noma umnikazi wemininingwane ofisa ukuhambisa isikhalazo esihlongozwe esigabeni 74(2) se-POPI kufanele ahambise lesi sikhalo kuMlawuli ngeNgxenye II yeFomu lesi-5.

26. UMLAWULI USEBENZA NJENGOMHLELI NGESIKHATHI SOKUPHENYA

- (1) Uma ngesikhathi sophenyo lwesikhalo uMqondisi enquma ukusebenza njengomxazululi ngokwesigaba 76(1)(b) se-POPI, futhi abize umhlangano wokubuyisana, uMlawuli kufanele, ngokushesha ngangokunokwenzeka, azise umnikazi wemininingwane kanye

nomasipala usebenzisa iFomu lesi-6 lokulandelayo:

- (a) isinqumo soMlawuli sokusebenza njengomxazululi odabeni; futhi
- (b) usuku, isikhathi kanye nendawo yomhlangano wokubuyisana.
- (2) Umlawuli-
 - (a) angahlanganisa izikhalazo ezihlukene, okusolwa ukuthi zihlobene nokugxambukela okufanayo ekuvikelweni kolwazi lomuntu siqu yinhlangano efanayo enesibopho, ukuze kubhekwane nezikhalazo ezinqubweni ezifanayo zokubuyisana;
 - (b) kumele aqinisekise ukuthi bonke abantu abanelungelo lokuthamela umhlangano wokubuyisana bayaziswa ngesikhathi esifanele, ngosuku, isikhathi kanye nendawo yomhlangano;
 - (c) angacela zonke izincwadi ezifanele eziphathelele nesikhalazo kumnikazi wemininingwane kanye nohlangothi olubhekele; futhi
 - (d) angaxoxisana nezinhlangothi mathupha, ngendlela yokuxhumana ngogesi, noma nganoma iyiphi enye indlela ebonakala ifanelekile.
- (3) Lapho umhlangano wokubuyisana uhluleka ukuba khona, uMlawuli kufanele ahlele olunye usuku futhi azise abantu abanelungelo lokuthamela umhlangano wokubuyisana ngokufanele.
- (4) Umlawuli kufanele akhiphe isitifiketi sokubuyisana esebenzisa iFomu lesi-7 ngesikhathi esifanele ngemva kosuku lokuphothulwa komhlangano wokubuyisana.
- (5) Uma isikhalazo singaxazululeki, noma izinhlangothi zombili noma zombili zingawuthamelanga umhlangano wokubuyisana, uMlawuli kufanele aqhubeke nesikhalo njengoba kuhlinzekelwe ngokwesigaba 76 se-POPI.

27. IZINKQUBO EZANDULELA UKUPHENYA KOMLAWULI

- (a) Uma uMlawuli ehlose ukuphenya noma yiluphi udaba oluhlongozwe eSahlukweni se-10 se-POPI, uMlawuli kufanele ngokwesigaba 79 se-POPI, azise izinhlangothi uphenyo oluhlobenenazo ngaleyo nhloso eNgxenyeni I esebenzisa iFomu lesi-8 ngaphambi kokwenza uphenyo.
- (b) Umlawuli kufanele azise umasipala uma uphenyo luphathelele nalo eNgxenyeni II yeFomu lesi-8 lesikhalazo, noma ngesihloko sophenyo, futhi kufanele azise umasipala ngelungelo lokuhambisa impendulo ebhaliwe esikhalweni noma isihloko sophenyo ngesikhathi esibekelwe uMlawuli.

28. UKUXAZULULWA KWEZIKHALAZO

- (a) Uma kuvela esikhalazweni noma kunoma iyiphi impendulo ebhaliwe yesikhalazo ngaphansikwesigaba 79(b)(ii) se-POPI noma phakathi nomhlangano wokubuyisana, ukuze kube nokwenzeka ukuthola isixazululo phakathi kwezinhlangothi futhi uma kufanele, iziqinisekiso ezigculisayo. Njengoba kuhlongozwe esigabeni 80 se-POPI, uMlawuli angaxoxisana nezinhlangano mathupha, ngendlela yokuxhumana ngogesi, noma nganoma iyiphi enye indlela ebonakala ifanelekile ukuze azame ukuthola isinxephezelo futhi uma kufanele, iziqinisekiso ezigculisayo njengoba kuhlongozwe esigabeni 80 soMthethosisekelo. I-POPI.
- (b) Uma ngesikhathi senqubo okukhulunye ngayo endinyaneni (1) ngenhla uMlawuli enquma ukubiza umhlangano wokuxazulula, uMlawuli kufanele, ngokushesha ngangokunokwenzeka, azise umnikazi wemininingwane kanye nomasipala esebenzisa **iFomu le- 9** losuku. , isikhathi nendawoyomhlangano wokuxazulula.
- (c) Ngenhloso yokuqulwa kwecala, uMlawuli unamandla afanayo omxazululi ahlongozwe ezimisweni zomthethonqubo (2) kuya ku-(3) zoMthethonqubo wesi-8 we-POPI.
- (d) UMlawuli kufanele akhiphe isitifiketi sokukhokhelana izikweletu esebenzisa **iFomu le-10** ngesikhathi esifanele ngemva kosuku lokuphothulwa komhlangano wokuxazulula.
- (e) Uma kungekho sivumelwano nesiqiniseko esiqinisekisiwe noma uma izinhlangothi zombili zingafisanga ukwethamela umhlangano wokuxazulula, uMlawuli kufanele aqhubeke nodaba njengoba kuhlinzekiwe ngokwesigaba 76 se-POPI.

29. UKUHLOLA

- (a) Isicelo sokuhlolwa ngokwesigaba 89(1) se-POPI kufanele sithunyelwe kuMlawuli nge**Ngxenye 1 yeFomu 11**.
- (b) UMlawuli kufanele azise umfakisisicelo nge**Ngxenye II yeFomu 11** uma enqume ukwenza kanjalo yenza ukuhlolwa kokuthi:
 - (i) Ukuziqalela kwayo; noma
 - (ii). Njengoba iceliwe ngokwendinyana (i) ngenhla;
 - (iii). esikhathini esiphusile kusukela ngosuku isinqumo esenziwa ngaso.
- (c) Isikhathi sokuhlola sizonqunywa nguMlawuli ngokwesisekelo secala ngalinye.
- (d) UMlawuli kufanele azise umfakisisicelo noma umasipala (uma kungeyena umfakisisicelo) nganoma yisiphi isinqumo esithathiwe, noma isinyathelo esithathiwe, noma umbono owenziwe eFomu 12 ngesikhathi esifanele kusukela ngosuku okwathathwa ngalo isinqumo, noma isinyathelo, noma kwakheka.

30. UKWAZISA AMAQEMBU MAYELANA NOPHENYO.

(1) Ngesikhathi sophenyo, uMlawuli kufanele phakathi nesikhathi esifanele kusukela ngosuku lwesinqumo noma isinyathelo esithathwayo-

(a) agcine ummangali, umnikazi wemininingwane (uma kungeyena ummangali) kanye nohlangothiolubhekele icala ngokuqhubekayo ngophenyo; futhi

(b) azise ummangali, umnikazi wemininingwane (uma kungeyena ummangali) kanye nohlangothi olubhekele icala ngomphumela wophenyo.

(2) Izaziso ezihlongozwe kwisigatshana somthethonqubo (1) we-POPI Regulations kufanele zihanjiswa emakhelini aqokiwe ommangali, umnikazi wemininingwane kanye nomasipala owalulekayo-

(a) **eFomu 13** ukuthi isaziso sokuphoqelela angeke sikhishwe ngokwesigaba 94(a) se-POPI;

(b) **eFomu 14** ukuthi isikhalazo sidluliselwe eKomidini Lokuphoqelela ngokwesigaba sokuphoqelel

c) **eFomu 15** ukuthi isaziso sokuqinisekisa sikhishwe ngokwesigaba 95 se-POPI;

(d) **iFomu 16** lapho isaziso sokuphoqelelasikhahoxisiwe noma sehlukaniwe ngokwesigaba 96 se-POPI;

(e) **iFomu 17** ukuthi isikhalazo sifakwe ngokumelene nesaziso sokuphoqelela sokuhoxisa anoma ukushintshwa kwesaziso ngokwesigaba 97 se-POPI;

(f) **iFomu 18** ukuthi isikhalazo esiphikisana nesaziso sokuphoqelela sivunyelwe nokuthiisaziso sokuphoqelela sifakwe esikhundleni ngokwesigaba 98 se-POPI; noma

(g) **eFomu 19** lapho isikhalazo sichithiwe ngokwesigaba 98 se-POPI.

31. UKUTHOLAKALA KWENCWADI

Ikhophi yale Manuwali noma inguqulo yalo ebuyekeziwe, itholakala kanje-

isizindalwazi sikamasipala esithi www.umzimvubu.gov.za;

indawo kamasipala yokwamukela izivakashi ukuze ihlolwe ngumphakathi ngezikhathizomsebenzi ezijwayelekile;

kunoma yimuphi umuntu ngesicelo nangemva kokukhokhwa kwemali enqunyiwe efanele;futhi kuMlawuli Wolwazi uma ucelwa.

imali yekhophi yeManuwali, njengoba kuhlongozwe kusithasiselo B seMithethonqubo,izokhokhwa ngekhophi ngayinye enosayizi ongu-A4 eyenziwe.

UKUBUYEKEZWA KWENCWADI

Umasipala Wendawo yaseMzimvubu, uma kunesidingo, uzobuyekeza futhi ashicilele le manuwali njalo ngonyaka.

Kukhishwe ngu

Mnu GPT/NOTA

UMPHATHI KAMASIPALA

Isithasiselo "A" IFOMU A

ISICELO SOKUFINYELELA IREKHODI LEZINKONDLO ZOMPHAKATHI

(Isigaba 18 (1) soMthetho Wokukhuthaza Ukutholakala Kolwazi, wezi-2000 (Umthetho No. 2 ka-2000)

[Umthethonqubo 6]

<p>UKUSETSHENZISWA KOMNYANGO</p> <p>Inombolo yesithenjwa: _____</p> <p>Isicelo sitholwe ngu: _____</p> <p>(isikhundla sombuso, igama nesibongo sesikhulu sezolwazi/isekela lesiphathimandla solwazi)</p> <p>ngo- _____ (usuku) ku- _____ (indawo).</p> <p>Imali yesicelo (uma ikhona): R.....</p> <p>Imali yediphozithi (uma ikhona): R.....</p> <p>Imali yokufinyelela: R.....</p>
ISIGINISHA YOLWAZI
ISIKHULU/IPHINI LENKOSIKAZI YOLWAZI

Imininingwane yenhlangano yomphakathi

Isikhulu Esibhekele Ulwazi/ Isekela LesikhuluSolwazi: _____

Imininingwane yomuntu ocela ukufinyelela kwirekhodi

<p>(a) (a) Imininingwane yomuntu ocela ukufinyelela kwirekhodi kufanele inikezwe ngezansi.</p> <p>(b) (b) Nikeza ikheli kanye/noma inombolo yefeksi yaseRiphabhuliki lapho ulwazi okufanele luthunyelwe khona.</p> <p>(c) © Ubufakazi besikhundla isicelo esenziwa ngaso, uma bukhona, kumele bunanyathiselwe.</p>
--

Amagama aphelele

nesibongo_____

Inombolo kamazisi/yepasi:-

Ikheli

Ieposi: Inombolo

yefeksi:_____ Inombolo

yocingo:_____

Ikheli le-

imeyili:_____

Imininingwane yomuntu isicelo esenziwa egameni lakhe

Lesi sigaba kufanele sigcwaliswe KUPHELA uma isicelo solwazi senzela omunye umuntu.

Amagama aphelele

nesibongo:_____ Inombolo

kamazisi:_____

Imininingwane yerekhodi

(a) Nikeza imininingwane egcwele yerekhodi okuceliwe ukufinyelela kulo, kuhlenganisa nenombolo yereferensi uma uyazi, ukuze irekhodi litholakale.

*(b) Uma isikhala esinikeziwe singenele, sicela uqhubeke kwelinye ikhasi bese ulinamathisela kuleli fomu. **Umfakisicelo kufanele asayine wonke amaphepha engeziwe.***

Incazelo yerekhodi noma ingxenye efaneleyerekhodi:_____

Inombolo yereferensi, umaikhona:_____

Noma yimiphieminye

imininingwaneyerekhodi: _____

Izimali

- (a) Isicelo sokuthola irekhodi, ngaphandle kwerekhodi eliqukethe ulwazi lomuntu siqu, sizocutshungulwa kuphela emva kokuba **imali yokucela** isikhokhiwe.
- (b) Uzokwaziswa ngemali edingekayo ukuze ukhokhelwe njengemali yesicelo.
- (c) **Imali ekhokhwayo yokuthola** irekhodi incike ohlotsheni oludingeka ngalo kanye nesikhathi esidingekayo sokucinga nokulungisa irekhodi.
- (d) Uma ufaneleka ukukhululwa ekukhokhweni kwanoma iyiphi imali, sicela usho isizathu sokukhululwa.

Isizathu sokukhululwa ekukhokhweni

kwezimali: _____

Indlela yokufinyelela kurekhodi

Uma uvinjelwa ukukhubazeka ukufunda, ukubuka noma ukulalela irekhodi ngendlela yokufinyelela ehlinzekwe ku-1 kuya ku-4 lapha ngezansi, yisho ukukhubazeka kwakho futhi ubonise ukuthi irekhodi lidingeka ngayiphi indlela.	Indlela irekhodi elidingeka ngalo:
Ukukhubazeka:	

Maka ibhokisi elifanele ngo-"X".

AMANOTHI:

Ukukhomba kwakho uhlobo oludingekayo lokufinyelela kuncike ohlotsheniirekhodi elitholakala ngalo.

Ukufinyelela ngendlela eceliwe kungase kwenqatshwe ezimeni ezithile. Kunjalo uma kwenzeka uzokwaziswa ukuthi ukufinyelela kuzonikezwa ngenye indlela.

Imali ekhokhwayo yokuthola irekhodi, uma ikhona, izonqunywangokwengxenyehlobo ukufinyelela okucelwe ngalo.

1. Uma irekhodi lisefomu eliphrintiwe:

	Ikhophi yerekhodi*		Ukuhlolwa kwerekhodi
--	--------------------	--	----------------------

2. Uma irekhodi liqukethe izithombe ezibonakalayo:

(Iokhu kuhlenganisa izithombe, amaslayidi, amavidiyo aqoshiwe, akhiqizwangekhompuyutha izithombe, imidwebo, njll).

	buka izithombe		ikhophi yezithombe		ukulotshwa kwezithombe*
--	----------------	--	--------------------	--	-------------------------

3. Uma irekhodi liqukethe amagama aqoshiwe noma ulwazi olungaphinde lukhiqizwe ngomsindo:

	Lalela iculo (ikhasethi elilalelwayo		Ukulotshwa kwengoma yomsindo* (idokhumenti ebhaliwe noma ephrintiwe)
--	--------------------------------------	--	--

4. Uma irekhodi ligcinwe kukhompuyutha noma nge-elekthronikhi noma ngomshini – efundekayo ifomu:

	Ikhophi ephrintiwe ye irekhodi*		Ikhophi ephrintiwe ethathwe kwirekhodi*		kopisha ngendlela efundekayo ngekompuyutha*(i-stiffy noma i-compact disc)
--	---------------------------------	--	---	--	---

*Uma ucele ikhophi noma okulotshiwayo kwerekhodi (nenghla), ufisa ukuthi ikhophi noma okulotshiwayo kuthunyelwe kuwe?	YES	NO
Imali yokuposa iyakhokhwa.		

Qaphela ukuthi uma irekhodi lingatholakali ngolimi oluthandayo, ukufinyeleleka kunganikezwa ngolimi irekhodi elitholakala ngalo.

Ungathanda irekhodi ngaluphi ulimi?

Isaziso sesinqumo mayelana nesicelo sokufinyelela

Uzokwaziswa ngokubhaliwe ukuthi isicelo sakho sivunyiwe/saliwe. Uma ufisa ukwaziswa ngenye indlela, sicela usho indlela futhi unikeze neminingwane edingekayo ukuze sikwazi ukuthobela isicelo sakho.

Ungathanda ukwaziswa kanjani ngesinqumo mayelana nesicelo sakho sokufinyelela irekhodi? _____

Isayinwe ngo- _lolu__ losuku lwe- __20__

ISIGINISHA YOMCULI/UMUNTU OKWENZA ISICELOEGAMENI LAKHE

Isithasiselo "B"

ISAKHIWO KANYE NEZIMALI EZIKHOKHWAYO

Imali ekhokhwayo yekhophi yebhukwana njengoba kuhlangozwe kumthethonqubo wesi-5©ngu- R0,60 ikhophi ngayinye yekhasi elingusayizi we-A4 noma ingxenye yalo.

Izimali zokukhiqiza kabusha okukhulunywe ngazo kumthethonqubo wesi-7(1) zimi kanje:

ikhophi ngayinye yekhasi elingusayizi A4 noma ingxenye yalo
_____R0,60

ngekhophi ngayinye ephrintiwe yekhasi elingu-A4 noma ingxenye yalo egcinwekukhompuyutha noma ngogesi noma ngefomu elifundeka ngomshini

ukuthola ikhophi efomini elifundeka ngekompuyutha ku-

I-Stiffy disc

_____R5,00

(ii) Icwecwe elicwecwe

_____R40,00

ukulotshwa kwezithombe ezibukwayo, zekhasielingusayizi A4 noma ingxeneyalo

_____R22,00

ngekhophi yezithombe ezibukwayo

_____R60,00

ukulotshwa kwerekhodi elilalelwayo, ekhasini elingusayizi A4 noma ingxenye yalo

_____R12,00

ngekhophi yerekhodi elilalelwayo

_____R17.00

Imali yesicelo ekhokhwa yiwo wonke umuntu ofake isicelo, ngaphandle komfakisicelo siqusakhe, okukhulunywengaye kumthethonqubo wesi-7(2)

_____R3,00

Imali yokufinyelela ekhokhwa ngumfakisicelo okukhulunywe ngayo kumthethonqubo wesi-7(3)

imi kanje:

(1) (a) ikhophi ngayinye yekhasi elingu-A4 noma ingxenye
yalo

_____R0,60

ngekhophi ngayinye ephrintiwe yekhasi elingu-A4 noma ingxenye yalo egcinwekukhompuyutha noma ngogesi noma ngomshini ofundeka ngomshini

ukuthola ikhophi efomini elifundeka ngekhompuyutha ku:

I-stiffy disc

_____R5,00

compact

disc__R40,00

ukulotshwa kwezithombe ezibukwayo, zekhasi elingu-A4-size noma ingxenye yalo

_____R22,00

ngekhophi yezithombe ezibukwayo

_____R60,00

ngombhalo oqoshiwe werekhodi elilalelwayo, ekhasini elingusayizi A4 noma ingxeneyalo

_____R12,00

ngekhophi yerekhodi elilalelwayo_____R17,00

(f) Ukusesha irekhodi ukuze lidalulwe ihora ngalinye noma ingxenye yehora, u-R15,00

odingekayo ukuze lokho kusesha nokulungisa.

Ngezinjongo zeSigaba 22(2) se-PAIA, okulandelayo kuyasebenza:

amahora ayisithupha njengamahora okufanele kweqiwe ngaphambikokubakukhokhwe idiphozithi; futhi

ingxenye eyodwa kwezintathu yemali yokuthola ikhokhwa njengediphozithi ngumfakisicelo.

Imali yokuposa iyakhokhwa uma ikhophi yerekhodi kufanele iposelwe kumfakisiceloukukhululwa ekukhokheni **“izimali zokufinyelela”**

Umuntu noma abantu abakhululiwe ekukhokheni imali yokufinyelela:

Umuntu ongashadile umholo wakhe wonyaka ungeqi ku-**R14,712.00**; noma

(ii) Abantu abashadile noma umuntu kanye nomlingani wakhe wokuphila naye umholowabo wonyaka ungaphezu kwama-**R27, 192.00**

Umfakisicelo ofaka isikhalo sangaphakathi ephikisana nokwenqatshwa kwesicelosakhe sokufinyelela kufanele akhokhe imali enqunyiwe yesikhalazo (uma ikhona) njengoba kuhlangozwe esigabeni 75(3)(a) se-PAIA.

ISikhulu Esibhekele Ulwazi noma iPhini Lesikhulu Solwazi lingakhokhisa umfakisiceloimali

yokufinyelela nganoma yisiphi isikhathi esidingekayo ngaphezu kwamahora anqunyiwe okucinga kanye nerekhodi ukuze lidalulwe.

ISikhulu Esibhekele Ulwazi noma iPhini Lesikhulu Solwazi lingagodla irekhodi kuze kube umfakisicelo usekhokhe isicelo esidingekayo noma imali yokufinyelela ezokhokhwa uma isicelo samukelwe.

Le mali kufanele ibuyiselwe kumfakisicelo uma isicelo se-PAIA saliwe. Imali yangempela yokuposa ikhokhwa uma ikhophi yerekhodi kufanele iposelwe kumfakisicelo.

Izimali ezikhokhwayo zingashintshwa ngendlela yesaziso esisemthethweni esikhishwe kuGazethi Kahulumeni

Isithasiselo "C"

**ABANTU ABAKHULULELWE EKUKHOKHELWENI IZIMALI ZOLWAZI LUceliwe –IGAZETHI
KAHULUMENI NO 28107 YAMHLA 14 OCTOBER 2005**

Mina, uBrigitte Sylvia Mabandla, uNgqongqoshe wezoBulungiswa nokuThuthukiswa koMthethosisekelo, osebenza ngaphansi kwesigaba 22(8) soMthetho Wokukhuthazwa Kokutholakala Kolwazi, wezi-2000 (uMthetho No. 2 wezi-2000) ngalokhu-ikhulule laba bantu abalandelayo ekukhokheni imali yokufinyelela ehlongozwe esigabeni 22(6) soMthetho:

Umuntu ongashadile umholo wakhe wonyaka, ngemva kokuvunyelwa Izimali ezibanjwayo okukhulunywe ngazo oHlelweni lwalesi saziso ziyenziwa, Angeqi ku-R 14 71 2, 00 ngonyaka; futhi

abantu abashadile noma umuntu kanye nomlingani wakhe wokuphila imali yabo yonyaka, ngemva kokubanjwa okuvumelekile okukhulunywe ngakho oHlelweni lwalesi saziso, ingekhongaphezu kwama-R27 192,00.

Ngonyaka, kanye

anqume ukuthi –

lapho izindleko zokuqoqa noma yiziphi izimali ezikhokhwayo ezihlongozwe esigabeni 22 soMthetho, zidlula inani elikhokhisiwe, leyo mali ayisebenzi;

imali yokuthola ulwazi ehlongozwe esigabeni 22(6) soMthetho ayisebenzi kumarekhodi omuntu siqu ofake isicelo; futhi

(iv) Imali yesicelo ehlongozwe esigabeni 22(1) soMthetho kanye nemali yokufinyelela ehlongozwe esigabeni 22(6) soMthetho ayisebenzi kwirekhodi elicelwe yisiphathimandla sesondlo noma umphenyi wesondlo ngenhloso yophenyo lwesondlo. Noma uphenyo ngokwezinhlinzeko zoMthetho Wesondlo, 1998 (uMthetho No.99 ka 1998) noma imithethonqubo eyenziwe ngaphansi kwesigaba 44 salowo Mthetho.

UHLELO

1. Ngenhloso yendima (a)(i) kanye no (ii) yesaziso, izimali ezibanjwayo ezilandelayo zivumelekile:

A) Intela yabasebenzi ngokwendima 2 yeNgxenye II yeSheduli yesine yoMthetho Wentela Yengeniso, 1962 (uMthetho No. 58 ka-1962);

iminikelo ngokwesigaba 5 soMthetho Weminikelo Yomshwalense Wabangasebenzi, 2002 (uMthetho No. 4 ka-2002);

iminikelo eyimpoqo esiKhwameni Somshwalense Wegembu ngokomyalelo wenkantolo noma ngokwenkontileka phakathi komqashi nomsebenzi wakhe;

iminikelo kunoma yisiphi isikimu sezokwelapha esibhaliswe ngaphansi kwezinhlinzeko zoMthetho

Wezikimu Zokwelashwa, 1998 (uMthetho No. 131 ka-1998), futhi evunyelwe ukubaidonswe

ngokwesigaba 18(l)(a) soMthetho Wentela Yengeniso, 1962. (uMthetho No. 58 ka- 1962);

iminikelo yezikhwama zempesheni ngokwesigaba 13A soMthetho Wezikhwama Zempesheni, 1956 (uMthetho No. 24 ka-1956);

izitolimende zerenti noma zezindlu ezifika ku-R12 000,00 ngonyaka;

isondlo esikhokhiwe ngokomyalelo wenkantolo; futhi

imali yesikole, ngaphandle kwemali yesikole ekhokhelwa isikole esizimele.

B.S. MABANDLA, MP

Ungqongqoshe Wezobulungiswa Nokuthuthukiswa Komthethosisekelo