



**UMZIMVUBU**  
LOCAL MUNICIPALITY

**INCWADI SIKHOKHELO**

**Umthetho wokukhuthazwa kofikelelo kulwazi,  
ngokomhlathi we 2 ka-2000 (njengoko ulungisiwe)**

**Kunye**

**Nokhuseleko lweenkcukacha zomntu, ngokomhlathi wesi-4 ka-2013**

**Olu xwebhu lwalungiswa lwaza lwenziwa ukuba lufumaneka ngokungqinelana neCandelo le-14 le-PAIA kwaye liyinxalenye yoxanduva lweGosa lolwazi ngokomgaqo wesi-4 c) wemithetho ngokunxulumene nokhuseleko lwenkcukacha zomntu.**

**UMHLA WOKWAMKELWA LIBHUNGA: 31/01/2024**

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## **IZIHLOMELO**

### **I-POPIA**

- A. Uluhlu lwezicelo zefomu A
- B. Uluhlu lwamaxabiso nemirhumo ehlawulwayo
- C. Ukusebenza kwenkululeko
- D. Ifomu yesibheni emiselweyo

### **I-POPIA**

- E. Form 1 Izichaso
- F. Form 2 Isicelo sokulungiswa / ukususwa / ukuphazamiseka
- G. Form 3 Iindlela zokuziphatha
- H. Form 4 Isicelo semvume kwisihloko sew
- I. Icandelo I Form 5 Izikhalazo ngabanini nkukacha
- J. Icandelo II iForm 5 Izikhalazo zikamasipala

## **1. IINKCAZELO**

Kwesi sikhokelo ngaphandle kokuba umxholo ufuna enye into -

**“intlawulo yokuqala”** ithetha intlawulo emiselweyo ngokweenjongo zecandelo 22 (6) okanye 54 (6), njengoko kunokuba njalo;

**“Inkundla”** ithetha-

(a) kwiInkundla yoMgaqo-siseko esebenza ngokwecandelo 167 (6) (a) loMgaqo-siseko woMzantsi Afrika, 1996; okanye

(b) (i) iInkundla ePhakamileyo okanye enye inkundla enesimo esifanayo; okanye

(ii) kwiInkundla kaMantyi, ngokubanzi okanye malunga nodidi oluthile lwezigqibo ngokwe-PAIA, ezityunjwe nguMphathiswa; ngesaziso kwiPhephandaba loMbuso kwaye lichotshelwe ngumantyi okanye omnye umantyi owongezelelweyo omiselwe ngokwecandelo 91A le-PAIA, ekummandla wakhe wolawulo –

(aa) isigqibo seGosa loLwazi okanye igunya elifanelekileyo lequmrhu likarhulumente okanye intloko yequmrhu labucala;

(bb) iziko likarhulumente okanye iqumrhu labucala elichaphazelekayo linendawo yalo eyintloko yolawulo okanye yoshishino; okanye

(cc) umenzi-sicelo okanye iqumrhu labucala ochaphazelekayo uhlala kwindawo yokuhlala okanye uhlala ehleli;

**“ULM”** Ithetha ukuthi Umzimvubu Local Municipality

**“uMasipala”** Itsho Umzimvubu Local Municipality;

**“IsiKhokelo”** sithetha incwadi eveliswe yiKhomishoni yamaLungelo oLuntu ngokwecandelo le-10 le-PAIA ngeenjongo zokunceda umntu onqwenela ukusebenzisa naliphi na ilungelo ngokwe-PAIA;

**“iKhomishini yamaLungelo oLuntu”** ithetha iKhomishini yamaLungelo oLuntu yoMzantsi Afrika ekuthethwe ngayo kwicandelo 181 (1) (b) loMgaqo-siseko

**“iGosa loLwazi”**, ngokumalunga neULM, lithetha uMphathi kaMasipala;

**“AmaSekela-Gosa oLwazi”** kubhekiselelwe kumagosa agunyaziswe ngokusemthethweni liGosa loLwazi ukuqinisekisa ukuba iimfuno ze-PAIA zilawulwa ngendlela enobulungisa, enenjongo nengakhethi cala;

**“igosa”** ngokunxulumene nequmrhu likarhulumente okanye iqumrhu labucala lithetha-

(a) nawuphi na umntu oqeshwe (isigxina okanye okwexeshana okanye ixesha elizeleyo okanye okwexeshana) kwiziko likarhulumente okanye labucala, njengoko kunokuba njalo, kubandakanywa intloko yequmrhu, kwisikhundla sakhe; okanye

(b) ilungu lequmrhu likarhulumente okanye labucala ngokwesikhundla salo;

**“I-PAIA”** ithetha uMthetho wokuPhakanyiswa koFikelelo kuLwazi, (uMthetho onguNombolo 2 ka-2000)

**“umntu”** uthetha umntu wendalo okanye umntu ngoko mthetho;

**“umceli buqu”** uthetha umceli ofuna ukufikelela kwingxelo egciniweyo eneenkcukacha zobuqu malunga nomceli;

**“iqumrhu labucala”** lithetha-

(a) umntu (*ngokwendalo*) oqhuba okanye oqhube naluphi na urhwebo, ushishino okanye umsebenzi, kodwa ekwisikhundla esinjalo kuphela;

(b) ubambiswano oluqhuba okanye oluqhubekileyo kulo naluphi na urhwebo, ishishini okanye umsebenzi oqeqeshelweyo; okanye

(c) namphi na umntu okhoyo ngoku; kodwa alibandakanyi iqumrhu loluntu.

**“iziko likarhulumente”** uthetha-

(a) naliphi na isebe likarhulumente okanye lolawulo kwisigaba sesizwe okanye samaphondo sikarhulumente okanye nawuphi na umasipala kwisigaba seenginqi; okanye

(b) naliphi na elinye isebe okanye iziko xa –

(i) ngokusebenzisa igunya okanye ukwenza umsebenzi ngokoMgaqo-siseko okanye ngokomgaqo-siseko wephondo; okanye

(ii) ngokusebenzisa igunya likarhulumente okanye ukwenza umsebenzi woluntu ngokwemigaqo yawo nawuphi na omnye umthetho;

**“umqulu”** lithetha naluphi na ulwazi oshicilelweyo-

(a) nokuba loluphi na uhlobo;

(b) elubambeni okanye phantsi kolawulo lwelo qumrhu loluntu okanye labucala ngokulandelelanayo; kwaye

(c) ingaba laqulunqwa okanye hayi lelo ziko likarhulumente okanye labucala, ngokulandelelanayo;

**“Imigaqo ngokoMthetho wokuPhakanyiswa koFikelelo kuLwazi”** ithetha imigaqo emalunga nokukhuthazwa kokufikelela kuLwazi olupapashwe kwiSaziso sikaRhulumente esinguNombolo R. 187 somhla we-15 kweyoMdumba kunyaka wama 2002 (iGazethi kaRhulumente enguNomb. 1244 yomhla wama-22 kweyoMsintsi kunyaka wama2003 (iGazethi kaRhulumente enguNombolo 25411);

**“UMlawuli”** uthetha uMlawuli woLwazi osekwe ngokwemiqathango yecandelo 39 lePOPI;

**“igunya elifanelekileyo”** ngokunxulumene nemiqulu ecelwe e-ULM, uthetha uMasipala –Umzimvubu Local Municipality (umasipala);

**“iqumrhu elinoxanduva”** lithetha uMasipala;

**“isicelo sofikelelo”** sithetha isicelo sokufikelela kumqulu ngokwecandelo le-11 le-PAIA;

**“isicelo”** lithetha isicelo enkundleni ngokwecandelo lama-78;

**“Iqumrhu labucala”** lithetha nawuphi na umntu (kubandakanywa, kodwa kungaphelelanga apho, kurhulumente welizwe langaphandle,

umbutho wamazwe ngamazwe okanye iziko laloo rhulumente okanye lombutho) ngaphandle-

(a) umceli ochaphazelekayo; kwaye

(b) iziko likarhulumente.

**“iintsuku zokusebenza”** lithetha naziphi na iintsuku ngaphandle kweMigqibelo, iiCawe okanye iiholide zikawonke-wonke, njengoko kuchaziwe

icandelo 1 loMthetho weeHolido zoLuntu, 1994 (uMthetho, uNombolo 36 ka-1994).

Kule ncwadana, amagama angenisa nasiphi na isini esinye ayakubandakanya esinye isini, kwaye isinye siya kubandakanya isininzi, ngaphandle kokuba umxholo ubonisa ngenye indlela.

## **2. INTSHAYELELO**

**UMthetho wokuKhuthaza uFikelelo kuLwazi, wesi-2 ka-2000 (PAIA)** unikeza igunya nelungelo kuluntu lokufumana ulwazi oluvela kumaQumrhu kaRhulumente nawabucala njengoko kuqulathwe kwicandelo -32 loMgaqo-siseko welizwe loMzantsi Afrika kunye nokuqhubela phambili nokugxila ngakumbi kuphuhliso lolawulo olululo.

**Qaphela oku:**

Ukuba ilungelo lokufikelela kulo naluphi na ulwazi olugcinwe nguMasipala linokucuthwa ngokokude izithintelo zibe nengqiqo kwaye zithetheleleke kwindawo evulekileyo nangokwentando yesininzi esekelwe kwisidima somntu, ukulingana nenkululeko njengoko kuchaziwe kwicandelo lama-36 loMgaqo-siseko nanjengoko ichazwe kwiSahluko sesi-4 se-PAIA.

**UMthetho woKhuseleko loLwazi loBuqu 4, ka-2013 (POPIA)** ijolise ekukhuthazeni ukukhuselwa kolwazi lomntu oluqhutywe ngamaqumrhu karhulumente kunye nabucala, ukwazisa iimeko ezithile ngokubhekiselele ekuqhutyweni kolwazi lomntu kunye nokulawula ukuhamba kolwazi lomntu kwimida.

Le ncwadana iqulunqelwe uMasipala ngokuhambelana namalungiselelo ecandelo 14 lePAIA kunye neMimiselo enxulumene noKhuseleko loLwazi loMntu. Le ncwadana ijolise ekunikeni isiphumo kwilungelo loluntu lokufikelela kulwazi olugcinwe ngumaspala kunye nokukhuselwa kolwazi lomntu oluqhutywe ngumasipala.

Umasipala waseMzimvubu ufuna ukukhuthaza ukwenziwa kwezinto elubala, ukuphendula, kunye nolawulo olusebenzayo. Le ncwadana ijolise ekubeni abantu basebenzise amalungelo abo ngokwemigaqo yowiso-mthetho olusebenzayo, kunye nokudala ukuqonda imisebenzi eyenziwayo, imiqulu kunye/neenkukacha zobuqu ezigcinwe kunye/ziqhutywe nguMasipala.

ICandelo lama-32(1)(a) loMgaqo-siseko woMzantsi Afrika, 1996, limisela ukuba wonke umntu unelungelo lokufikelela kulo naluphi na ulwazi olugcinwe nguRhulumente. ICandelo lama-32(2) loMgaqo-siseko libonelela ngokuwiswa komthetho wesizwe ukuze kuphunyezwe eli lungelo lisisiseko. I-PAIA ngumthetho wesizwe okhankanywe kwicandelo 32(2) loMgaqo-siseko. ICandelo le-14 loMgaqo-siseko woMzantsi Afrika, 1996, kwelinye icala libonelela ngelungelo lokuba neemfihlo. I-POPI inika isiphumo kwilungelo lomgaqo-siseko lokuba neemfihlo elichazwe kwicandelo le-14 loMgaqo-siseko -

- (i) ngokukhusela iinkukacha zomntu xa zisetyenzwa ngamaqumrhu karhulumente nawabucala;
- (ii) ngendlela elungelelanisa ilungelo lokuba neemfihlo kunye nawo nawaphi na amanye amalungelo, kubandakanywa namalungelo akumqulu wamalungelo kwiSahluko 2 soMgaqo-siseko, ngokukodwa ilungelo lokufikelela kulwazi; kwaye
- (iii) ngokuxhomekeke kwimida ethethelekayo, kubandakanywa, kodwa kungaphelelanga kulawulo olusebenzayo, nolulungileyo kunye nokuhamba ngokukhululekileyo kolwazi lomntu, ngakumbi ukudluliselwa kwemida.

ICandelo le-9 le-PAIA liyaqonda ukuba ilungelo lokufikelela kulwazi lixhomekeke kwimida ethile ethethelekayo ejolise kuyo, phakathi kwezinye izinto:

(a) ukhuseleko olufanelekileyo lokuba neemfihlo;

(b) ukuba yimfihlo kwezorhwebo; kwaye

(c) ulawulo olusebenzayo, nolulungileyo

ICandelo 55(2) le-POPIA lifuna ukuba umasipala abhalise iGosa lakhe leNgcaciso kuMlawuli phambi kokuba enze imisebenzi yakhe ngokwemiqathango yoMthetho woKhuseleko loLwazi loMntu, 2013 (uMthetho onguNombolo 4 ka-2013) kunye noMthetho wokuKhuthaza uFikelelo kuLwazi, wama-2000 (uMthetho onguNombolo 2 ka-2000).

ICandelo le-14(1) le-PAIA limisela ukuba iGosa loLwazi lebhodi kaRhulumente kufuneka liqulunqe incwadi ngeelwimi ezintathu ezisemthethweni ubuncinane equlethe ulwazi ngeZiko loLuntu ukuze lusetyenziswe luluntu. Ukuba le ncwadana iguqulelwe kulo naluphi na olunye ulwimi kwaye kukho ukungqubana okanye ukungangqinelani phakathi kwenguqulelo yesiNgesi kunye nezinye iilwimi, okubhaliweyo kolwimi lwesiNgesi kule ncwadi kuya kuphumelela. Ummiselo 4 (1) (c) we-POPI uyaqinisekisa imfuneko yopapasho ye-PAIA xa imisela ukuba "...incwadana iyaphuhliswa, ibekwe iliso, igcinwe kwaye yenziwe ifumaneka njengoko kuchaziwe kwicandelo le-14 nele-15 le-PAIA." Imfuneko yencwadana yongezwa ukuze iquke iimfuno zePOPI xa icandelo 17 lePOPI libonelela ukuba "...iqumrhu elinoxanduva kufuneka ligcine amaxwebhu azo zonke iinkqubo zokusebenza phantsi koxanduva lwalo njengoko kuchaziwe kwicandelo 14 okanye 51 lomthetho wokuKhuthaza uFikelelo kuLwazi.

Injongo yale ncwadana kukuqinisekisa ukuba uMasipala (iqumrhu loluntu ngokwe-PAIA nePOPIA) uyahambelana neemfuno zePAIA kunye nePOPIA.

### **3. IINKCUKACHA NGOKWECANDELO LE-14 LE-PAIA**

#### **3.1 INJONGO YE-PAIA INCWADI**

Le ncwadana ye-PAIA iluncedo kuluntu ukuba-

3.1.1 Ijonge uhlobo lwemiqulu esele ikhona kuMasipala, ngaphandle kwesidingo sokungenisa isicelo esisemthethweni se-PAIA;

3.1.2 kubekho nokuqonda malunga nendlela yokwenza isicelo sokufikelela kumqulu yeMzimvubu Local Municipality);

3.1.3 kufikeleleke kuzo zonke iinkcukacha ezifanelekileyo zoqhagamshelwano zabantu abaza kunceda uluntu ngeerekhodi abajonge ukufikelela kuzo;

3.1.4 kwaziwe zonke izisombululo ezifumanekayo kuMzimvubu Local Municipality malunga nesicelo sokufikelela kwimiqulu, phambi kokuba uye kuMlawuli okanye kwiiNkundla;

3.1.5 kuchazwe iinkonzo ezifumanekayo kuluntu oluphuma kuMasipala waseMzimvubu, kunye nendlela yokufikelela kwezo nkonzo;

3.1.6 kucaciswe nesikhokelo sendlela yokusebenzisa i-PAIA, njengoko ihlaziywe nguMlawuli kunye nendlela yokufumana ufikelelo kuyo;



3.1.7 ukuba iqumrhu liya kuqhuba iinkcukacha zobuqu, injongo yokusetyenzwa kolwazi lomntu kunye nenkcazo yeendidi zezifundo zenkcukacha kunye nolwazi okanye iindidi zolwazi olunxulumene noko;

3.1.8 kwaziwe ukuba uMasipala wenze isicwangciso sokudlulisa okanye ukuqhuba iinkcukacha zobuqu ngaphandle kweRiphabhliki yoMzantsi Afrika kunye nabamkeli okanye iindidi zabamkeli apho iinkcukacha zobuqu zinokunikwa; kwaye

3.1.9 kwaziwe ukuba uMasipala unazo na iindlela zokhuseleko ezifanelekileyo ukuqinisekisa ukuba yimfihlo, imfezeko kunye nokufumaneka kolwazi lobuqu oluza kuqwalaselwa.

#### 4. UKUSEKWA KOMASIPALA UMZIMVUBU LOCAL MUNICIPALITY

Umasipala UMzimvubu Local Municipality wasekwa nguMphathiswa ojongene neNtsebenziswano kuRhulumente neMicimbi yezeMveli eMpuma Koloni, ngokwecandelo le-12 loMthetho woRhulumente beNgingqi: uMthetho wamaSebe ooMasipala, we-117 ka-1998 njengoko ulungisiwe.

##### 4.1. Iinjongo/iSigunyaziso

Isigunyaziso sikaMasipala UMzimvubu Local Municipality ngokweCandelo le-152 (1) loMgaqo-siseko welizwe loMzantsi Afrika kukuphumeza injongo zorhulumente wasekhaya:

- a) ukubonelela uluntu lwenginqi ngorhulumente wedemokhrasi nonoxanduva lokuphendula;
- b) ukuqinisekisa ukunikezelwa kweenkonzo kuluntu ngendlela ezinzileyo;
- c) ukukhuthaza uphuhliso lwentlalo noqoqosho;
- d) ukukhuthaza indawo engqongileyo ekhuselekileyo nempilo; kwaye
- e) ukukhuthaza ukubandakanyeka koluntu kunye nemibutho yasekuhlaleni kwimiba yorhulumente wasekhaya.

##### 4.2 Ugunyaziso loWiso-mthetho

Umasipala usebenza ngokwesakhelo sowiso-mthetho esinemithetho eyahlukeneyo, ebandakanya:

Umthetho	Ugunyaziso
UMthetho wokuCandwa kooMasipala, wama-27 ka-1998	Lo mthetho ubonelela ngokucandwa kwemida kamasipala ligunya elizimeleyo.
UMthetho wamaSebe ooMasipala, we-117 ka-1998	Lo mthetho ubonelela ngoku: <ul style="list-style-type: none"> <li>● ukusekwa koomasipala ngokweemfuno ezinxulumene neendidi neentlobo zoomasipala.</li> </ul>

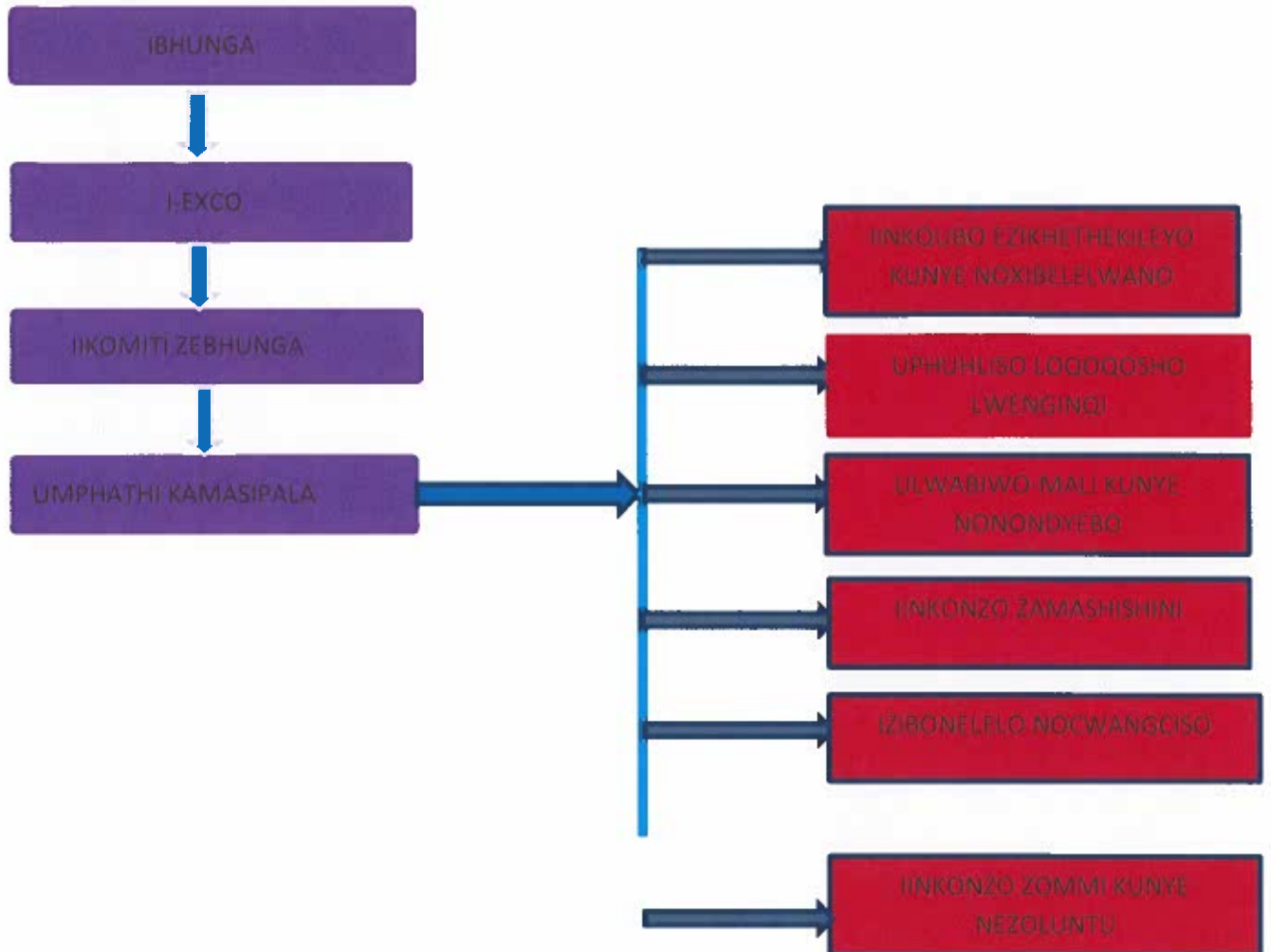
	<ul style="list-style-type: none"> <li>● ulwahlulo olufanelekileyo lwemisebenzi namagunya phakathi kweendidi zoomasipala.</li> <li>● Ulawulo lweenkqubo zangaphakathi, izigqeba, kunye nabaphathi-zikhundla zoomasipala.</li> </ul>
<p>UMthetho weNkqubo zikaMasipala, wama-32 ka-2000</p>	<p>Lo mthetho ubonelela ngoku:</p> <ul style="list-style-type: none"> <li>● ezona ndlela zingundoqo kunye neenkqubo eziyimfuneko ukuze oomasipala baqhubele phambili ekuphuculeni intlalo noqoqosho loluntu lwenginqi.</li> <li>● echaza ubume bomthetho kamasipala.</li> <li>● amagunya nemisebenzi kamasipala.</li> <li>● ubonelele ngokuthatha inxaxheba koluntu.</li> </ul>
<p>UMthetho woLawulo lweMali kaMasipala, wama-56 ka-2003</p>	<p>Umthetho ubonelela ngoku:</p> <ul style="list-style-type: none"> <li>● ukuqinisekisa ulawulo olululo noluzinzileyo lwemicimbi yezemali yoomasipala namanye amaziko kwinqanaba likarhulumente wenginqi.</li> <li>● ukuseka izithethe kunye nemigangatho yecandelo likanondyebo kwicandelo likarhulumente wenginqi.</li> </ul>
<p>UMthetho weRhafu yePropati kaMasipala, wesi-6 ka-2004 njengoko uhlonyelwe nguMthetho, wama-29 ka-2014.</p>	<p>Umthetho ubonelela ngoku:</p> <ul style="list-style-type: none"> <li>● ukulawula amagunya kamasipala okumisela iirhafu zepropati.</li> <li>● ukwenza amalungiselelo okuba oomasipala baphumeze inkqubo yokukhululwa elubala nelungileyo.</li> </ul>

	<ul style="list-style-type: none"> <li>● ukwazisa izaphulelo ngemigaqo-nkqubo yokuhlela.</li> <li>● ukwenza ulungiselelo lweendlela zoqingqo-maxabiso ezinobulungisa nobulungisa beepropati.</li> <li>● ukwenza amalungiselelo enkqubo yokuchasa nokubhena.</li> </ul> <p>UMthetho-siHlomelo weRhafu yePropati kamasipala, wowama-2014 ujolise ekuboneleleni ngezilungiso ezohlukeneyo ezifakelweyo, kunye nokususwa ukuze kunyuswe ingxelo eyiyo, ukuthotyelwa kweenkqubo nemigaqo ephathelele kulo Mthetho.</p>
<p>UMthetho woLawulo lweNtlekele, wama-57 ka-2002</p> <p>UMthetho-siHlomelo woLawulo lweNtlekele, we-16 ka 2015</p>	<p>Umthetho ubonelela ngoku:</p> <ul style="list-style-type: none"> <li>● ukudibanisa kunye nokulungelelaniswa komgaqo-nkqubo wolawulo lweentlekele.</li> <li>● ukulungela olungxamisekileyo, ukuphendula ngokukhawuleza nangempumelelo kwiintlekele kunye nokubuyisela emva kweentlekele.</li> <li>● ukusekwa kwamaziko eentlekele kuzwelonke, kwiphondo nakumasipala.</li> </ul> <p>Isihlomelo somthetho sibonelela ngengcaciso yomgaqo-nkqubo ogxile ekubuyiseleni kwisimo sangaphambili kunye nokusebenza kwamaziko olawulo lweentlekele.</p>
<p>UMthetho we-Intergovernmental Relations Framework Act, we-13 ka-2005</p>	<p>Injongo yesi senzo:</p>

	<ul style="list-style-type: none"> <li>● kukuseka isikhokelo kurhulumente wesizwe, wephondo noomasipala ukuze bakhuthaze kwaye baququzelele ubudlelwane phakathi koorhulumente.</li> <li>● Ukubonelela ngeendlela kunye neenkqubo zokuququzelela ukusonjululwa kwamabamba phakathi koorhulumente.</li> </ul>
<p>UMthetho woCwangciso lweMhlaba kunye noLawulo lokuSetyenziswa koMhlaba, we-16 ka-2013</p>	<p>UMthetho ubonelela ngoku:</p> <ul style="list-style-type: none"> <li>● isakhelo socwangciso lwesithuba nolawulo lokusetyenziswa komhlaba kwiriphabliki.</li> <li>● ibonelela ngenkqubo-sikhokelo yokubeka iliso, ulungelelwaniso kunye nophononongo lwesicwangciso sesithuba kunye nenkqubo yolawulo lokusetyenziswa komhlaba.</li> <li>● ijongana nokungalingani kwesithuba nolawulo lwangaphambili.</li> <li>● ibonelela ngokusekwa, imisebenzi, kunye nokusebenza kweziGqeba zoCwangciso zikaMasipala.</li> <li>● ilawula ukuququzelelwa kunye nokunyanzeliswa kwamanyathelo okusetyenziswa komhlaba kunye nophuhliso.</li> </ul>

## 5. ULWAKHIWO NEMISEBENZI KAMASIPALA

### 5.1 Ulwakhiwo



Umasipala uquka ulawulo lwakhe kunye neBhunga elibandakanya ooCeba abangama-55 kubo bobabini abanyuliweyo (abameli beewadi ezingama-28) kunye nabameli (ooceba abangama-27).

Umelo lweqela lubekwe ngezantsi:

- iAfrican National Congress
- iAfrican Independent Congress
- iAfrican Transformation Movement
- iDemocratic Alliance
- iUnited Democratic Movement
- iEconomic Freedom Fighters

Umasipala unoSodolophu kunye noSomlomo okwanguSihlalo weBhunga likaMasipala. Imisebenzi yemihla ngemihla kunye nokuthathwa kwezigqibo zikamasipala kwenzeka ngoMphathi kaMasipala njengentloko yoLawulo. UMzimvubu Local Municipality unale Komiti yeMicimbi yeSebe elandelayo esekwe ngokwecandelo lama-80 loMthetho wamaSebe ooMasipala, we-117 ka-1998:

- Iziseko zophuhliso noCwangciso
- Abemi kunye neeNkonzo zoLuntu
- Uphuhliso loQoqosho lweNgingqi
- Uhlahlo lwabiwo-mali kunye noNondyebo
- linkonzo zoShishino
- liNkqubo eziZodwa kunye noNxibelelwano

## **5.2. Amandla kunye neMisebenzi ye UMzimvubu Local Municipality**

UMzimvubu Local Municipality usebenza ngokwenkqubo-sikhokelo yowiso-mthetho equlathe imithetho eyahlukeneyo. Umasipala unegunya lowiso-mthetho nelolawulo kwaye unikwe igunya lokulawula ngokwakhe, imicimbi yorhulumente wasekhaya yoluntu njengoko kuchaziwe kwicandelo le-156 nele-229 loMgaqo-siseko welizwe loMzantsi Afrika.

Ngokwemithetho elawula oorhulumente beenginqi, amagunya nemisebenzi kaMasipala abandakanya phakathi kwezinye izinto:

- ukumisela iirhafu kwipropati kunye neentlawulo ezongezelelweyo kwimirhumo yeenkonzo ezinikezelwa ngumasipala okanye egameni lakhe;
- ulawulo lwenkunkuma eqinileyo;
- imithetho yokwakha;
- ukukhuthazwa kokhenketho lwasekhaya;
- ucwangciso lukamasipala;
- izithuthi zikawonke-wonke zikamasipala;
- amanzi esiphango;
- imimiselo yorhwebo;
- iibhodi zezaziso kunye nokuboniswa kweentengiso kwiindawo zikawonke-wonke;
- amangcwaba, indawo yokungcwaba kunye nendawo yokutshisa izidumbu;
- ulawulo lwenkathazo yoluntu;
- ulawulo lwamashishini athengisa utywala kuluntu;
- ukukhutshwa kweelayisenisi kunye nokulawulwa kwezenzo ezithengisa ukutya kuluntu;
- izinto eziluncedo ekuhlaleni;
- amaziko ezemidlalo asekuhlaleni;
- iipaki zikamasipala kunye nolonwabo;

- iindlela zikamasipala;
- ungcoliseko lwengxolo;
- iiponti;
- izibane zesitalato;
- urhwebo lwasesitalatweni;
- izithuthi kunye neendawo zokupaka;

**6.IINKCUKACHA ZOQHAGAMSHELWANO EZIPHAMBILI UKUFUMANA ULWAZI  
KWIMZIMVUBU LOCAL MUNICIPALITY**

Physical Address Postal Address

Dabula Street P/Bag X9020

Sophia KwaBhaca

KwaBhaca 5090

5090

67 Church Street

eMaXesibeni

4735

Inombolo yefowuni: 039 255 8500 / 039 254 6000

Inombolo yefeksi: 039 255 0167

Email: [enquiries@umzimvubu.gov.za](mailto:enquiries@umzimvubu.gov.za)

**Iinkcukacha zoqhagamshelwano zeGosa loLwazi kunye noSekela Gosa loLwazi**

**IGosa loLwazi**

Igama: Mr Gladstone Philip Tobela Nota

Isikhundla: Municipal Manager

Umnxeba: 039 255 8510

I-imeyile: [Nota.Tobela@umzimvubu.gov.za](mailto:Nota.Tobela@umzimvubu.gov.za)

Idilesi yeposi: P/Bag X9020, KwaBhaca, 5090

Idilesi yendawo: Dabula Street, Sophia, KwaBhaca, 5090

**Isekela Gosa loLwazi**

Igama: Mrs Thozama Madotyeni-Ngcongca

Isihlalo: Senior Manager: Corporate Services

Umnxeba: 039 255 8500

I-imeyile: [Ngcongca.Thozama@umzimvubu.gov.za](mailto:Ngcongca.Thozama@umzimvubu.gov.za)

Idilesi yeposi: P/Bag X9020, KwaBhaca, 5090

Idilesi yendawo: Dabula Street, Sophia, KwaBhaca, 5090

## **Isekela Gosa Lolwazi**

Igama: Mrs Celiwe Nenemba

Ukutyunjwa: Manager Kwi-office kaMasipala

Umnxeba: 039 255 8510 / 88

I-imeyile: [Nenemba.Celiwe@umzimvubu.gov.za](mailto:Nenemba.Celiwe@umzimvubu.gov.za)

Postal Address : P/Bag X9020, KwaBhaca, 5090

Physical Address: Dabula Street, Sophia, KwaBhaca, 5090

## **7. IKOMISHINI YAMALUNGELO OLUNTU NOMLAWULI WEZENGCACISO**

IKomishoni yamaLungelo oLuntu ngaphambili ibinoxanduva lwemisebenzi ethile njengoko ibonelelwe kwi-PAIA. I-Information Regulator ithathele kuyo imisebenzi yesigunyaziso enxulumene ne-PAIA ukususela nge-30 Juni 2021. Oku kulandela isibhengezo esenziwe nguMongameli wamacandelo 110 ne-114(4) lePOPIA, ebonelela ngolungiso lwe-PAIA kunye nodluliselo olusebenzayo, yemisebenzi ethile eyayifudula isenziwa yiKomishoni yamaLungelo oLuntu yaseMzantsi Afrika kuMlawuli woLwazi. Isahluko sesi-5 sePOPIA sijongene nokusekwa koMlawuli woLwazi kwaye icandelo lama-40 lichaza amagunya, imisebenzi kunye nemisebenzi yoMlawuli:

- ukusingatha izikhalazo;
- ukukhutshwa komgaqo wokuziphatha;
- uthethathethwano namaqela anomdla; kwaye
- ukubeka iliso kunye nokunyanzeliswa kokuthotyelwa kwePOPIA

## **8. UKUFUMANEKA KWALE NCWADI ICANDELO LE-14(3) LE-PAIA]**

Le ncwadana iya kwenziwa ifumaneka kwiKomishoni yamaLungelo oLuntu ngokungqinelana nomhlathi 4(1) weMigaqo ebhengezwe ngokwePAIA, kwaye iya kupapashwa kwi-Website kamasipala

(<http://www.umzimvubu.gov.za>). Iikopi zale ncwadana ziya kufumaneka nakwii-ofisi zikamasipala zolwamkelo ukuze zifundwe. Intlawulo emiselweyo iyasebenza xa iikopi kufuneka zenzelwe abaceli.

## **9. ISIKHOKELO SOKUSETYENZISWA KWE-PAIA KWAYE NOKUFUMANA UFIKELELO KWISIKHOKELO**

9.1. UMlawuli, ngokwecandelo 10(1) le-PAIA, uye wahlaziya waza wenza ukuba kufumaneka iSikhokelo esihlaziyiweyo sendlela yokusebenzisa i-PAIA ("iSikhokelo"), ngendlela eqondakala lula, njengoko kunokufunwa ngokufanelekileyo ngumntu onqwenela ukusebenzisa naliphi na ilungelo elixelwe kwi-PAIA kunye nePOPIA.



9.2. Isikhokelo sifumaneka ngolwimi ngalunye kwiilwimi ezisemthethweni.

9.3. Esi sikhokelo sikhankanywe ngasentla siqulathe inkcazo-

9.3.1. Iinjongo ze-PAIA kunye nePOPIA;

9.3.2. Idilesi yeposi neyesitalato, inombolo yomnxeba neyefeksi kwaye, ukuba ikhona, idilesi ye-imeyile ye-elektroniki yo-

9.3.2.1. IGosa loLwazi lwalo lonke iqumrhu loluntu, kunye

9.3.2.2. Onke amaSekela eGosa lweNkcukacha kuwo onke amaqumrhu karhulumente nawabucala atyunjwe ngokwecandelo 17(1) le-PAIA1 kunye necandelo lama-56 lePOPIA2;

9.3.3. Indlela kunye nohlobo lwesicelo eso-

9.3.3.1. Ukufikelela kwimiqulu namathala equmrhu loluntu elixelwe kwicandelo 113; kwaye

9.3.3.2. Ukufikelela kwimiqulu yequmrhu labucala elixelwe kwicandelo 504;

9.3.4. Uncedo olufumanekayo kwiGosa loLwazi lombutho woluntu ngokwePAIA kunye nePOPIA;

9.3.5. Uncedo olufumanekayo kuMlawuli ngokwe-PAIA nePOPIA;

9.3.6. Zonke izisombululo ezikhoyo emthethweni malunga nesenzo okanye, ukusilela ukwenza ngokubhekiselele kwilungelo okanye umsebenzi onikwe okanye obekwe yi-PAIA nePOPIA, kubandakanywa nendlela yokufaka-

9.3.6.1. Isibheni sangaphakathi;

9.3.6.2. Isikhalazo kuMlawuli; kwaye

9.3.6.3. Isicelo enkundleni ngokuchasene nesigqibo segosa lolwazi loluntu, isigqibo sesibheni sangaphakathi okanye isigqibo soMlawuli okanye isigqibo sentloko yequmrhu labucala;

9.3.7. Amalungiselelo ecandelo 145 kunye nele-516 afuna ukuba iqumrhu likarhulumente kunye nequmrhu labucala, ngokulandelelanayo, liqulunqe incwadana yemigaqo, kunye nendlela yokufikelela kwincwadana yemigaqo.

9.3.8. Amalungiselelo ecandelo 157 nele-528 abonelela ngokubhengezwa ngokuzithandela kweendidi zemiqulu, liqumrhu likarhulumente kunye nequmrhu labucala, ngokulandelelanayo;

9.3.9. Izaziso ezikhutshwe ngokwemiqathango yecandelo 229 kunye ne-5410 malunga nemirhumo emayihlawulwe ngokunxulumene nezicelo zokufikelela; kwaye

9.3.10. Imimiselo eyenziwe ngokwecandelo 9211.

9.4. Uluntu lunokuhlola okanye lwenze iikopi zesiKhokelo kwii-ofisi zikawonke-wonke okanye zabucala, kubandakanywa ne-ofisi yoMlawuli, ngeeyure eziqhelekileyo zokusebenza. Isikhokelo sinokufumaneka-

9.4.1. ngesicelo kwiGosa loLwazi;

9.4.2. kwiqongalonxibelelwano yoMlawuli (<https://www.justice.gov.za/inforeg.org.za>).

## 10. IZICELO ZOKUFIKELELA KULWAZI (11 wePAIA)

Wonke umntu unelungelo lokucela ufikelela kulwazi olushicilelweyo olugcinwe ngumasipala, ngokuxhomekeke ekubeni isicelo senziwe kwifomu emiselweyo kwaye iintlawulo ezimiselweyo zihlawulwe. Ukufikelela kukwaxhomekeke kwimihlaba yokungabandakanywa okanye yokwaliwa efunyenwe kwiSahluko sesi-4 se-PAIA. Isicelo sinokwenziwa nguye nabani na ozenzela iminqweno yakhe okanye osebenzela umntu ongakwaziyo ukwenza oko ngokwakhe.

### 10.1 Inkqubo yokucela imiqulu

Umceli kufuneka agcwalise ifomu emiselweyo:

- (a) inokufumaneka kwiMimiselo ye-PAIA;
- (b) ikwikhasi leSAHRC ku [www.sahrc.org.za](http://www.sahrc.org.za) and [www.inforegulator.org.za](http://www.inforegulator.org.za);
- (c) iqhotyoshelwe kwelu xwebhu njengeSihlomelo "A"; okanye
- (d) ifumaneka kumasipala.

### 10.2 Inkqubo

Isicelo solwazi kufuneka singeniswe ku:

The Information Officer / Municipal Manager

Private Bag X9020

KWABHACA

5090

Attention: Mr GPT Nota

Umnxeba: 039 255 8500

Ifeksi: 039 255 0167

imeyile: [Nota.Tobela@umzimvubu.gov.za](mailto:Nota.Tobela@umzimvubu.gov.za) / [Nenemba.Celiwe@umzimvubu.gov.za](mailto:Nenemba.Celiwe@umzimvubu.gov.za)

### Uhlobo lwezicelo (18 wePAIA)

a) Ufikelelo kulwazi olungafumanekiyo msinya, kufuneka lucelwe ngokubhaliweyo kwifomu emiselweyo, **Ifomu A** iqhotyoshelwe apha njenge **IsiHlomelo "A"** kwaye ithunyelwe kwiGosa loLwazi okanye iSekela leGosa loLwazi.

**Ifomu yesicelo kufuneka ikhatshwe yintlawulo emiselweyo yesicelo.**

a) Isicelo kufuneka sichaze ngokucacileyo ukuba loluphi ulwazi olufunekayo, nokuba ikopi yemiqulu iyafuneka, okanye umceli angathanda ukujonga ingxelo kwi-ofisi kamasipala.

(b) Ukuba umenzi-sicelo ucela ufikelelo ngohlobo oluthile, kufuneka afikelele ngendlela acele ngayo. Lo mgaqo uyasebenza, ngaphandle kokuba ukwenza njalo kuya kuphazamisana ngokungafanelekanga nokusebenza kukamasipala, okanye konakalise ingxelo, okanye kwaphule ilungelo lokushicilela elingelilo elikamasipala.

c) Ukuba ngezizathu ezibambekayo, ufikelelo alunakunikwa ngendlela efunwayo, kodwa ngenye indlela, intlawulo kufuneka ibalwe ngokwendlela ebicelwe kuqala ngumceli. Ukuba, ukongeza kwimpendulo ebhaliweyo kwisicelo sakhe serekhodi, umceli ufuna ukwaziswa malunga nesigqibo ngayo nayiphi na enye indlela, umzekelo ngomnxeba, oku kufuneka kuboniswe [s 18(2)(e) ye-PAIA].

d) Xa umenzi-sicelo engakwazi ukufunda okanye ukubhala okanye enokukhubazeka, isicelo sinokwenziwa ngomlomo apho iGosa loLwazi okanye iSekela leGosa loLwazi liyakugcwalisa ifomu egameni lomceli. IGosa loLwazi okanye iSekela-Gosa leNgcaciso liya kunikezela olo ncedo lufanelekileyo simahla, njengoko luyimfuneko ukuze umceli akwazi ukuthobela icandelo 18(1) le-PAIA.

e) Ukuba ngaba umfaki-sicelo wenze isicelo sofikelelo esingahambelaniyo necandelo 18(1), iGosa loLwazi okanye iSekela leGosa loLwazi elichaphazelekayo, linokwala isicelo ukuba:

Umceli waziswe ngenjongo yokwala isicelo kwaye iGosa loLwazi okanye iSekela leGosa loLwazi okanye elinye igosa liya kunika umceli ithuba elifanelekileyo lokuguqula isicelo sakhe ukuze athobele icandelo 18(1) le-PAIA.

#### **Isicelo egameni lomnye umntu**

a) Ukuba isicelo senziwa egameni lomnye umntu, umenzi-sicelo kufuneka angenise ubungqina besikhundla asenza ngaso isicelo, ngendlela eyanelisa iGosa loLwazi [icandelo 18(2)(f) le-PAIA].

#### **Isicelo sabantu abakhubazekileyo**

(a) Ukuba umenzi-sicelo akakwazi ukufunda okanye ukubhala, okanye ukuba unokukhubazeka okumthintelayo ukugcwalisa ifomu emiselweyo, unokwenza isicelo ngomlomo. IGosa loLwazi liya kuthi ke ligcwalise ifomu egameni lomceli kwaye linike umceli ikopi yefomu egcwalisiweyo [s 18(3) of PAIA].

(b) IGosa loLwazi liya kunceda umfaki-sicelo ukuba athobele ezi mfuno zikhankanywe ngasentla zokucela ukufikelela kulwazi, kubandakanywa nokuthumela umceli kwelinye iziko likarhulumente, ukuba kuyacaca ukuba isicelo solwazi bekufanele ukuba senziwe, kwelinye iqumrhu [ s 19 ye-PAIA].

#### **Ukudluliselwa kwezicelo (icandelo 20 le-PAIA)**

(1) Ukuba ngaba isicelo sofikelelo senziwe kulwazi olungekho kumasipala, okanye ulwazi olo luqhagamshelwe kwelinye iqumrhu likarhulumente, iGosa loLwazi okanye iSekela leGosa loLwazi liya kumnceda umfaki-sicelo ukuba enze isicelo kumasipala. iqumrhu loluntu elichaphazelekayo kwisithuba seentsuku ezilishumi elinesine (14) emva kokuba isicelo sifunyenwe.

(a) IGosa loLwazi le-ULM linokudlulisela izicelo zemiqulu kwelinye iziko likarhulumente xa:

(i) Ingxelo ikwelo iqumrhu loluntu;

(ii) umba wemiqulu unxulunyaniswa ngokusondele ngakumbi nemisebenzi yelo ziko likarhulumente;

(iii) umqulu wenzelwe elo qumrhu loluntu, okanye yamkelwa kuqala lelo ziko; okanye

(iv) ingxelo iqulethe ulwazi lwezorhwebo apho elo ziko likarhulumente linomdla omkhulu worhwebo.

b) Ukuba umasipala uphethe ingxelo enokuba luncedo kwelinye iGosa loLwazi lelinye iqumrhu likarhulumente, uyakuthumela ingxelo okanye ikopi yemiqulu leyo kwi gosa elo.

(c) Ukuba isicelo sofikelelo kumqulu sigqithiselwe, naliphi na ixesha elimiselwe ukugqitywa komsebenzi onxulumene nesicelo, kufuneka libalwe ukusukela kumhla esifunyenwe ngawo liGosa loLwazi ekuthunyelwe kulo. Onke amaxesha afanelekileyo asebenza kwisicelo solwazi kufuneka athotyelwe.

#### **Isaziso sodluliselo**

(a) Xa isicelo sofikelelo sigqithiselwe, iGosa loLwazi elenza udluliselo liya kwazisa ngoko nangoko umceli:

(i) udluliselo;

(ii) izizathu zokudluliselwa; kwaye

(iii) ixesha ekufuneka kusetyenzwe ngalo isicelo [s 20(5) se-PAIA].

(b) IGosa loLwazi liya kuqinisekisa ngokufanelekileyo ukuba ingxelo ekucelwe ukufikelela kuyo iyagcinwa de kuthathwe isigqibo malunga nokufikelela kulwazi [s 21 of PAIA].

#### **Intlawulo yoMrhumo (22 wePAIA)**

(a) lintlobo ezimbini zeentlawulo kufuneka zihlawulwe ngokwe-PAIA, ezizezi, **umrhumo wesicelo** kunye **nomrhumo wokufikelela**. Umceli ofuna ukufikelela kwingxelo eneenkcukacha zobuqu akufunwa ukuba ahlawule umrhumo wokucela. Wonke omnye umceli kufuneka ahlawule umrhumo omiselweyo ofanelekileyo. IGosa loLwazi kufuneka ngesaziso lifune ukuba umenzi-sicelo ahlawule intlawulo emiselweyo yesicelo (ukuba ikhona) phambi kokuba kuqhubeka isicelo.

b) Umceli unokufaka isibheni sangaphakathi, apho kufanelekileyo, okanye isicelo enkundleni ngokuchasene nentlawulo yesicelo.

(i) Emva kokuba iGosa loLwazi lenze isigqibo ngesicelo, umenzi-sicelo kufuneka aziswe ngeso sigqibo ngendlela umceli ebefuna ukwaziswa ngayo.

(ii) Ukuba isicelo sivunyiwe, enye intlawulo yofikelelo kufuneka ihlawulwe ukukhangelwa, ukulungiswa, ukwenziwa ngokutsha kunye nalo naliphi na ixesha elithe ladlula kwiiyure ezimiselweyo zokuphanda nokulungiselela ingxelo ukuze ichazwe.

(c) Imirhumo emiselweyo iqulethwe kwiMigaqo ebhengezwe ngokwe-PAIA kwaye kufuneka ihlawulwe ngumceli phambi kokuba umasipala enze naziphi na imiqulu eceliweyo ifumaneke kumceli. Ikopi yeshedyuli yemirhumo emiselweyo iqhotyoshelwe kolu xwebhu njengoko **IsiHlomelo "B"**. lintlawulo ziyahlawulwa, ngamaxesha omsebenzi, kwi-ofisi kamasipala yemali ekwisitalato iDabula, eSophia, KwaBhaca okanye kwa-67 Church Street, eMaXesibeni. Kungenjalo, imirhumo inokuhlawulwa nge-Electronic Fund Transfer ngokweenkcukacha zebhanki ezingezantsi, kucatshulwe inombolo ye-PAIA njengenombolo yereferensi:

Igama le-akhawunti: First National Bank

Inombolo yeakhawunti: 6202218 3727

Inombolo yeSebe: 210821

Igama leSebe: kuMasipala weNgingi waseMzimvubu-Mount Frere

Isalathisi: Inombolo yesalathiso ye-PAIA kunye negama loMenzi-sicelo

e) Abantu abathile njengoko kuchaziwe **kwiSihlomelo "C"** baxolelwe ekuhlawuleni imirhumo yokufikelela [s 22(8)].

#### **Imiqulu engafumanekiyo/engekhoyo (s 23 ye PAIA)**

a) IGosa loLwazi okanye iSekela leGosa loLwazi liya kuthi ngengxelo efungelweyo/isiqinisekiso, lazise umceli kwimeko yokuba imiqulu ingafumaneki okanye ingekho kwaye onke amanyathelo afanelekileyo athathiwe ukufumana ingxelo eceliweyo, ebonelela ngokuzeleyo. izzathu.

#### **Ukurhoxiswa koFikelelo (s 24 ye PAIA)**

a) Izicelo zinokurhoxiswa de ulwazi lufumaneki. Umceli uya kuthi emva koko aziswe ngokufanelekileyo kwaye acelwe ukuba enze inkcazo ngeentsuku ezingamashumi amathathu (30) zokuba kutheni ulwazi lufuneka phambi kokuba luye kuluntu jikelele.

#### **Izigqibo ngesicelo nesaziso ngoko (s 25 ye PAIA)**

a) Umasipala uya kusiphendula eso sicelo zingaphelanga iintsuku ezingamashumi amathathu (30), ngaphandle kokuba isicelo siqulathe iibono ezibangela ukuba kwandiswe ixesha. Apho kufuneka kwandiswe umda weentsuku ezingama-30, umenzi-sicelo uya kwaziswa anike ingcaciso yokuba kutheni oko kwandiswa oko kuyimfuneko. Ixesha elimiselweyo linokwandiswa kube kanye kuphela, kangangexesha elingaphezulu leentsuku ezingama-30 (iCandelo lama-26).

#### **Apho isicelo solwazi singenako ukufezekiswa, umceli uya:**

- kwaziswa ngelungelo lakhe lokwenza isicelo esisemthethweni phantsi kwe-PAIA.
- kwaziswa ngenyaniso yokuba iintlobo ezithile zezicelo zolwazi zinokwaliwa.
- kwaziswa ngelungelo lakhe lokubhena ukuba isicelo saliwe ekuqaleni.

### **11. IMIQULU / IINKCUKACHA EZIZA KUCELWA NGOKUSEMTHETHWENI NGOKUPHATHELELE KWE-PAIA IQUKA:**

- lingcebiso ngemivuzo
- limbuyekezo ze-UIF
- lingxelo zemali zonyaka
- Imiqulu yezimali

- Imiqulu yekhefu labasebenzi
- Imigaqo-nkqubo kunye neenkqubo zangaphakathi
- Amaxwebhu angemiba yoluleko
- Imbalelwano yangaphakathi ngamaxwebhu asemthethweni
- Amaxwebhu amalunga neemeko zengqesho
- Imiqulu efunyenwe kumaziko abucala aphethwe ngumasipala
- Izivumelwano ezahlukeneyo ekungenwe kuzo phakathi kukamasipala kunye namaqumrhu abucala
- Amaxwebhu aphahelele kwiithenda neminye imiba enxulumene nokuthengwa kweempahla neenkonziso
- Imizuzu yeBhunga kunye neekomiti zalo ezahlukeneyo kunye neekomitana
- Isiseko senkcukacha sabamkeli benkonzo, kubandakanywa kodwa kungaphelelanga kubahlali, abasebenzisi nkonzo, ababoneleli, njalo-njalo.

## 12. IMIQU LU KUNYE NEENDIDI ZEMIQU LU EGCINWE NGUMASIPALA.

**Inkcazo yezifundo kunye neendidi zemiqu lu egciniweyo:**

"Imiqu lu" kamasipala ibhekisa kwimiqu lu eyenziweyo okanye efunyenwe ngexesha loshishino, egcinwe njengobungqina bemisebenzi kamasipala, imisebenzi kunye neentengiselwano. Umasipala ugcina iindidi ngeendidi zemiqu lu enokufumaneka kwizimo ezahlukeneyo zamaziko onxibelelwano, oko kukuthi, iphepha okanye i-elektroniki.

### **Imiqu lu ekhoyo nefumanekayo**

Imiqu lu egcinwe ngumasipala ilawulwa ngokweemfuno zooVimba bePhondo. Le miqu lu iyafumaneka ngokuxhomekeka ekubeni umntu kufuneka acele ufikelelo ngokwe-PAIA kwaye ngokuxhomekeke kolo lwazi lungabandakanywa ekubhengezweni ngokoMthetho.

**UMasipala ugcina imiqu lu kule mibandela kunye nezi ndidi zilandelayo:**

<b>Iziseko zophuhliso</b>	<b>Ulawulo lweziThuthi eziNdleleni / uvavanyo</b>
Iimephu kunye nezicwangciso	<b>Iwemoto kunye nemiqu lu yelayisensi</b>
Izicwangciso Zokwakha	Uchaso kunye nokutshutshiswa
Ulwazi lwejografi	Imiqu lu yengozi
Iitayitile zeepropati zikamasipala	Ukubamba iingxelo/imiqu lu

<p>Imiqulu yokunyanzeliswa kocwangciso lwedolophu</p> <p>Ulwazi ngomhlaba weBhunga</p> <p>Izicelo zokuqeshisa okanye zokuthenga ipropati</p> <p>Izicelo zocwangciso lwedolophu kunye neemvume</p>	<p>Izohlwayo, umsila wengwe, amaphepha enkundla</p> <p>Ulwazi lwelayisensi yemoto</p> <p>Izicelo zeelayisensi zabaFundi</p> <p>Izicelo zelayisensi yokuqhuba</p> <p>Ulwazi malunga nokuhlaziywa kwelayisensi yokuqhuba</p>
<p><b>Umbutho kunye noLawulo</b></p> <p>Ukunikezelwa Kwamagunya</p> <p>Imigaqo-nkqubo</p> <p>IiNkqubo zokuSebenza eziMgangatho</p> <p>Iingxelo zeBhunga kunye neMizuzu</p> <p>Iingxelo ezisemthethweni zithunyelwe kuNondyebo</p> <p>UCwangciso loPhuhliso oluManyanisiweyo</p> <p>Indlela yokuziphatha kooCeba kunye nabasebenzi</p> <p>Irejista yamatyala</p> <p>ULawulo lokuSebenza kukaMasipala</p> <p>Iirejista zikaMasipala zabantu abangathathi ntweni</p> <p>Ubudlelwane phakathi koorhulumente</p>	<p><b>Ulawulo lwezeMali lwangaphakathi</b></p> <p>Iingxelo zoPhicotho lwangaphakathi</p>

<p>Inkxaso yeeKomiti zeWadi</p> <p>ULawulo lweNtlekele</p>	
<p><b>Ulawulo lwenkunkuma</b></p> <p>Inkunkuma eqinileyo kunye neendawo zokulahla inkunkuma</p> <p>UVavanyo lweMpembelelo yokuSingqongileyo</p>	<p><b>Amathala eencwadi</b></p> <p>Iinkcukacha zobulungu kwithala leencwadi</p>
<p><b>Ulwazi lwezeMali</b></p> <p>Iintlawulo</p> <p>Imiqulu yeVAT</p> <p>Ii-invoyisi kunye namaxwebhu axhasayo</p> <p>Iingxelo zebhanki kunye nemiqulu yotyalo-mali</p> <p>Amaxwebhu ezimali</p> <p>Iingxelo zamatyala kunye nembali yezemali</p> <p>Uxolelwaniso lwebhanki zeBhunga</p> <p>Iinkcukacha zeentlawulo ezenziwe kubabolekisi</p> <p>Iirenti ezihlawuliswayo kunye nasemva</p> <p>Imiqulu yokuxabisa</p>	<p><b>Iumqulu zabasebenzi</b></p> <p>Imigaqo-nkqubo yeHR kunye neenkqubo</p> <p>Iinkcukacha zephakheji yomvuzo kunye nomvuzo</p> <p>Izithuba zabasebenzi, izibhengezo, kunye neentengiso</p> <p>Imiqulu yabasebenzi</p> <p>Imiqulu egcina iinkcukacha ze-EAP <i>(ukukhathalelwa kwabasebenzi)</i></p> <p>Ukufunda nophuhliso umz.: izakhono</p> <p>Izicwangciso zophuhliso kunye noqeqesho</p>



Izivumelwano zokuqeshisa kwiiipropati zikamasipala ezirentwayo	Isicwangciso sobulungisa kwezengqesho kunye neenkukacha-manani
Izivumelwano zentengiso yeeipropati ezithintelwe ngumasipala	Imiqulu ye-UIF Imiqulu yokuthatha ikhefu
<b>Ikhonkco lonikezelo kunye noLawulo lweempahla (assets)</b> Ukuthengwa kwempahla Iirejista zeethenda Unikezelo Ukuphathwa nolawulo lwempahla (assets)	<b>Iinkonzo zoLwazi lwangaPhakathi</b> Ulawulo lweerekhodi zangaphakathi Imiba yokhuseleko lwangaphakathi
<b>Unxibelelwano</b> Unxibelelwano lwangaphakathi Iintetho Ushicilelo kumaqonga onxibelelwano Iinkukacha zoqhakamshelo	<b>Ukuzimasa nokusingatha iintlanganiso nezinye iindibano</b> Ukuthatha inxaxheba koluntu Ii-IDPs

### 13. UMZIMVUBU LOCAL MUNICIPALITY WENZE NGAPHANDLE KWESINYANZELO

#### UKUFUMANEKA KWEMIQULU ETHILE NGAPHANDLE KWENDLEKO SEZICELO.

Imiqulu ezichazwe apha ifumaneka lula nakwamsinya ngaphandle kokuba umntu acele ufikelelo ngokwe-PAIA, kodwa apho kufanelekileyo, lemiqulu ihlala phantsi koqwalaselo lweGosa loLwazi okanye iSekela leGosa loLwazi ngokweCandelo le-15 (4) loMthetho). Yonke eminye imiqulu kufuneka zicelwe ngokusesikweni njengoko kuchaziwe kule ncwadana. Umrhumo othi ubizwe, xa uthe wafunwa ukuze ufikelele lwimiqulu ime ngoluhlobo lulandelayo.

- Ii-akhawunti zamatyala
- Izicwangciso zeDolophu zoCwangciso
- Iincwadana yeendaba
- Iincwadana yolwazi

- Imigaqo-nkqubo
- Lonke ulwazi lufumaneka simahla kwiziko loqhagamshelwano lukamasipala: [www.umzimvubu.gov.za](http://www.umzimvubu.gov.za)

#### **14. UKUVINJWA UKUFUMANA IMIQULU ETHILE (33-46 wePAIA)**

(1) IGosa loLwazi okanye iSekela leGosa loLwazi linokungavumi ukuba kufikelelwe kwimiqulu ethile phantsi kweemeko ezichazwe kwicandelo 33 ukuya ku46, kwisahluko sesi 4 se-PAIA.

UMzimvubu Local Municipality usenokungavumi ukunika ufikelelo kwimiqulu ngezi zizathu zilandelayo:

- a) Ukukhuselwa okunyanzelekileyo kweziko labucala (mhlawumbi umntu).
- b) Ukhuseleko olusisinyanzelo lolwazi lwezorhwebo lwequmrhu labucala, ukuba imiqulu iqulethe:
  - Iimfihlo zorhwebo zeziko labucala;
  - Ulwazi lwezemali, lwezorhwebo, lwenzululwazi okanye lobuchwephesha ekunokuthi kubhengezwe kunokubangela umonakalo kwimali okanye kurhwebo kwelo ziko labucala;
  - Ulwazi oludizwe ngokuyimfihlo liqumrhu labucala kuMaspala ukuba oku kubhengezwa kungabeka iqumrhu labucala engxakini kuthethathethwano okanye ukhuphiswano lwezorhwebo.
- c) Ukukhuselwa okunyanzelekileyo kolwazi oluyimfihlo lwamaqumrhu abucala ukuba lukhuselwe ngokwemiqathango yaso nasiphi na isivumelwano;
- d) Ukhuseleko olusisinyanzelo lokhuseleko lwabantu kunye nepropathi;
- e) Ukhuseleko olusisinyanzelo lwemiqulu enokuthi ithathwe njengelungelo elilodwa kwiinkqubo zomthetho;

#### **Imisebenzi yorhwebo kaMaspala enokuquka:**

- Ulwazi lwezemali, lwezorhwebo, lwenzululwazi okanye lobuchwephesha ekunokuthi ukubhengezwa kwalo kwenze umonakalo kwimali okanye kurhwebo lukamasipala.
- Ulwazi olunokuthi ukuba lubhengeziwe lubeke umasipala engxakini kuthethathethwano okanye ukhuphiswano lwezorhwebo.
- Inkqubo yezobuxhakaxhaka ephethwe ngumasipala kwaye ekhuselwe ngokusemthethweni.
- Ulwazi lophando lukamasipala okanye iqumrhu labucala, ukuba ukubhengezwa kwalo kuya kuveza isazisi sikamasipala, uphando oluphandiweyo okanye umxholo wophando luya kubeka umasipala engxakini.

- f) Izicelo zolwazi olucacileyo olungenamsebenzi, okanye oluphazamisayo okanye olubandakanya ukutyeshelwa kwemithombo ngokungekho ngqiqweni ngokwecandelo 45 le-PAIA.

## **15. ISAZISO NOKUNGENENELA KWEQUMRHU LABUCALA (ISAHLUKO 5)**

### **15.1 Isaziso esiya kumaQumrhu abucala (47 wePAIA)**

a) IGosa loLwazi okanye iSekela-Gosa leNgcaciso kufuneka lithathe amanyathelo afanelekileyo ukwazisa amaqumrhu labucala lawo okanye umqulu onxulumene nesicelo ngokukhawuleza kangangoko kunokwenzeka, kodwa kuyo nayiphi na imeko, kwiintsuku ezingama-21 emva kokuba isicelo sifunyenwe.

b) Iqumrhu elizimeleyo okanye labucala linokuthi, kwiintsuku ezingama-21 emva kokwaziswa, lenze ingxelo ebhaliweyo okanye yomlomo kwiGosa loLwazi okanye kwiSekela Gosa loLwazi ukuba kutheni isicelo kufuneka saliwe okanye linike imvume ebhaliweyo yokubhengeza ingxelo kumceli.

### **15.2 Isigqibo sokumelwa ngamaQumrhu abucala (49 wePAIA)**

a) IGosa loLwazi kufuneka kwiintsuku ezingama-30 lithathe isigqibo sokuba liyasivuma na isicelo sofikelelo kwaye lazise iqumrhu labucala ngokufanelekileyo. Ukuba isicelo sofikelelo sivunyiwe, isaziso kufuneka sichaze:

- izizathu ezaneleyo zokwamkela isicelo, kubandakanywa nezibonelelo zalo Mthetho ekujongwe kuwo;
- ukuba iqumrhu labucala lingafaka isibheni sangaphakathi okanye isikhalazo kuMlawuli woLwazi okanye isicelo, njengoko imeko injalo, ngokuchasene nesigqibo kwiintsuku ezingama-30 emva kokunikezelwa kwesaziso, kunye nenkqubo yokufaka isibheni sangaphakathi okanye isicelo;
- ukuba umenzi-sicelo uya kunikwa ufikelelo kumqulu emva kokuphela kwexesha elifanelekileyo; kwaye
- ngaphandle kokuba eso sibheni sangaphakathi okanye isikhalazo okanye isicelo enkundleni sifakwe phakathi kwelo xesha.

## **16. IZISOMBULULO EZIFUMANEKAYO XA UMASPALA WASE MZIMVUBU ETHE WENZA OKANYE WANGENZI OKUTHILE**

Umthetho osebenzayo kurhulumente wenginqi unokunikezela ngamanyathelo ngophononongo lwangaphakathi okanye inkqubo yokubhena. Ukuba le nkqubo ifikelele esiphelweni, okanye akukho sibonelelo senziweyo senkqubo enjalo, kungaqhagamshelwana nenkundla ukuze kufumaneke

umyalelo ofanelekileyo ngokoMthetho Okhuthaza Ukuphatha Ngobulungisa (*Promotion of Administrative Justice*), wama-2000.

Imibuzo, izikhalazo, okanye izimvo malunga nalo naluphi na unikezelo lwenkonzo ngumasipala lunokwenziwa ngolu hlobo lulandelayo:

Umnxeba: 039 255 8500 NgoMvulo ukuya ngoLwesine: 07h45 ukuya 16h30

uLwesihlanu: 07h45 ukuya 15h15

I-imeyile: [enquiries@umzimvubu.gov.za](mailto:enquiries@umzimvubu.gov.za)

### **Okanye**

Ukundwendwela umasipala okwisitalato iDabula, Sophia, KwaBhaca okanye 67 Church Street, eMaXesibeni.

### **16.1 Isibhenno sangaphakathi (s 74 se-PAIA)**

Umceli unokufaka isibhenno sangaphakathi kumasipala ngokuchasene nesigqibo seGosa loLwazi okanye iSekela leGosa loLwazi ukuba:

- isicelo sofikelelo saliwe;
- iimali ezibizwayo azamkelekanga;
- ixesha apho isigqibo malunga nokufikelela kumqulu kufuneka senziwe landisiwe;
- ukufikelela kumqulu akubonelelwanga ngohlobo oluceliweyo; kwaye
- Iqumrhu labucala lingafaka isibhenno sangaphakathi kumasipala ngokuchasene nesigqibo seGosa loLwazi okanye iSekela leGosa loLwazi lokudiza ulwazi olunxulumene nomntu wesithathu.

### **Inkqubo yangaphakathi yesiBhenno nemirhumo yokubhena (75(1) we-PAIA)**

Isibhenno kufuneka sifakwe **kwiFomu B** emiselweyo ekhutshwe ngokwe-PAIA. Ikopi yefom iqhotyoshelwe kolu xwebhu **njengeSihlomelo "D"**. Iikopi zazo zikwafumaneka kumasipala kwi-ofisi yeGosa loLwazi ekubhekiselwe kulo kolu xwebhu. Ifomu ikwafumaneka nakwiwebhusayithi kamasipala.

- a) Isibhenno kufuneka sifakwe phakathi kweentsuku ezingama-60 okanye ukuba isaziso esiya kwiqumrhu labucala siyafuneka ngokwemigaqo ye-49(1)(b) ye-PAIA, kwiintsuku ezingama-30 emva kokuba isaziso sinikezelwe kumbheni wesigqibo ekubhenelwa kuso, okanye ukuba isaziso kumfaki-sibhenno akufuneki, emva kokuba isigqibo sithathiweyo.
- b) Isibhenno kufuneka sihanjiswe okanye sithunyelwe ngefeksi, idilesi ye-imeyile yobuxhakaxhaka okanye sithunyelwe kwidilesi yeGosa loLwazi.
- c) Umntu lowo ufaka isibhenno kufuneka anike izizathu zesibhenno sangaphakathi, indlela anqwenela ukwaziswa ngayo ngesigqibo malunga nesibhenno kwaye kufuneka ahlawule intlawulo emiselweyo yesibhenno (ukuba ikhona) [s 75(3) ye-PAIA].

- d) IGosa loLwazi liyakuvumela ukufakwa emva kwexesha kwesibheno kuphela ukuba izizathu zokubhena zithembekile. Lowo ufaka isibheno uya kwaziswa ukuba isibheno sakhe sivunyiwe okanye sikhathiye.
- e) Isigqibo ngesibheno sangaphakathi sinokumiswa de umrhumo wesibheno ube uhlawulwe.
- f) Ukungeniswa kwesibheno sangaphakathi kwiGosa loLwazi [s 75(4) of PAIA], iGosa loLwazi kufuneka lingenise isibheno sangaphakathi, phakathi kweentsuku ezili-10 zokusebenza emva kokusifumana kwaso kwibhodi yesibheno ngembalelwano ukuze siqwalaselwe.
- g) Ibhodi yesibheno kufuneka, kwangaxeshanye, ibonelelwe ngezizathu zesigqibo seGosa loLwazi ekwafakwe ngalo isibheno sangaphakathi kunye neenkukacha zalo naliphi na iqumrhu labucala elinokubandakanyeka.

**Isaziso kunye nokumelwa li iqumrhu langaphandle (76 wePAIA)**

- (a) Xa ibhodi yesibheno iqwalasela isibheno sangaphakathi esichasene nokwaliwa kwesicelo sokufikelela kwimiQulu yequmrhu labucala, ukubhengezwa kwayo kunokubandakanya ukutyhilwa ngokungekho ngqiqweni kolwazi lobuqu, enokwenzakalisa umdla kwiQumrhu labucala kwezorhwebo okanye kwezezimali, ukophulwa kwentembo, ibhodi yesibheno kufuneka yazise iqumrhu labucala ngesibheno kwiintsuku ezingama-30 emva kokusifumana.
- (b) Ibhodi yesibheno kufuneka inike iqumrhu labucala inkcazo yeziqulatho zesibheno, iinkukacha zombhoni kwaye kufuneka ichaze ukuba ibhodi yesibheno inoluvo lokuba kuya kuba luncedo kuluntu ukuba ulwazi luchazwe. Iqumrhu labucala ke lineentsuku ezingama-21 zokwenza isindululo esibhaliweyo kwibhodi yesibheno sokuba kutheni isicelo solwazi singavunywa okanye, kungenjalo, linike imvume ebhaliweyo yokubhengeza ingxelo kumceli.
- (c) Xa ibhodi yezibheno iqwalasela isibheno sangaphakathi esichasene nokwamkelwa kwesicelo sokufikelela kulwazi, ibhodi yesibheno kufuneka imazise umceli ochaphazelekayo ngesibheno kwiintsuku ezingama-30 emva kokusifumana. Iqumrhu labucala lineentsuku ezingama-21 zokwenza isindululo esibhaliweyo sokuba kutheni ukufikelela kumqulu kufuneka kunikezelwe.

**Isigqibo sesibheno sangaphakathi nesaziso saso (77 wePAIA)**

- a) Xa ethatha isigqibo ngesibheno sangaphakathi, umasipala angasiqinisekisa eso sigqibo okanye enze isigqibo esitsha. Oku kufuneka kwenziwe kwiintsuku eziyi-30 emva kokufunyanwa kwesibheno sangaphakathi, okanye kwiintsuku ezi-5 zokusebenza emva kokufumana ingxelo ebhaliweyo malunga nesibheno.
- b) Umasipala kufuneka ngoko nangoko azise umbhoni, okanye iqumrhu labucala elibandakanyekayo kunye nalowo ebefaka isicelo ngesigqibo kwaye kufuneka anike nezizathu zesigqibo. Ukuba umasipala uyasilela ukuthobela ezi nkqubo zingentla kunye namaxesha

amisiweyo okuqwalaselwa kwesibheno sangaphakathi, kuya kuthathwa ngokuba umasipala usichithile isibheno sangaphakathi.

#### **16.2 Isicelo enkundleni (s 78 wePAIA)**

- a) Umenzi sicelo okanye iqumrhu labucala nalo liya kwaziswa ukuba lingangafaka isicelo kwinkundla efanelekileyo ukuze kuqwalaselwe isigqibo sikamasipala ngesibheno sangaphakathi. Eso sicelo kufuneka senziwe kwiintsuku eziyi-30 emva kokuba isigqibo sithathiwe, nangona kunjalo, umenzi-sicelo okanye iqumrhu labucala lingafaka isicelo KUPHELA enkundleni ukuba iqwalaselwe emva kokuba umenzi-sicelo okanye iqumrhu labucala lisebenzise inkqubo yangaphakathi yesibheno kunye nenkqubo yezikhalazo.
- b) Inkundla inokuqinisekisa, ilungise, okanye isibekele bucala isigqibo sesibheno sangaphakathi okanye inokunika isithintelo.

#### **17. UKUBANDAKANYWA KOLUNTU EKUQULUNQWENI KOMGAQO-NKQUBO OKANYE UKUSETYENZISWA KWAMANDLA OKANYE UKWENZA UMSEBENZI NGUMZIMVUBU LOCAL MUNICIPALITY.**

I-ULM ibonelela ngala mathuba alandelayo okubonisana, ukwenza iinkcazo okanye ukuthatha inxaxheba okanye ukuphembelela ukuqulunqwa komgaqo-nkqubo / umthetho okanye ukuphunyezwa komyalelo kamasipala:

- a) Ukufikelela kwi-IDP nohlahlo-lwabiwo mali;
- b) Ukupapashwa kwemigaqo-nkqubo kwiGazethi kaRhulumente nakwiqonga lonxibelelwano lukamasipala;
- c) Uthethathethwano nabachaphazelekayo;
- d) Indibano yeeNkokheli zeMveli;
- e) Upapasho lukamasipala kunye namaphephandaba;
- f) Imbizo kaSodolophu;
- f) Nokumema uluntu ukuba luvakalise izimvo zalo ngeNgxelo yoNyaka.

## 18. UMTHETHO WOKUKHUSELELWA KOLWAZI LOMNTU, NO-4 KA-2013

### 18.1 IINKCAZELO

**"POPIA"** okanye **"POPI"** ithetha uMthetho woKhuseleko lweNgcaciso yoMntu, ka-2013 (uMthetho onguNombolo 4 ka-2013);

**"iMimiselo yePOPI"** ithetha imimiselo yokhuseleko lweenkcukacha zobuqu ekhutshwe ngokwemigaqo yecandelo 112(2) loMthetho woKhuseleko lweNgcaciso yoMntu, ka-2013 (uMthetho onguNombolo 4 ka-2013) nge-14 kweyo Mnga wama-2018;

**"umnikazi wenkcukacha"** lithetha ulwazi lobuqu olunxulumene nomntu;

**"imvume"** lithetha nayiphi na intetho yokuzithandela, ecacileyo nenolwazi ngokwemvume enikiweyo yokusetyenzwa kolwazi lomntu.

**"iGosa loLwazi"** ngokunxulumene neULM, lithetha uMphathi kaMasipala;

**"ukungachazi"** kuthetha, ngokunxulumene neenkukacha zobuqu zesifundo senkcukacha, ukucima naziphi na iinkukacha: • ezibonisa umnikazi wenkcukacha; • ingasetyenziswa okanye isetyenziswe ngendlela eqikelelwayo ukuchonga umnikazi wenkcukacha; okanye • inokunxulunyaniswa ngendlela eqikelelekayo nolunye ulwazi oluchonga umnikazi wenkcukacha; kunye • **"nokungachongwa"** kunentsingiselo engqinelanayo.

**"ukuthengisa ngokuthe ngqo"** kuthetha ukusondela kumnikazi wenkcukacha, nokuba kubuqu okanye ngeposi okanye ngonxibelelwano nge-elektroniki, ngeenjongo ezithe ngqo okanye ezingathanga ngqo: • ukukhuthaza okanye ukunikezela ngokubonelela, ngexesha eliqhelekileyo loshishino, naziphi na iimpahla okanye iinkonzo kwinkukacha. umnikazi; okanye • ukucela inkukacha exhomekeke ekubeni wenze umnikelo walo naluphi na uhlobo ngaso nasiphi na isizathu.

**"unxibelelwano kusetyenziswa ubuxhakaxhaka balemihla"** luthetha nasiphi na isicatshulwa, ilizwi, isandi okanye umyalezo womfanekiso othunyelwe ngokuthungelwano lonxibelelwano lwe-elektroniki ogcinwe kuthungelwano okanye kwisixhobo setheminali somamkeli de uqokelelwe ngumamkeli.

**"operator"** uthetha umntu ngokwendalo okanye ngokomthetho.

**"inkukacha zobuqu"** zithetha ulwazi olunxulumene nomntu ochongiweyo, ophilayo, umntu wendalo, nalapho kufanelekileyo, umntu okhoyo ngokusemthethweni, kubandakanywa, kodwa kungaphelelanga apho: • Ulwazi olunxulumene nohlanga, isini, isini, ukukhulelwa, umtshato. iwonga, ubuzwe, ubuzwe, okanye imvelaphi yentlalo, umbala, ukukhetha isini, ubudala, impilo yomzimba okanye yengqondo, intlalontle, isiphene, inkolo, isazela, inkolelo, inkubeko, ulwimi kunye nokuzalwa komntu; • ulwazi olunxulumene nemfundo okanye imbali yezonyango, yezemali, yolwaphulo-mthetho okanye yengqesho yomntu; • nayiphi na inombolo echazayo, isimboli, idilesi ye-imeyile, idilesi yendawo, inombolo yomnxeba, inkcazelo yendawo, isichazi se-intanethi okanye esinye isabelo emntwini; • iinkukacha zebhayometriki zomntu; • iimbono, iimbono okanye ukhetho lomntu; •

imbalelwano ethunyelwe ngumntu engafihliyo okanye ecacileyo eyeyabucala okanye eyimfihlo okanye enye imbalelwano eya kutyhila imixholo yembalelwano yokuqala; • iimbono okanye izimvo zomnye umntu ngomntu lowo; kunye • negama lomntu ukuba livela kunye nezinye iinkcukacha zobuqu ezibhekiselele emntwini okanye ukuba ukubhengezwa kwegama ngokwalo kuya kuveza ulwazi ngalo mntu.

**“iqumrhu labucala”** lithetha: • umntu oqhuba okanye oqhube naluphi na urhwebo, ishishini okanye umsebenzi oqeqeshelweyo, kodwa eso sikhundla kuphela; • ubambiswano oluqhuba okanye oluqhubekileyo kulo naluphi na urhwebo, ishishini okanye umsebenzi; okanye • nawuphi na umntu osele ekhona okanye okhoyo kodwa engabandakanyi iqumrhu loluntu.

**Ukusetyenzwa** kuthetha nawuphi na umsebenzi okanye naluphi na uluhlu lwemisebenzi, nokuba kungendlela ezenzekelayo, malunga neenkukacha zomntu, kubandakanywa: • ukuqokelelwa, ukufunyanwa, ukushicilela, ukuhlela ngolungelelwano, ukudibanisa, ukugcinwa, ukuhlaziywa okanye uhlengahlengiso, ukufunyanwa, utshintsho, ukubonisana. okanye usebenzise; • Ukusasazwa ngendlela yosasazo, ukusasaza okanye ukwenza kufumaneka ngayo nayiphi na enye indlela; okanye • ukudibanisa, ukudibanisa, kunye nothintelo, ukuthotywa, ukucinywa okanye ukutshatyalaliswa kolwazi.

**“iziko likarhulumente”** lithetha: • naliphi na isebe likarhulumente okanye lolawulo kwinqanaba lesizwe okanye lephondo likarhulumente; okanye • nawuphi na omnye umsebenzi weziko xa: - lisebenzisa igunya okanye lisenza umsebenzi ngokoMgaqo-siseko okanye ngokomgaqo-siseko wephondo; okanye - ukusebenzisa igunya likarhulumente okanye ukwenza umsebenzi woluntu ngokwawo nawuphi na umthetho.

**“Umqulu kawonke-wonke”** lithetha umqulu ofikelela kwindawo kawonke-wonke kwaye liphantsi kolawulo lwequmrhu loluntu, nokuba laqulunqwa okanye hayi lelo qumrhu loluntu.

**“Umqulu”** lithetha naluphi na ulwazi olushicilelweyo: nokuba luluphi na uhlobo okanye ulwimi, kubandakanywa nayo nayiphi na kwezi zilandelayo: • ukubhala kuyo nayiphi na into; • ulwazi oluveliswe, olushicilelweyo okanye olugcinwe ngaso nasiphi na isixhobo sokushicilela (tape recorder), isixhobo sekhompyutha, nokuba ihardware okanye isoftware okanye zombini, okanye esinye isixhobo, kunye nayo naziphi na izixhobo ezifunyenwe kulwazi oluveliswe ngoko, olushicilelweyo okanye olugciniweyo; • isalathiso, ukumakisha okanye okunye okubhaliweyo okuchaza okanye okuchaza nayiphi na into eyinxenye yayo, okanye encanyathiselwe kuyo nangayiphi na indlela; • incwadi, imephu, isicwangciso, igrafu okanye umzobo; • ifoto, ifilim, i-negative, iteyiphu okanye esinye isixhobo ekufakwe kuso umfanekiso omnye okanye ngaphezulu ukuze ube nako, okanye ngaphandle koncedo lwesinye isixhobo, ukuveliswa kwakhona; • elubambeni okanye phantsi kolawulo lweqela



elinoxanduva; • ingaba yenziwa okanye hayi okanye ayidalwanga liqumrhu elinoxanduva; kunye • nokuba yabakho nini na.

**“Umlawuli”** uthetha uMlawuli woLwazi osekwe ngokwemigaqo yoMthetho woKhuseleko loLwazi loBuqu.

**“ukuphinda ujonge”** kuthetha, ngokunxulumene neenkukacha zobuqu zesifundo ngeenkukacha, ukuvusa kwakhona naluphi na ulwazi olungachazwanga, oluthi: • ujonge umnikazi wenkukacha; • ingasetyenziswa okanye isetyenziswe ngendlela eqikelelwayo ukujong umnikazi wenkukacha; okanye • inokunxulunyaniswa ngendlela eqikelelekayo nolunye ulwazi olujonga umnikazi wenkukacha; • kunye “nokujongwa kwakhona” kunentsingiselo engqinelanayo.

**“Iqumrhu elinoxanduva”** lithetha iziko likarhulumente okanye labucala okanye nawuphi na omnye umntu, eyedwa okanye ehlangene nabanye, emisela injongo kunye neendlela zokusetyenzwa kweenkukacha zomntu.

**“Iinkukacha zobuqu ezikhethekileyo”** lithetha iinkukacha zomntu ngokunxulumene: • neenkolelo zenkolo okanye zefilosofi, ubuhlanga okanye ubuzwe, ubulungu bombutho wabasebenzi, iimpembelelo zezopolitiko, impilo okanye ubomi bokwabelana ngesondo okanye iinkukacha zebhayometriki zomxholo wenkukacha; okanye • ukuziphatha kolwaphulo-mthetho kwinkukacha ngokuxhomekeke kubungakanani bokuba ulwazi olunjalo lunxulumene: - nesityholo sekhomishini ngumnikazi wenkukacha walo naliphi na ityala; okanye - naziphi na iinkqubo ngokubhekiselele kulo naliphi na ityala ekutyholwa ukuba lenziwe ngumnikazi wenkukacha okanye ukuchithwa kwezo nkqubo.

**“Iizazisi ezizodwa”** zithetha nasiphi na isichongi esinikezelwe kumnikazi wenkukacha kwaye sisetyenziswa liqumrhu elinoxanduva ngeenjongo zemisebenzi yeqela elinoxanduva nesichonga ngokukodwa loo nkukacha ixhomekeke kwiqumrhu elinoxanduva

## **19. UKUSETYENZWA KWENKUKACHA ZOMNTU (ss 8-35 wePOPIA)**

Umasipala uya kusebenza iinkukacha zomntu ngokwemiqathango yokusetyenzwa okusemthethweni kwenkukacha zomntu.

### **19.1. Injongo yokusetyenzwa kwenkukacha**

a) iinkukacha zobuqu zisetyenzwa ukuze zihambelane nezigunyaziso zomgaqo-siseko nezomthetho zeZiko loLuntu.

b) iinkukacha zomntu phakathi kwezinye izinto zisetyenziswa:

- Ukulungiselela ingqesho;
- ulawulo lwemivuzo kunye neenzuzo;

- ulawulo lwentsebenzo noqeqesho;
- ulawulo lomngcipheko olubandakanya ukhuseleko oluphathekayo kunye nolo buxhakaxhaka balemihla kunye nolawulo lokufikelela ngokusetyenziswa kwebhayometriki;
- ukuthengwa kwempahla kunye neenkonzelo;
- uthengiselwano nababoneleli;
- ukubuyisela ityala likamasipala;
- iinjongo zomthetho nezevumelwano ezibaliweyo (*contracts*); kwaye
- unikezelo lweenkonzo.

## 20. ULUHLU LWEENKCUKACHA EZIGCINIWEYO

a) Umasipala uqokelela kwaye agcine iinkcukacha zobuqu ngenxa yezizathu ezahlukeneyo ukuze azalisekise igunya lakhe ngokuhambelana noMgaqo-siseko woMzantsi Afrika.

b) Umasipala ugcina iinkcukacha zabantu basekuhlaleni/abahlali ngenjongo yokuphucula unikezelo lweenkonzo eluntwini. Kwelinye icala, abasebenzi kufuneka babelane ngolwazi lwabo lobuqu nomasipala kulawulo lwabasebenzi.

**Iinkcukacha zomntu ezinokufumaneka zibandakanya, kodwa lungaphelelanga koku:**

- iziqinisekiso;
- iinkcukacha zoqhagamshelwano;
- iinkcukacha zomvuzo;
- ukuchongwa;
- amagama kunye nefani;
- ulwazi lwebhayometriki;
- iinkcukacha zamanani abantu ezifana neminyaka, isini, idilesi yendawo kunye neposi;
- ukubhengezwa komdla;
- iinkcukacha zonyango;
- ulwazi lwesizalwane;
- iinkcukacha zengqesho;
- ubunini okanye ulwazi lokurenta;
- iinkcukacha zesithuthi oko kukuthi inombolo yobhaliso lwesithuthi;
- iinkcukacha zomniki-maxabiso;
- iinkcukacha zamarhafi;

### **Ukuqokelelwa koLwazi loBuqu (s 12 wePOPIA)**

Umasipala uqokelela iinkcukacha zobuqu ukuxhasa isigunyaziso sakhe sonikezelo lweenkonzo, kwaye ulwazi luqokelelwa ngokuthe ngqo kwimixholo yenkcukacha apho kunokwenzeka kwaye kufuneka ihambelane nePOPIA.

**Ulwazi lomntu siqu lunokuqokelelwa ngeendlela ezahlukeneyo kwaye lunokubandakanya oku kulandelayo:**

- Uvavanyo
- Amaqonga onxibelelwano
- lifomu zesicelo
- lithenda kunye nezivumelwano
- Amaqonga eendaba ezentlalo
- Ukuthotyelwa kocwangciso lwedolophu
- Ukuphendula kuluhlu lwemibuzo
- Ngokusebenzisa ababoneleli-nkonzo beqela lesithathu
- Ngokusebenzisa iikhamera zokucupha (kunye nobuchwepheshe bokubona ubuso).

**Izizathu zokugcina iinkcukacha:**

- Ukuhlolwa kwemvelaphi yokhuseleko (uvavanyo);
- ukuvala izivumelwano kunye nezivumelwano;
- ukubhaliswa kweenkonzo;
- uthethathethwano noluntu kunye nengxelo;
- ukubuyiswa kwetyala;
- izibhengezo;
- ingxelo kwiBhunga ngamatyala amabi;
- inkqubo yeenzuzo oko kukuthi i-medical aid kunye nomhlalaphantsi;
- ukuphendula imibuzo, izikhalazo kunye nezicelo;
- kuthathelwa ingqalelo iibhidi ngokweethenda neekowuteshini;
- ukuthumela kunye nokwabelana ngonxibelelwano olubalulekileyo;
- ingqesho, umvuzo, kunye nezinye iimfuno zeHR; kwaye
- ukugcina uvimba weenkcukacha zeenkonzo ezibalulekileyo, inkxaso yabangathathi ntweni, kunye nezindlu.

**Ukuqokelelwa kwenkcukacha zomntu ngenjongo ethile (13 yePOPIA)**

a) Umasipala uya kusebenzisa ulwazi kuphela ngokwenjongo ebiqokelelwe yona ngaphandle kokuba umnikazi wenkcukacha unika imvume yokusetyenziswa okongezelelekileyo.

### **Ukugcinwa kwenkcukacha zomntu (14 wePOPIA)**

- a) umasipala uya kugcina iinkcukacha zomntu ixesha elide njengoko kuyimfuneko ukuzalisekisa injongo ebiqokelelwe yona.
- b) ukuthobela umthetho kunye okanye iimfuno zogcino-mpepha emva koko iya kucinywa okanye ichithwe.
- c) Amaxesha okugcina aya kwahluka ngokuxhomekeke kwinjongo yolwazi oluqokelelweyo.
- d) Ezi ndlela zilandelayo ziza kugqiba amaxesha okugcina:
  - zomthetho okanye isivumelwano okanye ezinye izibophelelo zokugcina iinkcukacha yomntu;
  - iinkcukacha eziyimfuneko kuphando okanye ngeenjongo zokumangalelana; kwaye
  - ukugcina iumqulu ezichanekileyo ngokuhambelana nomthetho ofanelekileyo.

### **Ukwabelana ngolwazi lomntu**

- a) Njengomthetho-siseko, umasipala uya kwabelana kuphela ngolwazi lomntu ukuba umasipala ufumene imvume kumnikazi wenkcukacha.

### **Ukudluliselwa kolwazi lomntu ngaphandle kweli lo Mzantsi**

Umasipala akanasigqibo sibhaliweyo ngokugqithiselwa kweenkcukacha zobuqu ngaphandle kweli, nangona kunjalo, ukuba kuthe kwakho imfuneko ukugqithisela iinkcukacha zobuqu kwelinye ilizwe ngazo naziphi na iinjongo ezisemthethweni, umasipala uya kuqinisekisa ukuba nabani na agqithisela kuye iinkcukacha zobuqu uphantsi komthetho okanye isivumelwano esibophelelayo. ibonelela ngenqanaba elaneleyo lokhuseleko kwaye iqumrhu labucala liyavuma ukuphatha olo lwazi lobuqu ngenqanaba elifanayo lokhuseleko njengoko umasipala enyanzelekile phantsi kwePOPIA.

**Iinkcukacha zomntu siqu kunokwabelwana ngazo kunye nabachaphazelekayo ababonisiweyo kwaye ngale ndlela ilandelayo:**

- I-SARS;
- izibonelelo zonyango, imali yomhlalaphantsi;
- amaziko emali ukulungiselela iintlawulo;
- amaziko emali ngeenjongo zokuhlawula;
- apho kuyimfuneko ukuthobela iinkqubo zenkundla kunye nemiyalelo yenkundla;
- apho imvume ifunyenwe kwisifundo senkcukacha yokwabelana;
- amahlakani ezoshishino, abathengisi okanye iikontraka ukuba zibonelele ngeenkono eziceliweyo okanye ziququzelele iintengiselwano;
- ekuphenduleni isicelo solwazi ngugunyaziwe osemthethweni ngokungqinelana, okanye ngokufunwa nguwo nawuphi na umthetho osebenzayo, ummiselo okanye inkqubo yomthetho; kwaye

- ukukhusela amalungelo, ipropati okanye ukhuseleko lukamasipala okanye abanye okanye njengoko kufunwa ngumthetho osebenzayo.

#### **Ukukhuselwa kwenkcukacha zomntu (s 19 wePOPIA)**

- a) Umasipala uzibophelele ekukhuseleni iinkcukacha zobuqu ekusetyenzisweni kakubi, kwilahleko, kubusela, ekufikeleleni ngokungagunyaziswanga okanye ekubhengezweni nasekulungisweni ngolu hlobo:
  - usebenzisa amanyathelo okhuseleko llobuxhakaxhaka balemihla kunye nomzimba.
  - Ngokwe sivumelwano esibhaliweyo (contract) ifuna ukuba amaqumrhu abucala axelelwe iinkcukacha zobuqu ukuba enze okufanayo.
- b) Ngenxa yokwaphulwa kokhuseleko lwe-intanethi olunokuthi lwenzeke, umasipala akanakuqinisekisa ngokupheleleyo ukhuseleko okanye uthintelo oluvela kwimithombo yangaphandle yalo naluphi na ulwazi lomntu siqu olungeniswayo okanye oluposwe kwi-intanethi.
- c) Umasipala uqeshe izikhusele ezifanelekileyo nezifanelekileyo kwimingcipheko echongiweyo kunye nobuntununtunu bolwazi.

#### **Amalungelo okufikelela komninincukacha kwinkcukacha ezo nokugcinwa kwazo**

- a) Umninincukacha usenokucela kumasipala ukuba afikelele, alungise, ahlaziye, avale okanye acime iinkcukacha zobuqu umasipala anazo ngokuxhomekeke kwiimfuno zomthetho ezenza kube sisinyanzelo kumasipala ukuba agcine ezo nkcukacha zobuqu.
- b) IGosa loLwazi liya kuvuma ukuba lisifumene isicelo esinjalo kwiintsuku ezintathu (3) zomhla wokungeniswa.
- c) Ezo zicelo ziyakuqwalaselwa liGosa loLwazi eliya kuthi liphendule ngexesha elifanelekileyo kwaye kungadlulanga iintsuku ezingamashumi amathathu (30) zomhla wesicelo.
- d) Isihloko senkcukacha sinokurhoxisa imvume nangaliphi na ixesha lokusetyenzwa kwexesha elizayo.
- e) Umninincukacha sinokucela ukufikelela, kunye nokulungiswa kwenkcukacha yobuqu egcinwe ngumasipala nangaliphi na ixesha ngokungenisa isicelo esibhaliweyo kwiGosa loLwazi.
- f) Umninincukacha unako ukungavumi ukuba kusetyenzwe iinkcukacha zakhe
- g) Nakuphi na ukukrokrela ukuba iinkcukacha zomntu zisetyenzwe okanye zasetyenziswa ngokungekho mthethweni, kwaye amalungelo anxulumene nokukhuselwa kolwazi lwakho lobuqu lwaphulwa okanye ulwazi lobuqu luye lwathotywa, umnikazi wenkcukacha uya kuqhagamshelana neGosa loLwazi kwaye ukuba akonelisekanga, unokufaka isikhalazo kuMlawuli woLwazi.

- h) Xa umasipala efumanise uphazamiseko lwenkcukacha ezo, umasipala uya kwazisa umnikazi wenkcukacha.

## **21. UKUNGAVUMI KUSETYENZISWE IINKCUKACHA ZAKHO (*usisiqu*) (s 11 wePOPIA)**

a) Umntu onqwenela ukuchasa ukusetyenzwa kwenkcukacha zakhe (*esisiqu*) ngokwecandelo 11(3)(a) lePOPI, kufuneka angenise inkcaso kumasipala ngeFomu yoku-1.

(b) Umasipala, okanye umntu otyunjweyo, kufuneka anike uncedo olunengqiqo njengoko luyimfuneko, simahla, ukwenzela ukuba inkcukacha ikwazi ukwenza inkcaso esebenzisa iFomu yoku-1.

## **22. ISICELO SOKUBA KULUNGISWE OKANYE KUCINYWE OKANYE KUTSHATYALALISWE IINKCUKACHA ZAKHO (s 24 wePOPIA)**

a) Ukuba umnini nkcukacha unqwenela ukucela ukuba kulungiswe, kucinywe iinkcukacha zakhe okanye kutshatyalaliswe okanye kucinywe umqulu weenkcukacha zakhe kusetyenziswa isolotya 24 (1) le POPI makafake isicelo kumasipala esebinza iFom 2.

b) Umasipala okanye lowomntu uchongiweyo makancedise ukuphumeza esosicelo kungekho ntlawulo; kwaye encedise umnininkcukacha lowo ukuba agcwalise iFom 2

## **23. ISICELO SOKUKHUTSHWA KOMTHETHO WOKUZIPHATHA (s 61 wePOPIA)**

a) Izicelo zokukhutshwa komgaqo wokuziphatha liqumrhu likarhulumente okanye labucala zingakhutshwa ngokugunyaziswa nguMlawuli.

b) Izicelo kufuneka zingeniswe kuMlawuli kwiFomu yesi-3.

## **24. ISICELO MVUME SOKUBA UBANI AVUME KUSETYENZISWE OKATYENZWE IINKCUKACHA ZAKHE**

a) Ukuba umasipala unqwenela ukusetyenza ngeenkcukacha zobuqu zomntu othile ngenjongo yokuthengisa ngokuthe ngqo ngonxibelelwano lobuxhakaxhaka balemihla kufuneka ngokwecandelo 69(2) lePOPI lingenise isicelo semvume ebhaliweyo kweso sifundo senkcukacha kusetyenziswa iFomu yesi-4.

## **25. UKUNGENISWA KWEZIKHALAZO**

a) Nawuphi na umntu onqwenela ukungenisa isikhalazo esikhankanywe kwicandelo 74(1) lePOPI kufuneka angenise eso sikhalazo kuMlawuli esebenzisa iCandelo I leFomu yesi-5.

b) Umasipala okanye umnikazi wenkcukacha onqwenela ukungenisa isikhalazo esikhankanywe kwicandelo 74(2) lePOPI kufuneka angenise eso sikhalazo kuMlawuli kwiSigaba II seFomu yesi-5.

## **26. UMLAWULI ESEBENZA NJENGOMXOLELANISI NGEXESHA LOPHANDO**

(1) Ukuba ngexesha lophando lwesikhalazo uMlawuli ugqiba ekubeni abe ngumxolelanisi ngokwecandelo 76(1)(b) lePOPI, aze abize intlanganiso yoxolelwaniso, uMlawuli kufuneka, ngokukhawuleza kangangoko kunokwenzeka; yazisa isihloko senkcukacha kunye nomasipala esebenzisa iFomu yesi-6 koku kulandelayo:

(a) isigqibo soMlawuli sokusebenza njengomxolelanisi kulo mba; kwaye

(b) umhla, ixesha nendawo yentlanganiso yoxolelwaniso.

(2) UMLawuli-

(a) usenokuthi adibanise izikhalazo ezahlukeneyo, ekutyholwa ukuba zinxulumene nokuphazamiseka okufanayo ekukhuselweni kweenkcukacha zomntu ngomnye umntu onoxanduva, ukuze kujongwane nezikhalazo kwiinkqubo zoxolelwaniso ezifanayo;

(b) makaqinisekise ukuba bonke abantu abanelungelo lokuzimasa intlanganiso yoxolelwaniso baziswe ngexesha elifanelekileyo, ngomhla, ixesha kunye nendawo yentlanganiso;

(c) unokucela onke amaxwebhu afanelekileyo anxulumene nesikhalazo kumnikazi wenkcukacha kunye neqela elinoxanduva; kwaye

(d) unokunxibelelana namaqela ngokobuqu, ngonxibelelwano lobuxhakaxhaka balemihla, okanye ngayo nayiphi na enye indlela ebonwa ifanelekile.

(3) Apho intlanganiso yoxolelwaniso ingaqhubekiyo, uMlawuli kufuneka alungiselele omnye umhla aze azise abantu abanelungelo lokuzimasa intlanganiso yoxolelwaniso ngokufanelekileyo.

(4) UmLawuli kufuneka akhuphe isiqinisekiso soxolelwaniso esebenzisa iFomu yesi-7 ngexesha elifanelekileyo emva komhla wokuqunjelwa kwentlanganiso yoxolelwaniso.

(5) Ukuba isikhalazo asisonjululwanga, okanye omabini la macala akazange aye entlanganisweni yoxolelwaniso, uMlawuli makaqhubeke nesikhalazo njengoko kuchaziwe ngokwecandelo 76 lePOPI.

## **27. IINKQUBO PHAMBI KOPHANDO LOMLAWULI**

a) Ukuba i-Regulator inenjongo yokuphanda ngawo nawuphi na umcimbi okhankanywe kwiSahluko se-10 sePOPI, uMlawuli kufuneka ngokwecandelo 79 lePOPI, azise amaqela uphando olunxulumene nenjongo enjalo kwiCandelo I esebenzisa iFomu yesi-8 phambi kokwenza uphando.

b) UmLawuli kufuneka amazise umasipala ukuba ngaba uphando olo lunxulumene nalo kwiSigaba sesi-II seFomu yesi-8 yesikhalazo, okanye umba wophando, kwaye kufuneka amazise umasipala ngelungelo

lokungenisa impendulo ebhaliweyo kwisikhalazo okanye kumnikazi wophando. umba wophando ngexesha elibekelwe uMlawuli.

## **28. UKULUNGISWA KWEZIKHALAZO**

a) Ukuba kuvela kwisikhalazo okanye nakweyiphi na impendulo ebhaliweyo kwisikhalazo phantsi kwecandelo 79(b)(ii) lePOPI okanye ngexesha lentlanganiso yoxolelwaniso, ukuze kube nokwenzeka ukufumana isisombululo phakathi kwamaqela kwaye, ukuba kufanelekile, iziqinisekiso ezanelisayo. njengoko kuchaziwe kwicandelo lama-80 le-POPI, uMlawuli unokunxibelelana namaqela ngokubuqu, ngonxibelelwano lobuxhakaxhaka balemihla, okanye ngayo nayiphi na enye indlela ebonwa ifanelekile ukuzama ukufumana ulungiso kunye neziqinisekiso ezanelisayo njengoko kuchaziwe kwicandelo lama-80 le-POPI. I-POPI.

b) Ukuba ngexesha lenkqubo ekubhekiselwe kuyo kumhlathana (1) apha ngasentla, i-Regulator igqiba ekubeni ibize intlanganiso yolungiso, uMlawuli kufuneka, ngokukhawuleza kangangoko kunokwenzeka, azise umnikazi wenkcukacha kunye nomasipala esebenzisa iFomu ye-9 yomhla., ixesha kunye nendawo yentlanganiso yokulungisa.

c) Ngenjongo yenkqubo yolungiso, uMlawuli unamagunya afanayo omnxibelelanisi axelwe kumgaqwana (2) ukuya ku-(3) woMmiselo 8 wePOPI.

d) UmLawuli kufuneka akhuphe isiqinisekiso solungiso lwetyala esebenzisa iFomu ye-10 ngexesha elifanelekileyo emva komhla wokuqunjelwa kwentlanganiso yolungiso.

e) Ukuba akukho sisombululo kunye nesiqinisekiso esiqinisekisiweyo okanye ukuba amaqela okanye omabini amaqela akafunanga ukuzimasa intlanganiso yolungiso, uMlawuli kufuneka aqhubeke nomcimbi njengoko kuchaziwe ngokwecandelo lama-76 lePOPI.

## **29. UVAVANYO**

a) Isicelo sovavanyo ngokwecandelo 89(1) lePOPI kufuneka singeniswe kuMlawuli kwiSigaba soku-1 seFomu ye-11.

b) UmLawuli kufuneka amazise umenzi-sicelo kwiCandelo II leFomu ye-11 ukuba wenze isigqibo soku: qhuba uhlobo:

i. ngokwakhe; okanye

ii. njengoko iceliwe ngokomhlathana (i) apha ngasentla;

iii. ngexesha elifanelekileyo ukususela kumhla wokwenziwa kwesigqibo.

c) Ixesha lovavanyo liya kumiselwa nguMlawuli ngokwemeko nganye.

d) UMLawuli kufuneka amazise umenzi-sicelo okanye umasipala (ukuba ayingomceli) ngaso nasiphi na isigqibo esenziweyo, okanye isenzo esithathiweyo, okanye umbono owenziwe kwiFomu ye-12



ngexesha elifanelekileyo ukususela kumhla wokwenziwa kwesigqibo, okanye isenzo eso, okanye imbonakalo yenziwe.

### **30. UKWAZISA AMAQELA ABANDAKANYEKAYO MALUNGA NOPHANDO**

(1) Ngexesha lophando, uMlawuli kufuneka ngexesha elifanelekileyo ukususela kumhla wokwenziwa kwesigqibo okanye amanyathelo athatyathiweyo-

(a) agcine ummangali, umnikazi wenkcukacha (ukuba ayingommangali) kunye necala elinoxanduva lokuqhubeka kophando; kwaye

(b) makazise ummangali, umnikazi wenkcukacha (ukuba ayingommangali) kunye neqela elinoxanduva ngesiphumo sophando.

(2) Izaziso ezixelwe kummiselwana (1) wePOPI Regulations kufuneka zinikezelwe kwiidilesi ezichongiweyo zommangali, kwinkcukacha yenkcukacha kunye nomasipala ocebisa-

(a) kwiFomu 13 ukuba isaziso sokuthotyelwa asiyi kukhutshwa ngokwemiqathango yecandelo 94(a) lePOPI;

(b) kwiFomu ye-14 ukuba isikhalazo sithunyelwe kwiKomiti yoNyanzeliso ngokwecandelo lama-92 lePOPI;

(c) kwiFomu ye-15 ukuba isaziso sonyanzeliso sinikezelwe ngokwecandelo lama-95 lePOPI;

(d) kwiFomu ye-16 ukuba isaziso sonyanzeliso sirhoxisiwe okanye satshintshwa ngokwemiqathango yecandelo 96 lePOPI;

(e) kwiFomu ye-17 ukuba isibheni sifakwe ngokuchasene nesaziso sokuthotyelwa sokurhoxiswa okanye ukutshintshwa kwesaziso ngokwecandelo lama-97 lePOPI;

(f) kwiFomu ye-18 ukuba isibheni esichasene nesaziso sokuthotyelwa sivunyelwe nokuba isaziso sonyanzeliso sifakwe endaweni yecandelo lama-98 lePOPI; okanye

(g) kwiFomu ye-19 ukuba isibheni siye sachithwa ngokwecandelo lama-98 lePOPI

### **31. UKUFUMANEKA KWALE NCWADI**

Ikopi yale Ncwadana okanye inguqulelo ehlaziyiweyo yayo, iyafumaneka ngolu hlobo lulandelayo-

a) kumaziko onxibelelwano kamasipala [www.umzimvubu.gov.za](http://www.umzimvubu.gov.za);

b) indawo yokwamkela iindwendwe kamasipala ukuze ihlolwe nguwonke-wonke ngeeyure eziqhelekileyo zokusebenza;

c) kuye nawuphi na umntu ngesicelo naxa kuhlawulwe umrhumo omiselweyo ofanelekileyo; kwaye

d) kuMlawuli woLwazi ngesicelo.

e) umrhumo wekopi yoMqulu, njengoko kuchaziwe kwisihlomelo B seMigaqo;

iya kuhlawulwa ngokwefotokopi nganye yobungakanani obuyi-A4 eyenziweyo.

### **32. UKUHLAZIYWA KWALE NCWADI**

UMzimvubu Local Municipality uya kuthi, ukuba kukho imfuneko, ahlaziye kwaye apapashe le ncwadana yemigaqo rhoqo ngonyaka.

Ikhutshiwe ngu

A handwritten signature in black ink, consisting of several overlapping loops and strokes, positioned above a horizontal line.

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**MNU GPT NOTA**

**UMPHATHI KAMASIPALA**

## IsiHlomelo "A"

### iFomu A

#### Isicelo sokufikelela kushicilelo ka wonke-wonke

(Icandelo 18 (1) yoMthetho wokuPhakanyiswa koFikelelo kuLwazi, 2000

(Umhlathi womthetho. 2 yama 2000)

#### [Ummiselo 6]

<b>UKUSETYENZISWA KWESIBE</b>	
	Inombolo yereferensi: _____
Isicelo sifunyenwe ngu: _____	
(isikhundla sikarhulumente, igama kunye nefani yegosa lolwazi/usekela-gosa lolwazi) kwi _____ (umhla) e _____ (indawo).	
Umrhumo wesicelo (ukuba ukhona):	R.....
Imali yediphozithi (ukuba ikhona):	R.....
Umrhumo wofikelelo:	R.....
	_____
	ISIGINISHA YOLWAZI
	IGOSA/USEKELA
	IGOSA LEZOLWAZI

#### A. Iinkcukacha zebhodi yoluntu

IGosa loLwazi/uSekela Gosa loLwazi:

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#### B. Iinkcukacha zomntu ocela ukufikelela kumqulu

(a) Iinkcukacha zomntu ocela ukufikelela krebhodi kufuneka zinikwe ngezantsi.

*(b) Nika idilesi kunye/okanye inombolo yefeksi yeRiphabhliki apho ulwazi kufuneka luthunyelwe khona.*

*(c) Ubungqina besikhundla isicelo esenziwa phantsi kwaso, ukuba sikhona, masincanyathiselwe.*

Amagama apheleleyo kunye

nefani: \_\_\_\_\_

Inombolo Yesazisi/yePasipoti: \_\_\_\_\_

Idilesi Yeposi: \_\_\_\_\_

Inombolo Yefeksi: \_\_\_\_\_

Inombolo Yefowuni: \_\_\_\_\_

Idilesi lemeyile: \_\_\_\_\_

**C. linkcukacha zomntu isicelo esenziwa egameni lakhe**

*Eli candelo kufuneka lizaliswe KUPHELA ukuba isicelo solwazi senziwa egameni lomnye umntu.*

Amagama apheleleyo kunye

nefani: \_\_\_\_\_

Inombolo yesazisi: \_\_\_\_\_

**D. linkcukacha zemiqulu**

*(a) Nikezela ngeenkukacha ezipheleleyo zemiqulu ecelwe ukufikelela kulo, kubandakanywa nenombolo yereferensi ukuba uyayazi, ukuze umqulu ifumaneke.*

*(b) Ukuba isithuba esinikiweyo asonelanga, nceda uqhubeke kwiphepha elahlukileyo uze ulincamathele kule fomu. Umenzi-sicelo kufuneka awasayine onke amaphepha ongezelelweyo.*

1. Inkcazo yemiqulu okanye inxalenye efanelekileyo yemiqulu: \_\_\_\_\_
2. Inombolo yereferensi, ukuba ikhona: \_\_\_\_\_
3. Naziphi na iinkcukacha zemiqulu: \_\_\_\_\_

**E. Iintlawulo**

- |   |
|---|
| (a) <i>Isicelo sokufikelela kumqulu, ngaphandle kwemiqulu enolwazi ngawe, siya kuqwalaselwa kuphela emva kokuba umrhumo wesicelo uhlawulwe.</i>                             |
| (b) <i>Uya kwaziswa ngemali ekufuneka ihlawulwe njengentlawulo yesicelo.</i>  |
| (c) <i>Umrhumo ohlawulelwa ukufikelela kumqulu uxhomekeke kuhlobo ukufikelela okufunwa ngalo kunye nexesha elifanelekileyo elifunekayo lokukhangela nokulungisa umqulu.</i> |
| (d) <i>Ukuba ufanelekile ukuba ukhululwe kwintlawulo yayo nayiphi na intlawulo, nceda uchaze isizathu sokukhululwa.</i>   |

Isizathu sokukhululwa kwintlawulo yemali:

\_\_\_\_\_

**F. Indlela yokufikelela kwirekhod**

<p><i>Ukuba uthintelwa sisiphene ukufunda, ukujonga okanye ukumamela umqulu ngendlela yofikelelo ebonelelwe ku-1 ukuya ku-4 apha ngezantsi, xela ukukhubazeka kwakho kwaye ubonise ukuba umqulu ifunwa ngaluphi na uhlobo.</i></p>	
<p>Isiphene:</p> <p>_____</p> <p>_____</p>	<p>Uhlobo umqulu ofunwa ngalo:</p> <p>_____</p> <p>_____</p>

Phawula ibhokisi efanelekileyo ngo-“X”.

**AMANQAKU**

Ukubonisa kwakho uhlobo olufunekayo lofikelelo kuxhomekeke kuhlobo umqulu efumaneka ngalo.

Ukufikelela kwifomu eceliweyo kunokwaliwa kwiimeko ezithile. Kwimeko enjalo

uya kwaziswa ukuba ufikelelo luya kuvunywa ngolunye uhlobo.

(c) Umrhumo ohlawulelwa ukufikelela kumqulu, ukuba ukhona, uya kumiselwa

ngokuyinxenye yindlela ufikelelo olucelwa ngayo.

**1. Ukuba ingxelo ikuhlobo olushicilelweyo:**

	Ikopi yemiqulu*		Ukuhlolwa kwemiqulu
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**2. Ukuba ingxelo iqulathe imifanekiso ebonakalayo:**

(oku kubandakanya iifoto, izilayidi, ushicilelo lwevidiyo, oluveliswe ngekhompyutha imifanekiso, imizobo, njl.njl).

	jonga imifanekiso		ikopi yemifanekiso*		ushicilelo lwemifanekiso*
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<b>3. Ukuba umqulu linamagama arekhodiweyo okanye ulwazi olunokuthi lueliswe kwakhona ngesandi:</b>					
	Mamela ingoma yesandi (ikhasethi)	ukukhutshelwa kwengoma yesandi*  (uxwebhu olubhaliweyo okanye olushicilelweyo)			
<b>4. Ukuba umqulu ligcinwe ekhompuyutheni okanye kwi-elektroniki okanye kumatshini-ifomu efundekayo:</b>					
	Ikopi eprintiweyo yemiqulu*	Ikopi eprintiweyo ethatyathwe kumqulu*	Ikopi kwifomu efundekayo kwikhompyuter*(istifi okanye icwecwe lecwecwe)		
<p>* Ukuba ucele ikopi okanye ushicilelo lwerekhodi (ngasentla), unqwenela ukuba ikopi okanye ushicilelo luposelwe kuwe?</p> <p>Intlawulo yokuposa iyahlawulwa</p>			<table border="1"> <tr> <td>EWE</td> <td>HAYI</td> </tr> </table>	EWE	HAYI
EWE	HAYI				
Qaphela ukuba ukuba ingxelo ayifumaneki ngolwimi olukhethayo, ukufikelela kuyo kunokunikwa ngolwimi umqulu efumaneka ngalo.					
<b>Ungathanda ukuba umqulu libe ngoluphi ulwimi</b>					

**G. Isaziso sesigqibo malunga nesicelo sofikelelo**

<p>Uya kwaziswa ngembalelwano ukuba isicelo sakho samkelwe/saliwe. Ukuba unqwenela ukwaziswa ngenye indlela, nceda uyichaze kwaye unike iinkcukacha eziyimfuneko ukuze kube nokuthotyelwa isicelo sakho.</p>
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Ungathanda ukwaziswa njani ngesigqibo malunga nesicelo sakho sokufikelela kumqulu?

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Isayinwe e \_\_\_\_\_ oku \_\_\_\_\_ usuku lwe

\_\_\_\_\_ 20 \_\_\_\_\_

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ISIGINISHA YOMFAKI-SICELO/UMNTU ESEZIWA EGAMENI  
LAKHE ISICELO



**IsiHlomelo "B"**

**UKWAKHIWA KWE-TARRIF KUNYE NEMALI EHLAWULWAYO**

1. Umrhumo wekopi yencwadana njengoko kuchaziwe kummiselo 5(c) yi-R0,60 ngefotokopi nganye yephepha elingu-A4 okanye inxalenye yalo.

2. Imirhumo yokuvelisa ngokutsha ekubhekiselelwe kuyo kummiselo 7(1) yile ilandelayo:

(a) ngekopi nganye yephepha elibukhulu obungu-A4 okanye inxalenye yalo \_\_\_\_\_ R0,60

(b) ngekopi nganye eprintiweyo yephepha elingu-A4 okanye inxalenye yalo egcinwe ekhompnyutheni okanye kwifomu yombane okanye efundeka ngomatshini \_\_\_\_\_ R0,40

(c) ikopi kwifomu efundeka ngekhompnyutha kwi-

(i) \_\_\_\_\_ Icwecwe \_\_\_\_\_ eliqinileyo \_\_\_\_\_ R5,00

(ii) Icwecwe elicwecwe \_\_\_\_\_ R40,00

(d) (i) ngoshicilelo lwemifanekiso ebonwayo, kwiphepha elibukhulu obungu-A4 okanye inxalenye yalo \_\_\_\_\_ R22,00

(ii) \_\_\_\_\_ ngekopi \_\_\_\_\_ yemifanekiso \_\_\_\_\_ ebonwayo \_\_\_\_\_ R60,00

(e) (i) ngoshicilelo lwerekhodi emanyelwayo, kwiphepha elibukhulu obungu-A4 okanye inxalenye yalo \_\_\_\_\_ R12,00

(ii) \_\_\_\_\_ ngekopi \_\_\_\_\_ yemiqulu \_\_\_\_\_ emanyelwayo \_\_\_\_\_ R17,00

3. Umrhumo wesicelo ohlawulwa ngumceli ngamnye, ngaphandle komceli wobuqu, ekubhekiselwe kuye \_\_\_\_\_ kummiselo \_\_\_\_\_ 7(2) ngu \_\_\_\_\_ R3,00.

4. Umrhumo wofikelelo ohlawulwa ngumceli ekubhekiswa kuye kummiselo 7(3) ngolu hlobo lulandelayo:

(1) (a) ngekopi nganye yephepha elingu-A4 okanye inxalenye yalo \_\_\_\_\_ R0,60

(b) ngekopi nganye eprintiweyo yephepha elingu-A4 okanye inxalenye yalo egcinwe ekhompnyutheni okanye kwifomu yombane okanye efundeka ngomatshini

(c) ikopi kwifomu efundeka ngekompnyutha:

(i) icwecwe eliqinileyo  
\_\_\_\_\_ R5,00

ii) compact disc \_\_\_\_\_ R40,00

(d) (i) ngoshicilelo lwemifanekiso ebonwayo, kwiphepha le-A4-size okanye inxalenye yalo

(ii) ngekopi yemifanekiso ebonwayo  
\_\_\_\_\_ R60,00

(e) (i) ngoshicilelo lwerekhodi emanyelwayo, kwiphepha elibukhulu obungu-A4 okanye inxalenye yalo \_\_\_\_\_ R12,00

(ii) ngekopi yemiqule emanyelwayo \_\_\_\_\_ R17,00

(f) Ukukhangela umqule eliza kubhengezwa ngeyure nganye okanye inxalenye yeyure, i-R15,00 efunekayo ngokufanelekileyo kukhangelo nolungiselelo olunjalo.

4.2 Ngeenjongo zeCandelo lama-22(2) le-PAIA, oku kulandelayo kuyasebenza:

(a) iiyure ezintandathu njengeeyure ekufuneka kugqithwe kuzo phambi kokuba kuhlawulwe idiphozithi; kwaye

(b) isinye kwisithathu somrhumo wofikelelo sihlawulwa njengediphozithi ngumceli.

4.3 Eyona mali yokuposa iyahlawulwa xa ikopi yemiqule kufuneka iposelwe kumceli ekhululwe ekuhlawuleni "iimali zofikelelo".

Umntu okanye abantu abakhululekileyo ekuhlawuleni umrhumo wofikelelo:

(i) Umntu ongatshatanga onomvuzo wonyaka ungagqithiyo kwi-R14,712.00; okanye

(ii) Abantu abatshatileyo okanye umntu kunye neqabane lakhe lobomi nomvuzo wabo wonyaka ungaphezu kwama-R27, 192.00

- Umceli ofake isibheni sangaphakathi ngokuchasene nokwaliwa kwesicelo sakhe sokufikelela kufuneka ahlawule intlawulo emiselweyo yesibheni (ukuba ikhona) njengoko kuchaziwe kwicandelo lama-75(3)(a) le-PAIA.
- IGosa loLwazi okanye iSekela leGosa loLwazi lingahlawulisa umceli iintlawulo zokufikelela ngalo naliphi na ixesha elifanelekileyo elifunekayo ngaphezulu kweeyure ezimiselweyo zokufuna kunye nerekhodi ukuze lichazwe.
- IGosa loLwazi okanye iSekela leGosa loLwazi linokuthi libambe ingxelo ade umceli abe uhlawule isicelo esifunekayo okanye umrhumo wofikelelo oya kuhlawulwa ukuba isicelo sivunyiwe.
- Le mali kufuneka ibuyiselwe kumceli ukuba isicelo se-PAIA saliwe. Eyona ntlawulo yokuposa iyahlawulwa xa ikopi yemiqulu kufuneka iposelwe kumceli.
- Imirhumo ingatshintshwa ngokwesaziso esisemthethweni esikhutshwe kwiGazethi kaRhulumente.

**IsiHlomelo "C"**

**ABANTU ABAKHULULELWE EKHULAWULWENI IMALI YOLWAZI OLUCELIWEYO – IGAZETHI KARHULUMENTE NO 28107 YOMHLA WE-14 OKTOBHA 2005**

Mna, uBrigitte Sylvia Mabandla, uMphathiswa wezoBulungisa noPhuhliso loMgaqo-siseko, osebenza phantsi kwecandelo 22(8) loMthetho wokuPhakanyiswa koFikelelo kuLwazi, wama-2000 (uMthetho onguNombolo 2 ka-2000) ngoko-

(a) ukhulula aba bantu balandelayo ekhulawuleni umrhumo wofikelelo okhankanywe kwicandelo 22(6) loMthetho:

(i) Umntu ongatshatanga onomvuzo wonyaka, emva kokuba evumelekile

uxhuzulo ekubhekiselwe kulo kwiShedyuli yesi saziyo luyenziwa,

alidluli kwi-R 14 71 2, 00 ngonyaka; kwaye

(ii) abantu abatshatileyo okanye umntu kunye neqabane lakhe lobomi omvuzo wabo wonyaka, emva kokuxhuzulwa imali okuvumelekileyo ekubhekiselelwe kuko kwiShedyuli yesi saziyo, owenziweyo, awugqithi kuma-R27 192, 00.

ngonyaka, kwaye

(b) igqibe ukuba -

(i) apho iindleko zokuqokelela nawuphi na umrhumo oxelwe kwicandelo 22 loMthetho, zingaphezulu kwesixa-mali esibiziweyo, loo mrhumo awusebenzi;

(ii) umrhumo wofikelelo oxelwe kwicandelo 22(6) loMthetho awusebenzi kwimiqulu zomceli; kwaye

(iii) umrhumo wesicelo okhankanywe kwicandelo 22(1) loMthetho kunye nomrhumo wofikelelo okhankanywe kwicandelo 22(6) loMthetho awusebenzi kumqulu elicelwe

igosa lesondlo okanye umphandi wesondlo ngeenjongo zophando lwesondlo okanye uphando ngokwemigaqo yoMthetho weSondlo, ka-1998 (uMthetho onguNombolo 99 ka-1998) okanye imigaqo eyenziwe phantsi kwecandelo lama-44 laloo Mthetho.

## ISHEDYULI

1.Ngenjongo yomhlathi (a)(i) no-(ii) wesaziso oku kutsalwa kulandelayo kuvumelekile:

a)Irhafu yabasebenzi ngokomhlathi 2 weSigaba II seShedyuli yesine yoMthetho weRhafu yeNgeniso, ka-1962 (uMthetho onguNombolo 58 ka-1962);

b)iminikelo ngokwecandelo 5 loMthetho oyi-Inshorensi ye-Unemployment Insurance Contributions Act, 2002 (uMthetho onguNombolo 4 ka-2002);

c)iminikelo enyanzelekileyo kwiGroup Insurance Fund ngokomyalelo wenkundla okanye ngokwesivumelwano phakathi komqeshi nomsebenzi wakhe;

d)amagalelo kuyo nayiphi na inkqubo yezonyango ebhaliswe phantsi kwezibonelelo zoMthetho weMedical Schemes Act, 1998 (uMthetho onguNombolo 131 ka-1998), kwaye evunyelwe ukuba ixhuzulwe ngokwecandelo 18(l)(a) loMthetho weRhafu yeNgeniso, ka-1962. (uMthetho onguNombolo 58 ka-1962);

e) igalelo kwiingxowa-mali zomhlalaphantsi ngokwecandelo 13A loMthetho wePension Fund, 1956 (uMthetho onguNombolo 24 ka-1956);

f) irenti okanye izavenge zemboleko-mali ukuya kutsho kwi-R12 000,00 ngonyaka;

g) isondlo esihlawulwa ngokomyalelo wenkundla; kwaye

h) iifizi zesikolo, ngaphandle kweefizi zesikolo ezihlawulwa kwisikolo sabucala.

B.S. MABANDLA, MP

UMphathiswa wezoBulungisa noPhuhliso loMgaqo-siseko