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UMHLAHLANDLELA

WOKUSEBENZISA UMTHETHO 2 KA-2000 WOKUGQUGQUZELA UKUTHOLAKALA KOLWAZI, NJENGOBA UCHITSHIYELWE

ISIZULU

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PAIA GUIDE

ISANDULELO ESIBUYA KUSIHLALO

UMthethosisekelo WeRiphabhuliki YaseNingizimu Afrika, Ka-1996[1] ("uMthethosisekelo") uthi iNingizimu Afrika ingumbuso ozimele, ongowentando yeningi osekelwe ekuthuthukisweni kwamalungelo abantu nasohlelweni lokuphatha oluqotho, olusabelayo nolusobala njengengxenye yezimiso zayo. Ngaphambi kokuba iNingizimu Afrika ibe yizwe lentando yeningi elawulwa umthethosisekelo noMthethosivivinywa Wamalungelo ophoqelelekayo, uhlelo lukaHulumeni eNingizimu Afrika phakathi kokunye, lwaphumela kusiko lokuba nemfihlo nokungasabeli ezinhlanganweni zomphakathi nezizimele okwakuvame ukuholela ekusetshenzisweni kabi kwamandla nasekwephulweni kwamalungelo abantu. Kungalesi sizathu isigaba 32(1) soMthethosivivinywa Wamalungelo kuMthethosisekelo, sihlinzekela ilungelo lokutholakala kolwazi olugcinwe umbuso; kanye nanoma yiluphi ulwazi olugcinwe ngomunye umuntu oludingekayo ukuze kusetshenziswe noma kuvikelwe noma yimaphi amalungelo. Isigaba 32(2) soMthethosisekelo sona sihlinzeka ngokushaywa komthetho kazwelonke ozokwenza ukuba leli lungelo lisebenze, ngokuhlonipha, ukuvikela, ukugqugquzela nokufeza leli lungelo.

UMthetho Wokugqugquzela Ukutholakala Kolwazi, onguNombolo 2 ka-2000 (kusukela lapha ozobizwa nge-"**PAIA**", noma "uMthetho" ngokushintshana), njengoba uchitshiyelwe, ungumthetho kazwelonke owashaywa ngokwesigaba 32(2) somthethosisekelo oshiwo ngenhla.

Inhloso ye-**PAIA**, iwukukhuthaza isiko lokubeka izinto obala nobuqotho ezinhlanganweni zomphakathi nezizimele. Ikwenza lokho ngokwenza lisebenze ilungelo lokutholakala kolwazi futhi ikhuthaze ngenkuthalo ukuba nomphakathi lapho abantu baseNingizimu Afrika bekwazi khona ngempumelelo ukuthola ulwazi oluzobenza bakwazi ngokugcwele ukusebenzisa nokuvikela wonke amalungelo abo kanye nokufeza izinhloso zeNingizimu Afrika zentando yeningi evulekile nehlanganyelwa izakhamuzi.

Lo Mhlahlandlela We-**PAIA** wenzelwe ukufeza isibopho soMlawuli Wezolwazi ("uMlawuli") ngaphansi kweSigaba 10 se-**PAIA**, esidinga ukuba uMlawuli abuyekeze futhi enze utholakale uMhlahlandlela okhona ohlanganiswe yiKhomishini Yamalungelo Abantu YaseNingizimu Afrika.

Lo Mhlahlandlela wenzelwe ukuba ube yithuluzi eliqondisayo, elisebenziseka kalula futhi elitholakalayo kunoma yimuphi umuntu ofisa ukusebenzisa noma yiliphi ilungelo elikwi-**PAIA** nakuMthetho Wokuvikelwa Kwemininingwane Yomuntu, Ka-2013.

Ummeli Pansy Tlakula
USIHLALO WOMLAWULI WEZOLWAZI

[1] *UMthethosisekelo WeRiphabhuliki YaseNingizimu Afrika, Ka-1996 (UMthetho Nombolo 108 Ka-1996)*

ISITATIMENDE SOKUZIHLANGULA

*Lo Mhlahlandlela awukhululi umuntu owusebenzisayo emthwalweni wokusebenzisa amakhono akhe nokunakekela kwakhe maqondana nemfuneko noma izibopho ezibekwe yinoma yimuphi umthetho. Ngaphezu kwalokho, lo Mhlahlandlela awuhlinzeki ngezeluleko zezomthetho futhi awuhloselwe ukungena esikhundleni se-**PAIA** noma iMithethonqubo ekhishwe ngaphansi kwe-**PAIA**. UMlawuli akavumi cala nganoma yikuphi ukulahlekelwa okungase kubangelwe ukuncika kulo Mhlahlandlela.*

1. UHLU LWAMAGAMA NEZIFINYEZO

CEO	UMqondisi Omkhulu
CFO	Umqondisi Wezezimali
UMthethosisekelo	UMthethosisekelo WeRiphabhuliki YaseNingizimu Afrika, UMthetho Nombolo 108 Ka-1996
DIO	ISekela LeSikhulu Sezolwazi
DoJ & CD	UMnyango Wezobulungiswa Nokuthuthukiswa KoMthethosisekelo
IO	ISikhulu Sezolwazi
Members	Amalungu OMlawuli Wezolwazi
Minister	UNgqongqoshe WezoBulungiswa Nezinkonzo Zokuqondiswa Kwezigwegwe
PAIA	UMthetho Nombolo 2 Ka-2000 Wokugqugquzela Ukutholakala Kolwazi, njengoba uchitshiyelwe
PAJA	UMthetho Wezobulungiswa Bokuphatha, Ka-2000
PFMA	UMthetho Nombolo 1 Ka-1999 Wokuphathwa Kwezimali Zomphakathi, njengoba uchitshiyelwe
POPIA	UMthetho Nombolo 4 Ka-2013 Wokuvikelwa Kwemininingwane Yomuntu
Regulator	UMlawuli Wezolwazi
SAHRC	IKhomishini Yamalungelo Abantu YaseNingizimu Afrika

2. AMAGAMA AWUSIZO ACHAZWA NGENDLELA ECACILE NEQONDAKALA KALULA

Igama	Incazelo
Inkokhiso Yokuthola Ulwazi	Le nkokhiso yokuthola ulwazi ikhokhwa ngumceli enhlanganweni acela kuyo ulwazi, ukukhokhela izindleko zokufuna nokukopisha amarekhodi awadingayo. Izinto ongazikhokhiselwa zinqunywa ngumthethonqubo.
Umphathi	Wuphiko lukahulumeni noma yimuphi umuntu wemvelo noma ongokomthetho owenza isenzo sokuphatha.

Igama	Incazelo
Isenzo sokuphatha	Yinoma yisiphi isinqumo esithathiwe, noma ukwehluleka ukuthatha isinqumo (a) yinhlangano kahulumeni, lapho: (i) isebenzisa amandla ngokoMthethosisekelo noma ngokomthethosisekelo wesifundazwe; noma (ii) isebenzisa amandla omphakathi noma yenza umsebenzi womphakathi ngokwanoma yimuphi umthetho; noma (b) umuntu wemvelo noma ongokomthetho, ngaphandle kwenhlangano kahulumeni, lapho esebenzisa amandla omphakathi noma enza umsebenzi womphakathi ngokwezinhlinzeko zokufukuba abantu. esithinta kabi amalungelo anoma yimuphi umuntu futhi esinomthelela oqondile emalungelweni omuntu.
Umuntu Ogunyaziwe	Umuntu ogunyaziwe ngumuntu owenza isicelo esenzela omunye umuntu, futhi ogunyazwe ngokufanelekile ngento ebhalwe phansi ukuba enze lokho.
Amarekhodi Atholakala Ngokuzenzekelayo	Lawa ngamarekhodi lawo inhlangano yomphakathi noma ezimele ezowahlinzeka umceli ngaphandle kokuba kudingeke afake isicelo. Lawa marekhodi afakwe 'kwisaziso sokudalula ngokuzithandela', okufanele sikhishelwe umphakathi.
Umninilwazi	Ngumuntu lowo imininingwane emayelana naye.
Izinsuku	Ngaphandle kwalapho kucaciswe 'njengosuku lokusebenza' esigabeni se-**PAIA**, usuku luthathwa njengosuku lwekhalenda. Ukubala isikhathi, usuku esamukelwe ngalo isicelo alubalwa, futhi zonke izinsuku ngemuva kwalokho ziyabalwa, kuhlangene nezimpelasonto namaholide omphakathi kuze kube yilapho kubalwa usuku lokugcina. Uma usuku lokugcina lokuphendula isicelo lungeSonto noma ngeholide lomphakathi, usuku olulandelayo yilo olubalwa njengosuku lokugcina.
Kubhekwa Njengokwenqatshwa	Uma kungatholakali mpendulo esicelweni phakathi nesikhathi esinqunyiwe, lokhu kuchazwa ngokuthi 'kubhekwa njengokwenqatshwa'.
IFomu 2	Leli fomu linqokomthethonqubo futhi kufanele lisetshenziselwe ukucela ukuthola ulwazi olugcinwe inhlangano yomphakathi noma ezimele.
IFomu 4	Leli fomu linqokomthethonqubo futhi kufanele lisetshenziswe lapho kufakwa isikhalazo ngesinqumo esenziwe yinhlangano yomphakathi maqondana nesicelo sokuthola ulwazi.

<table>
<tr><th>Igama</th><th>Incazelo</th></tr>
<tr><td>UMhlahlandlela</td><td>Lo Mhlahlandlela, owenziwe ngokulandela isigaba 10 se-PAIA, njengoba ichitshiyelwe, ohlose ukusiza umuntu ofisa ukusebenzisa noma yiliphi ilungelo elikwi-PAIA nakuMthetho Ka-2013 Wokuvikelwa Kwemininingwane Yomuntu.</td></tr>
<tr><td>ISikhulu Sezolwazi</td><td>ISikhulu Sezolwazi ngumuntu ogunyaziwe ukusingatha izicelo ze-PAIA. Lokhu okulandelayo yizinhlu zeZikhulu Zezolwazi enhlangweni ethile -
<table>
<tr><td rowspan="4">Inhlangano Yomphakathi noma Uphiko Lukahulumeni (njengoba kuchazwe esigabeni 239 so Mthethosisekelo)</td><td>UMnyango Kazwelonke</td><td>UMqondisi-Jikelele noma umuntu obambele</td></tr>
<tr><td>UMnyango Wokuphatha ESifundazweni</td><td>INhloko Yomnyango noma umuntu obambele.</td></tr>
<tr><td>UMasipala</td><td>UMphathi KaMasipala noma umuntu obambele.</td></tr>
<tr><td>Izinhlangano Zikahulumeni ezishiwo kwi-PFMA Isheduli 1, 2, 3A, 3B, 3C no-3D</td><td>UMqondisi Omkhulu noma umuntu obambele.</td></tr>
<tr><td rowspan="3">Inhlangano Ezimele</td><td>Umuntu Wemvelo</td><td>Umnikazi ozimele yedwa owenza noma yikuphi ukuhweba, ibhizinisi noma umsebenzi, kodwa esebenza ngaphansi kwalokho akwenzayo hhayi yena qobo.</td></tr>
<tr><td>Umfelandawonye</td><td>Noma yimuphi umlingani womfelandawonye noma yimuphi umuntu ogunyazwe ngokufanele ngumfelandawonye</td></tr>
<tr><td>Iqembu Lezepolitiki</td><td>Umholi weqembu lezepolitiki noma yimuphi umuntu ogunyazwe ngokufanele yilowo mholi.</td></tr>
</table></td></tr>
</table>

<table>
<tr><th>Igama</th><th>Incazelo</th></tr>
<tr><td>ISikhulu Sezolwazi</td><td><table><tr><td></td><td>Umuntu Ongokomthetho</td><td>UMqondisi Omkhulu noma uMqondisi Ophethe noma isikhulu esilingana nomuntu ongokomthetho noma yimuphi umuntu ogunyazwe ngokufanele yileso sikhulu.

PHAWULA: UMqondisi Omkhulu noma isikhulu esilingana naye singagunyaza noma yimuphi umuntu wemvelo abe yiSikhulu Sezolwazi eNhlanganweni Ezimele.</td></tr></table></td></tr>
<tr><td>ISekela LeSikhulu Sezolwazi</td><td>ISekela LeSikhulu Sezolwazi ngumuntu oqokwe noma onikezwe amandla yiSikhulu Sezolwazi enhlanganweni yomphakathi ukuba asize umceli ngesicelo sakhe solwazi, futhi lowo iSikhulu Sezolwazi esingamnikeza amanye amandla e-PAIA.

PHAWULA: Nakuba kuyinhlangano yomphakathi kuphela engaqoka noma idlulisele umsebeni kwiSekela LeSikhulu Sezolwazi, ngokwesigaba 17(1) se-PAIA, uMthetho Ka-2013 Wokuvikelwa Kwemininingwane Yomuntu (“POPIA”) unikeza amandla okuqoka iSekela LeSikhulu Sezolwazi enhlanganweni ezimele, ngokwesigaba 56(1) esikuwo.</td></tr>
<tr><td>UMlawuli Wezolwazi</td><td>IHhovisi LoMlawuli Wezolwazi selisunguliwe, ngokwesigaba 39 se-POPIA, ukuqapha nokuphoqelela ukulandelwa kwe-POPIA ne-PAIA. Kulo Mhlahlandlela iHhovisi LoMlawuli Wezolwazi noma uMlawuli Wezolwazi ubizwa ngokuthi uMlawuli.</td></tr>
<tr><td>Isikhalazo Sangaphakathi</td><td>Isikhalazo sangaphakathi yinqubo yokuphikisa isinqumo esithathiwe mayelana nesicelo se-PAIA enhlanganweni yomphakathi, okumele iphothulwe ngaphambi kokuba iskhalazo siyiswe kuMlawuli noma enkantolo efanele.</td></tr>
<tr><td>Inhlangano Ezimele</td><td>Inhlangano ezimele ingumuntu, inkampani noma olunye uhlobo lwenhlangano engokomthetho eyenza uhwebo, ibhizinisi noma umsebenzi, ebandakanya neqembu lezepolitiki.</td></tr>
</table>

Igama	Incazelo
Inhlangano Yomphakathi	Inhlangano yomphakathi isho umnyango kahulumeni noma omunye umkhakha noma isikhungo, esenza umsebenzi womphakathi. Kodwa-ke, maqondana nesikhalazo sangaphakathi, noma ikuphi ukubhekisela "kwinhlangano yomphakathi" kuye kwashintshelwa kwelithi "uHulumeni", ukuze kugwenywe ukudideka maqondana nezinhlangano zomphakathi lapho isikhalazo ngesinqumo singasebenzi khona.
Irekhodi	Irekhodi liwunoma yiluphi ulwazi olurekhodiwe kungakhathalekile ukuthi ngayiphi indlela, okubandakanya, mgokwesibonelo, amadokhumenti abhaliwe, izinto ezilalelwayo, izinto eziyidijithali nezevidiyo. Irekhodi elicelwe enhlanganweni yomphakathi noma ezimele libhekisela kwirekhodi elisezandleni zaleyo nhlangano kungakhathalekile ukuthi leyo nhlangano yiyo eyalenza lelo rekhodi noma cha.
Imithethonqubo	I-**PAIA** ivumela uNgqongqoshe ukuba akhiphe imithethonqubo elekelela lo Mthetho, okumele ishicilelwe kuSomqulu KaHulumeni, futhi ihlanganisa izindaba ezifana namafomu okufanele asetshenziswe nezimali ezingakhokhiselwa izinqubo ezithile.
Igunya Elifanele	I-**PAIA** isebenzisa igama elithi 'igunya elifanele' ukuchaza umuntu okuHulumeni Kazwelonke, Wesifundazwe noWasekhaya lowo isikhalo sangaphakathi okufanele sifakwe kuye, ngokuvamile okuba yinhloko yezepolitiki kuleyo nhlangano ethintekayo (lo msebenzi unganikwa omunye umuntu ngokusemthethweni).

3. IMININININGWANE YOKUXHUMAA NOMLAWULI

ISikhulu Sezolwazi	
Umqondisi Omkhulu:	Mnuz Mosalanyane Mosala
Okuthintwana Naye:	Nksz Ntombizodwa Harrieth Rikhotso
Imeyli:	NtoRikhotso@justice.gov.za
Isekela LeSikhulu Sezolwazi:	Nksz Varsha Sewlal
Imeyli:	VarSewlal@justice.gov.za
Ikheli Lomgwaqo: : JD House, 27 Stiemens Street Braamfontein Johannesburg 2001	**Ikheli Leposi:** P.O. Box 31533 Braamfontein Johannesburg 2017

Ucingo:
010 023 5200

4. INHLOSO YALO MHLAHLANDLELA WE-PAIA

4.1 Inhloso yalo Mhlahlandlela iwukuhlinzeka ngolwazi oludingwa yinoma imuphi umuntu ofisa ukusebenzisa noma yiliphi ilungelo eliseMthethweni Ka-2000 Wokugqugquzela Ukutholakala Kolwazi (**PAIA**) kanye noMthetho Ka-2013 Wokuvikelwa Kwemininingwane Yomuntu ("**POPIA**"). Noma yimuphi umuntu, kungakhathalekile ubuzwe bakhe, angafaka isicelo sokuthola ulwazi ngaphansi kwe-**PAIA**.

4.2 Lo Mhlahlandlela uzosiza ngokukhethekile umuntu, obizwa nangokuthi umnininilwazi, ukuthi angayithola kanjani imininingwane yakhe siqu ngokwesigaba 23 se-**POPIA**. Ngaphansi kwe-**POPIA**, umuntu noma umnininilwazi unelungelo -

4.2.1 lokucela enhlanganweni ethintekayo ukuqinisekiswa, mahhala, ukuthi ingabe yiyo yini egcine leyo mininingwane ephathelene naye noma cha, kanye

4.2.2 nokucela enhlanganweni ethintekayo irekhodi noma incazelo yemininingwane yomuntu siqu emaqondana nomnininilwazi egcinwe yinhlangano ethintekayo, okubandakanya imininingwane yobunikazi babo bonke abantu besithathu, noma izigaba zabantu besithathu, abake noma abaye baluthola leyo mininingwane;

4.2.3 ukucela enhlanganweni ethintekayo -

(a) ukulungisa noma ukucima imininingwane yomuntu siqu ephathelene nomnininilwazi esezandleni noma engaphansi kwayo leyo nhlangano enganembile, engasebenzi, eyeqisayo, ephelelwe yisikhathi, engaphelele, edukisayo noma etholwe ngokungemthetho; noma

(b) ashabalalise acime irekhodi lemininingwane yomuntu siqu ephathelene nomnininilwazi leyo inhlangano ethintekayo engasavunyelwe ukuyigcina

4.3 Lo mhlahlandlela uzosiza nanoma yimuphi umuntu ekutheni angacela kanjani ukuthola amarekhodi ngaphansi kwe-**PAIA**. Lo Mhlahlandlela uzobuye usize abaceli:

4.3.1 ukuqonda i-**PAIA**, izinzuzo nomsuka wayo;

4.3.2 ukufunda inqubo yesinyathelo ngasinye ekwenzeni isicelo namacebiso engeziwe okwenza leyo nqubo ibe lula;

4.3.3 ukufunda izinhlobo zolwazi olungacelwa kusetshenziswa i-**PAIA**;

4.3.4 ukuqonda inqubo umceli angasiphikisa ngayo isinqumo esithathiwe maqondana nesicelo sakhe;

4.3.5 ukwethulwa ezinguqukweni ezizokwenzeka kwi-**PAIA** uma i-**POPIA** seyisebenza ngokugcwele

4.4 Lo mhlahlandlela uzosiza futhi abantu ekuqondeni ukuthi bangakuphikisa kanjani ukunikezwa kwemvume yokutholakala kwamarekhodi abo noma ukuthi bangalibamba kanjani iqhaza enqubweni yokuthola amarekhodi abo.

5. MAYELANA NE-PAIA

5.1 Ilungelo lokuthola Ulwazi "lingenye yezindlela eziphumelela kakhulu zokugcina izimiso zoMthethosisekelo eziwukuba *sobala, ukuvuleleka, ukubamba iqhaza nobuqotho* . Izimiso zomthethosisekelo ezishiwo ngenhla azinakufinyeleleka uma kunguhulumeni yedwa onolwazi oluqondisa izenzo nezinqumo zawo. Ngenxa yalokho, ukutholakala kolwazi akukhona nje kuphela ukuthi kuyisisekelo sentando yeningi esebenza kahle, kodwa futhi kwandisa ukuthembela komphakathi kuhulumeni futhi kuqinisa ukuba kwawo semthethweni. Ezinye izinzuzo zelungelo lokuthola ulwazi ziwukuthi, ngokwesibonelo, kuthunaza ukukhwabanisa nenkohlakalo, ukungaqiniseki nokunye ukuziphatha okungafanele kuhulumeni.

5.2 Ngenkathi kubhalwa uMthethosisekelo waseNingizimu Afrika ngemva kokuwa koBandlululo ngeminyaka yawo-1990, izinhlangano ezahlukahlukene nabantu babekhankasela ukufakwa kwelungelo lokuthola ulwazi. Kwakwethenjwa ukuthi ukufakwa kwaleli lungelo kuMqulu Wamalungelo kuzoqinisekisa ukuthi izenzo zonya ezinjengoBandlululo ngeke ziphinde zenzeke, njengoba uhulumeni nezinhlangano ezizimele zazizophoqeleka ukuba zenze izinto ngobuqotho nangendlela esobala ngokunikeza imvume yokuthola ulwazi, futhi ngenxa yalokho, zingeke zikwazi ukucasha kwesithupha sokugcina imfihlo. Kwakubonakala njengesinyathelo esidingekayo ekusizeni ukwakha isiko lokuthethelela elingaholela ebudlelwaneni obuhle phakathi kwabantu, nalabo abaphethe. Kwelinye lamacala okuqala ukubhekana nombuzo wokuthi ingabe umuntu obekwe icala unalo yini ilungelo lokuthola lonke ulwazi oluqukethwe edokodweni lamaphoyisa. UJones J wakuvuma ukubaluleka kwalo kule migomo:

"Inhloso... iwukuyeka ukuqhutshekiswa kohlelo oludala lokuphatha, uhlelo lapho uhulumeni wayekwazi khona ukuphunyuka ekulandiseni ngezenzo zawo ngokwenqaba ukudalula ulwazi ngisho noma kwakunomthelela ekusetshenziseni noma ekuvikelweni kwamalungelo omuntu. Lokhu kungububi obenzelwe ukuvimbela [....] ubulungiswa obungavezeka nokuvuleleka kugqugquzela ukwethemba komphakathi ekuphathweni kwezindaba zomphakathi. Leli themba lingelinye lezimpawu zomphakathi obuswa ngentando yeningi lowo uMthethosisekelo owuphokophelelayo".

[2] *Hoexter Administrative Law 94*
[3] *1994 (1) SACR 635 (E)*

5.3 Isigaba 32 soMthethosisekelo sivikela ilungelo lokutholakala kolwazi olugcinwe yizinhlangano zomphakathi nezizimele. Isigaba 32 siphinde sithi kufanele kushaywe umthetho ozolenza lisebenze ilungelo lokutholakala kolwazi ngokuchaza izindlela ulwazi olungatholwa ngayo ezinhlanganweni zomphakathi nezizimele, nangokuhlinzeka ngezizathu lapho inhlangano yomphakathi nezimele inganqaba khona nemvume yokuthola ulwazi.

5.4 I-**PAIA** yenziwa ngenxa yalokho okushiwo ngumthethosisekelo ngenhla, futhi yaqala ukusebenza kakhulu ngoMashi 2001. Amazwi ayo esingeniso ayavuma ukuthi "kwakunesiko lokugcina imfihlo nokungasabeli" esikhathini sangaphambi kwentando yeningi, futhi ayasho ukuthi enye yezinhloso ze-**PAIA** "ukukhuthaza isiko lokwenza izinto obala nokulandisa ngezenzo zezinhlangano zomphakathi nezizimele."

5.5 I-**PAIA** yenzelwe ukuwenza asebenze amalungelo omuntu okuthola ulwazi nokulandisa ngezenzo. Iklanyelwe ukunika abantu amandla okusebenzisa umthetho, futhi isiza ekwenzeni lula ukucela ukuthola ulwazi ngezindlela ezihlukahlukene. Umuntu akadingi ummeli ukuze enze isicelo sokuthola ulwazi ngokwemigomo ye-**PAIA**

6. IZINHLOSO ZE-PAIA

6.1 Izinhloso ze-**PAIA** akukhona ukuba ithathe isikhundla selungelo elingokomthethosisekelo, kodwa ukwenza lisebenze ilungelo elisesigabeni 32 kuye ngemikhawulo evumelekile, nangendlela esiza ukulinganisana kwawo wonke amanye amalungelo aqukethwe kuMthethosisekelo. Ithemba ukugqugquzela isiko lamalungelo abantu nobulungiswa bezenhlalo kubantu, ezinhlanganweni zomphakathi nasezinhlanganweni ezizimele. I-**PAIA** ifuna ukugqugquzela ukwenza izinto obala, ngokuqotho nokuphathwa ngendlela efanele kwazo zonke izinhlangano (zikahulumeni nezizimele) ngokunika abantu amandla okuqonda amalungelo abo okuthola ulwazi, bawasebenzise, futhi bahlolisise, futhi babe neqhaza, ekwenziweni kwezinqumo ezibathintayo.

6.2 Ilungelo lokuthola ulwazi liyilungelo elinamandla amakhulu elingokomthethosisekelo, njengoba lisiza abantu ukuba babone amanye amalungelo. Umuntu angalisebenzisa ukusiza ukuqapha nokuhlola ukulethwa kwezinsizakalo zikahulumeni, noma ukuthola amarekhodi omlando angase awadinge.

6.3 Izinhloso ze-**PAIA** yilezi -

6.3.1 ukwenza lisebenze ilungelo elingokomthethosisekelo lokuthola

6.3.1.1 noma yiluphi ulwazi olugcinwe uHulumeni; kanye

6.3.1.2 noma yiluphi ulwazi olugcinwe ngomunye umuntu futhi oludingekayo ekusetshenzisweni noma ekuvikelweni kwanoma imaphi amalungelo.

- Imfuneko ephathelene nokuvikelwa kwamalungelo igcinwe olwazini olusezandleni zenhlangano ezimele. Ngenxa yalokho, izinhlangano ezizimele azibophekile ngezinga eliqine kakhulu lokwenza izinto ngendlela esobala njengoba kunjalo ngezinhlangano zomphakathi. Izinhlangano ezizimele, ngamanye amazwi, zinelungelo lokugcina imininingwane yazo ikuzo kuphela, ngaphandle uma leyo mininingwane idingeka ekuvikeleni amalungelo.
- I-**PAIA** iyaqaphela, ngokweSigaba 8(1) sayo, ukuthi inhlangano ingase ibe "eyomphakathi" noma "ezimele" ngezinhloso zoMthetho kuye ngokuthi irekhodi elisegudwini "lithintene yini nokusetshenziswa kwamandla noma ukusebenza kwenhlangano yomphakathi noma kwenhlangano ezimele."

6.3.2 ukwenza lelo lungelo lisebenze -

6.3.2.1 kuncike emikhawulweni evumelekile, okubandakanya, kodwa kungagcini lapho, imikhawulo ehlose ukuvikela imfihlo ngendlela efanele, imfihlo yezebhizinisi nokuphatha ngendlela ephumelelayo, esebenzayo nekahle; futhi

6.3.2.2 ngendlela elinganisa lelo lungelo nanoma yimaphi amanye amalungelo, okubandakanya amalungelo akuMqulu Wamalungelo eSahlukweni 2 soMthethosisekelo;

6.3.3 ukwenza kusebenze izibopho ezingokoMthethosisekelo zikaHulumeni ekugqugquzeleni isiko lamalungelo abantu nobulungiswa kwezenhlalo, ngokubandakanya izinhlangano zomphakathi encazelweni 'yomceli', kanye nokuzivumela, phakathi kokunye, ukuthola ulwazi ezinhlanganweni ezizimele lapho zilandela izimfuneko ezine ezikulo Mthetho, okubandakanya isibopho esengeziwe sezinhlangano ezithile zomphakathi ezimweni ezithile zokwenza izinto ezizuzisa umphakathi;

6.3.4 ukusungula izindlela noma izinqubo zokuzithandela neziyimpoqo zokwenza lelo lungelo lisebenze ngendlela eyenza abantu bakwazi ukuthola amarekhodi ezinhlangano zomphakathi nezizimele ngokushesha okukhulu, okungabizi kakhulu nangendlela engakhandli kangangokunokwenzeka; futhi

6.3.5 ngokujwayelekile, ukugqugquzela ukwenza izinto obala, ukuba nesibopho nokuphatha ngempumelelo kuzo zonke izinhlangano zomphakathi nezizimele, ngokubandakanya kepha kungagcini lapho, ukunika amandla nokufundisa wonke umuntu -

6.3.5.1 ukuqonda amalungelo abo ngokwalo Mthetho ukuze basebenzise amalungelo abo maqondana nezinhlangano zomphakathi nezizimele;

6.3.5.2 ukuqonda imisebenzi nokusebenza kwezinnhlangano zomphakathi; kanye

6.3.5.3 nokuhlolisisa ngenkuthalo, futhi babe neqhaza, ekwenziweni kwezinqumo ezithinta amalungelo abo ezenzizwa yizinhlangano zomphakathi.

6.4 UMthetho Wokuchibiyela UMthetho Wokugqugquzela Ukutholakala Kolwazi, Ka-2019

6.4.1 Endabeni ***ye-My Vote Counts NPC v Minister of Justice and Correctional Services and Another*** **[2018] ZACC 17]**, inkantolo yomthethosisekelo yathi "uMbuso ungaphansi kwesibopho esivela ekufundweni okufanele kwezigaba 32, 19 no-7(2) zoMthethosisekelo ukwenza konke okusemandleni ukuze kunikezwe umbono osebenzayo nonengqondo ngelungelo lokuthola ulwazi nelungelo lokuvota. Iningi liphinde lathi lokhu kungenxa yokuthi ukusetshenziswa kwelungelo lokuvota kumele kube yinto umuntu ayenza enolwazi, futhi kunokuxhumana okubalulekile phakathi kokusebenzisa kahle ilungelo lokuvota nelungelo lokuthola ulwazi. Futhi "ngaphandle kokuthola ulwazi, ikhono lezakhamizi lokwenza izinqumo zepolitiki ezifanele nokubamba iqhaza elifanele empilweni yomphakathi licekeleka phansi". INkantolo YoMthethosisekelo ikuqinisekisile ukungasebenzi kwalokhu ngokomthethosisekelo futhi yayalela iPhalamende ukuba lichibiyele i-**PAIA** nokuba lithathe noma yisiphi esinye isinyathelo elisibona sifanele ukuhlinzekela ukuqoshwa, ukulondolozwa kanye nokwenza lula ukutholakala kolwazi olulingene ngezimali zokuxhasa ngasese amaqembu ezepolitiki kanye nabakhankasi abazimele phakathi nesikhathi sezinyanga eziyi-18.

6.4.2 Ngokuya ngesinqumo senkantolo yomthethosisekelo esishiwo ngenhla, uMongameli, mhla ka-3 kuJuni 2019, waphasisa uMthetho Ka-2019 Wokuchibiyela Umthetho Wokugqugquzela Ukutholakala Kolwazi, (uMthetho Ka-2019 Wokuchibiyela I-**PAIA**) .. UMthetho Ka-2019 wokuchitshiyelwa kwe-**PAIA** ubandakanya iqembu lezepolitiki encazelweni yenhlangano ezimele, okusho ukuthi umholi weqembu lezepolitiki noma omunye umuntu ogunyazwe ngokomthetho yilowo mholi uyisikhulu noma inhloko yezolwazi. Umthetho Ka-2019 wokuchibiyela i-**PAIA** manje welula ilungelo lokuthola noma yimaphi amarekhodi eqembu lezepolitiki.

6.4.3 UMthetho wokuchibiyela uhlinzekela ukuthi ulwazi oluphathelene nezimali zokuxhasa ngasese amaqembu ezepolitiki nabakhankasi abazimele, kumele lubhalwe phansi, lugcinwe futhi lwenziwe lutholakale.

6.4.4 Ngokwesigaba 52A soMthetho Ka-2019 Wokuchibiyela I-**PAIA**, inhloko yeqembu lezepolitiki kufanele isungule futhi igcine amarekhodi anoma imuphi umnikelo owedlula umkhawulo obekiwe, ka-**R100 000.00**, onikezwe lelo qembu lezepolitiki kunoma yimuphi unyaka wezimali nokuthi bangobani abantu noma izinhlangano ezenze leyo minikelo. Inhloko yeqembu lezepolitiki iphinde idingeke ukuba yenze amarekhodi atholakale njalo ngezinyanga ezintathu, njengoba kusho umthetho; futhi igcine amarekhodi isikhathi esiyiminyaka okungenani emihlanu ngemuva kokuba amarekhodi athintekayo enziwe.

[4] *UMthetho Wokuchibiyela UMthetho Wokutholakala Kolwazi, Nombolo 31 ka-2019*

6.4.5 Lokhu kusho ukuthi ngenkathi uMthetho Wokuxhaswa Ngezimali Kwamaqembu Ezepolitiki uphoqelela ukudalula kwiKhomishani Yezokhetho, uMthetho Ka-2019 wokuchibiyela i-**PAIA** manje welulela ilungelo lokuthola ulwazi, kumarekhodi anoma yimuphi umnikelo ongaphezu kuka-**R100 000.00**, kunoma yimuphi umuntu, eyenziwe kulelo qembu lezepolitiki.

6.5 Omunye umthetho ovikela ilungelo lokuthola ulwazi

I-**PAIA** ibuye ibe khona kuzo zonke izici zezomthetho, eklanyelwe ukwakha "isiko lokuthethelelana". Ngokuqaphela lokhu, i-**PAIA** ithi noma imuphi omunye umthetho onikeza umuntu indlela yokuthola ulwazi elula kune-**PAIA**, ungasetshenziswa esikhundleni sayo[5].

6.5.1 UMthetho 71 Ka-2008 Wezinkampani

6.5.1.1 Isigaba 26(1) soMthetho Wezinkampani sihlinzeka umuntu othola inzuzo kunoma yiziphi izibambiso ezikhishwe inkampani eyenza inzuzo, noma oyilungu lenkampani engenzi nzuzo, unelungelo lokuhlola nokukopisha, ngaphandle kwenkokhiso yanoma ikuphi ukuhlola okunjalo noma lapho kukhokhwa imali engengaphezulu kwenani elibekiwe lekhophi enjalo, ulwazi oluqukethwe kumarekhodi enkampani.

6.5.1.2 Ngokwesigaba 26(7)(b) soMthetho Wezinkampani, "amalungelo okuthola ulwazi abekwe kulesi sigaba ngaphezu, futhi hhayi esikhundleni, kwanoma yimaphi amalungelo umuntu okungenzeka unawo okuthola ulwazi ngokoMthetho Ka-2000 Wokugqugquzela Ukutholakala Kolwazi (uMthetho Nombolo 2 Ka-2000)".

6.5.2 UMthetho Ka-2018 Wokuxhaswa Ngezimali Kwamaqembu Ezepolitiki (UMthetho Nombolo 6 Ka-2018)

6.5.2.1 Ukuxhaswa Ngezimali Kwamaqembu Ezepolitiki kwethula uhlaka oluqinile lokulawula uxhaso lwangasese lwawo wonke amaqembu ezepolitiki abhalisiwe, kungakhathaleki amelelwe yini kuzishayamthetho zikazwelonke noma zezifundazwe noma cha. Lokhu kubandakanya ukubeka imingcele yomthombo, ubukhulu kanye nokusetshenziswa kwezimali ezinikelwe ngamaqembu ezepolitiki.

6.5.2.2 Ukuqinisekisa ukwenziwa kwezinto obala nobuqotho, amaqembu ezepolitiki kudingeka adalule yonke iminikelo etholiwe engaphezu komkhawulo wokudalula ongu-**R100 000.00** kwiKhomishani Yezokhetho njalo ezinyangeni ezintathu (kanye nangaphambi kokhetho lukazwelonke).

[5] *Isigaba 2(1) se-PAIA*

6.5.2.3 Noma yimuphi umuntu noma inhlangano eyenza umnikelo eqenjini lezepolitiki owodwa noma eminingana eba ngaphezu kuka - **R100 000.00** ngonyaka kufanele ibike lowo mnikelo kwiKhomishani Yezokhetho phakathi nezinsuku ezingu-30 yenze lowo mnikelo noma phakathi nezinsuku ezingu-30 kusukela iminikelo eminingana yeqe khona ku- **R100 000.00**.

6.5.2.4 Okokugcina, uMthetho Wokuxhaswa Ngezimali Kwamaqembu Ezepolitiki ubeka isibopho kwiKhomishani Yezokhetho ukwazisa umphakathi njalo ezinyangeni ezintathu ngeminikelo ebikwe amaqembu ezepolitiki nokubika minyaka yonke ePhalamende ngayo yonke iminikelo enikezwe amaqembu ezepolitiki phakathi nonyaka.

6.5.3 UMthetho Ka-2013 Wokuvikelwa Kweminininingwane Yomuntu (UMthetho Nombolo 4 Ka-2013)

6.5.3.1 Isigaba 23 se-**POPIA** sihlinzeka umnininilwazi ngelungelo lokuthola imininingwane yomuntu siqu egcinwe yinhlangano ethintekayo, okubandakanya imininingwane yokuthi bangobani bonke abantu besithathu, noma izigaba zabantu besithathu, abaye, noma abake bathola leyo mininingwane.

6.5.3.2 Lokhu kusho ukuthi nakuba ukuthola irekhodi eliqukethe imininingwane yomuntu siqu ephathelene nomceli kungafakiwe kwi-**PAIA** ngokweSigaba 11(2) sayo, umnininilwazi angacela –

6.5.3.2.1 ukuthola imininingwane yakhe siqu; kanye/noma

6.5.3.2.2 amagama abo bonke abantu besithathu, kanye/noma izigaba zabantu besithathu, abaye, noma abake bayithola leyo mininingwane.

6.5.3.2.3 ukulungisa noma ukucima imininingwane yomuntu siqu ephathelene nomnininilwazi esezandleni zayo okuwukuthi ayinembile, ayisebenzi, iyeqisa, iphelelwe yisikhathi, ayiphelele, iyadukisa noma itholwe ngokungemthetho; noma

6.5.3.2.4 ukuba kushatshalaliswe noma kucinywe irekhodi lemininingwane yakhe okuwuthi inhlangano ethinyekayo ayisagunyaziwe ukuligcina.

6.5.3.3 Inhlangano ethintekayo ingenqaba ukudalula noma yimiphi imininingwane yomuntu siqu eceliwe, ngokwezizathu zokwenqatshwa kokutholakala kwamarekhodi, njengoba kubekiwe endimeni 19.4 ngezansi

6.5.4 UMthetho 3 Ka-2000 Wokugqugquzela Ubulungiswa Bokuphatha

6.5.4.1 Omunye umthetho obalulekile okufanele ukhunjulwe lapho ucabanga ngokuthola ulwazi nguMthetho Wokugqugquzela Ubulungiswa Bokuphatha (**PAJA**). I-**PAJA** inika ilungelo lokwenza isenzo sokuphatha esisemthethweni, esizwakalayo nenqubo efanelekile kanye nelungelo lezizathu ezibhaliwe zesenzo sokuphatha njengoba kushiwo esigabeni 33(2) soMthethosiseke[6].

6.5.4.2 Ngokwesigaba 5(1) se-**PAJA**, noma imuphi umuntu omalungelo akhe athinteke kakhulu nakabi ngenxa yesenzo sokuphatha futhi enganikwanga izizathu zaleso senzo, zingakapheli izinsuku ezingama-90 ngemuva kosuku lowo muntu azi ngalo ngaleso senzo noma usuku okulindeleke ukuba kube ukuthi useyazi ngalo ngaleso senzo, angacela kumphathi othintekayo izizathu ezibhaliwe zaleso senzo. Umphathi okucelwe kuye kumele, zingakapheli izinsuku ezingama-90 etholile isicelo, anikeze lowo muntu isizathu esanele sabhalwa phansi sesenzo sokuphatha.

7. UKUSUNGULWA KOMLAWULI WEZOLWAZI

7.1 Ukuqinisekisa ukugqugquzelwa nokuthuthukiswa kwezinhloso ze-**PAIA**, eziwukwenza lisebenze lelo lungelo lokuthola ulwazi ngendlela eyenza abantu bakwazi ukuthola amarekhodi ezinhlangano zomphakathi nezizimele ngokushesha okukhulu nengabizi ngangokunokwenzeka, kwasungulwa uMlawuli Wezolwazi ("uMlawuli") ngokwesigaba 39 se-**POPIA**.

7.2 Ukuze kuqinisekiswe ukuthi izinqubo zokuphatha ezingadidi nezingabizi kakhulu ziyalandelwa lapho kwenziwa isicelo sokuthola ulwazi, izikhalazo eziya kuMlawuli neziya enkantolo kufanele kube ngezikhetheke ngempela kunokuba zimane zenziwe nje ngoba umthetho uyavuma.

7.3 I-**POPIA** ichibiyela indima ye-**SAHRC** maqondana negunya le-**PAIA**. Kusukela mhla ka-30 Juni 2021, yonke imisebenzi ye-**SAHRC**, njengoba ibalulwe kwi-**PAIA**, izosingathwa nguMlawuli, onanamandla engeziwe okuphoqelela.

7.4 Nakuba i-**SAHRC** isazogcina izibopho zayo zomthethosisekelo ezibanzi zokugqugquzela, ukuvikela nokuqapha amalungelo abhalwe kuMthethosivivinywa Wamalungelo, i-**SAHRC** kanye noMlawuli bazosebenzisana eduze kakhulu.

[6] *Wonke umuntu omalungelo akhe athikanyezwe kabi yisenzo sokuphatha unelungelo lokunikwa izizathu ezibhaliwe.*

8. INDIMA YOMLAWULI WEZOLWAZI

8.1 UMlawuli unendima ebaluleke kakhulu maqondana ne-**PAIA**. UMlawuli ugunyazwe yi-**PAIA**, ngaphansi kweNgxenye 4, iSahluko 1A kanye neNgxenye 5 nezinye izigaba, ukuba:

8.1.1 agqugquzele ilungelo lokuthola ulwazi nokusiza umphakathi ekusebenziseni i-**PAIA** lapho kungenzeka khona ukwenza njalo,

8.1.2 ukuqapha nokuqhubekisela phambili ukusetshenziswa kwe-**PAIA** yizinhlangano zomphakathi nezizimele (okubandakanya ukukhuthaza izindlela ezisebenzayo zokwenza ulwazi lutholakale ngesikhathi)

8.1.3 enze izincomo zokuqinisa i-**PAIA**, nokuba

8.1.4 abike minyaka yonke ePhalamende.

8.2 Isigaba 77C(1) no-(2) se-**PAIA** sihlinzekela la mandla, imithwalo nemisebenzi elandelayo yoMlawuli, ukuze -

8.2.1 aphenye ngesikhalazo esenziwe kuMlawuli ngendlela enqunyiwe;

8.2.2 adlulisele isikhalazo kwiKomidi Lezokuphoqelela elasungulwa ngokwesigaba 50 se-P**OPIA**; noma

8.2.3 anqume, ngokuhambisana nesigaba 77D, ukungathathi sinyathelo ngesikhalazo noma, kuye ngesimo sesikhalazo, kungadingeki zinyathelo maqondana nesikhalazo; nokuba

8.2.4 lapho kufanele khona, abe njengomlamuli maqondana naleso sikhalazo ngendlela enqunyiwe

8.3 UMlawuli, ngokwesigaba 77H(1) se-**PAIA**, futhi ngokusuka kuye ngokwakhe, noma ngokucelwa noma ngokwenzela isikhulu sezolwazi noma inhloko yenhlangano ezimele noma omunye umuntu ahlole ukuthi inhlangano yomphakathi noma ezimele ngokuvamile iyazilandela yini izinhlinzeko ze-**PAIA**, maqondana nezinqubomgomo nezinqubo zayo zokuyisebenzisa.

8.4 UMlawuli unikwe amandla, ngokwesigaba 77F se-**PAIA**, ukusebenzisa konke anakho ukuze axazulule isikhalazo, uma kuvela esikhalazweni, noma kunoma iyiphi impendulo ebhaliwe eyenziwe maqondana naso ukuthi singaxazululeka leso sikhalazo. Lokhu kusho ukuthi uMlawuli angazama kuphela ukusiza abathintekayo ukuba baxazulule izingxabano zabo, uma kunesikhalazo esifakwe kuMlawuli, ngaphandle uma ethathe isinqumo, ngokusuka kuye, sokuhlola, njengoba kushiwo endimeni 8.3 ngenhla.

9. UKWENZA ISICELO SEREKHODI

Uyacelwa ukuthi ubheke ishadi elinesinyathelo ngasiye sale nqubo endimeni 27 ngezansi, sendlela yokucela ukuthola amarekhodi.

9.1 Ukuqalisa: **Amabhukwana E-PAIA**

9.1.1 Yize lo Mhlahlandlela ushicilelwe ukusiza umphakathi kuzo zonke izindawo ukuba ubambe ilungelo lawo elingokomthethosisekelo lokuthola ulwazi, kukhona neminye imithombo yolwazi nayo emngasiza umuntu ekwenzeni isicelo sokuthola amarekhodi. I-**PAIA** idinga ukuba zonke izinhlangano zomphakathi, nezinhlangano ezizimele, zihlanganise ibhukwana[7] le-**PAIA** futhi zilenze litholakale.

9.1.2 Ngaphambi kokuba noma ubani athathe izinyathelo zokuthola ulwazi noma amarekhodi enhlangano ethile, iBhukwana Le-**PAIA** liyithuluzi lokuqala lokufundwa.

9.1.3 Ngokuyinhloko, ibhukwana le-**PAIA** liwusizo kumuntu ukuba:

9.1.3.1 ahlole uhlobo lwamarekhodi okungenzeka asevele ayatholakala ngaphandle kwesidingo sokufaka isicelo se-**PAIA**;

9.1.3.2 aqonde indlela yokwenza isicelo sokuthola ulwazi olugcinwe yinhlangano ethile;

9.1.3.3 athole yonke imininingwane efanele yomuntu ozosiza umphakathi ngamarekhodi noma yimuphi umuntu ahlose ukuwathola;

9.1.3.4 azi zonke izixazululo ezitholakala kuleyo nhlangano okucelwa kuyo amarekhodi, ngaphambi kokuya kuMlawuli noma eziNkantolo;

9.1.3.5 azi incazelo yezinsizakalo ezitholakala kumalungu omphakathi zivela enhlanganweni nokuthi angazithola kanjani lezo zinsizakalo;

9.1.3.6 azi ukuthi ingabe inhlangano izoyicubungula yini imininingwane yomuntu siqu, inhloso yokucubungula imininingwane yomuntu siqu kanye nencazelo yezinhlu zabaninilwazi nezemininingwane nezinhlu zolwazi oluphathelene nalokho;

9.1.3.7 azi ukuthi ingabe inhlangano ihlele ukudlulisa noma ukucubungula imininingwane yomuntu siqu ngaphandle kwaseRiphabhuliki YaseNingizimu Afrika; nokuba

[7] *Isigaba 14 nesigaba 51 se-PAIA*

9.1.3.8 azi ukuthi ingabe inhlangano inazo yini izindlela ezifanele zokuphepha ukuqinisekisa ubumfihlo, ubuqotho nokutholakala kolwazi okumele lucutshungulwe.

9.2 Atholakala kuphi amabhukwana e-PAIA?

9.2.1 IBhukwana Le-**PAIA** lezinhlangano zomphakathi

9.2.1.1 Zonke izinhlangano zomphakathi kumele zenze ukuba iBhukwana Le-**PAIA** litholakale kalula okungenani ngezilimi ezintathu ezisemthethwen[8].

9.2.1.2 Okungenani, kudingeka ukuba zenze ikhophi eyodwa yeBhukwana Le-**PAIA** litholakale mahhala, ngaphandle uma kucelwa ikhophi eprintiwe

9.2.1.2.1 kuwebhusayithi yenhlangano yomphakathi;

9.2.1.2.2 enhlokohhovisi yenhlangano yomphakathi ukuze lihlolwe ngumphakathi ngezikhathi ezijwayelekile zokusebenza;

9.2.1.2.3 uma umuntu efuna ikhophi eprintiwe, inhlangano yomphakathi kufanele yenze ikhophi, kodwa ingacela inkokhelo efanele yokwenza ikhophi eprintiwe; kanye

9.2.1.3.4 nakuMlawuli uma ecelwa.

9.2.2 AmaBhukwana E-**PAIA** ezinhlangano ezizimele

9.2.2.1 Izinhlangano ezizimele nazo kudingeka ukuba zihlanganise ibhukwana[9] le-**PAIA**, kepha asikho isidingo sokuyihlanganisa ngezilimi ezingaphezu kolulodwa noma ngolimi oluthile, nakuba kunconywa ukuba amaBhukwana E-**PAIA** ezinhlangano ezizimele kufanele okungenani abe ngesiNgisi. Uma inhlangano ethile ihlinzeka ngezinsizakalo kubantu abaningi abangenayo imfundo efanele, uMlawuli uncoma ukuba ibhukwana laleyo nhlangano libe nangolunye ulimi olusemthethweni.

9.2.2.2 Okungenani, izinhlangano ezizimele kudingeka ukuba zenze ikhophi yeBhukwana Le-**PAIA** litholakale mahhala[10], ngaphandle uma kucelwa ikhophi eprintiwe

9.2.2.2.1 kuwebhusayithi yenhlangano ezimele

9.2.2.2.2 endaweni eyinhloko yebhizinisi lenhlangano ezimele ukuze lihlolwe ngumphakathi ngezikhathi zomsebenzi ezijwayelekile;

[8] *Isigaba 14(1) se-PAIA*
[9] *Ngokwesigaba 51 se-PAIA*
[10] *Isigaba 51(3) se-PAIA*

9.2.2.2.3 uma umuntu efuna ikhophi eprintiwe, inhlangano ezimele kumele yenze ikhophi, kepha ingacela inkokhiso efanele yokwenza leyo khophi eprintiwe; kanye

9.2.2.2.4 nakuMlawuli uma ecelwa.

9.2.3 UNgqongqoshe Wezobulungiswa Nezinsizakalo Zokuhlunyeleliswa Kwezimilo unamandla okukhulula[11] izinhlangano ezithile ezizimele noma isigaba esithile sezinhlangano ezizimele esibophweni sokwenza ibhukwana. Njengamanje, kuze kube ngumhla **ka-31 Disemba 2021**, uNgqongqoshe usezikhululile[12] zonke izinhlangano ezizimele, ngaphandle kwanoma iyiphi inkampani -

(a) engeyona inkampani ezimele njengoba kuchazwe esigabeni 1 soMthetho Wezinkampani, 2008 (uMthetho Nombolo 71 ka-2008);

(b) iyinkampani ezimele njengoba kuchazwe esigabeni 1 soMthetho Wezinkampani, 2008 (uMthetho Nombolo 71 ka-2008) osebenza kunoma yimiphi imikhakha eshiwo kukholamu 1 yesheduli kulesi Saziso futhi –

(i) inabasebenzi abangama-50 noma ngaphezulu ebaqashile; noma

(ii) inengqikithi yenzuzo yonyaka elingana noma engaphezu kwenani elisebenza kuyo elishiwo kukholomu 2 yethebula elingezansi,

ekuhlanganiseni ibhukwana elishiwo esigabeni 51(1) soMthetho oshiwo okokuqala isikhathi esiyizinyanga eziyisithupha (6) kusukela ngomhla **ka-1 Julayi 2021** kuya kumhla **ka-31 Disemba 2021**: -

Umkhakha	Inzuzo yonyaka
Wezolimo	R6 wezigidi
Wezezimayini Nezokumbiwaphansi	R22.5 wezigidi
Wezokukhiqiza	R30 wezigidi
Wezagesi, Igesi Namanzi	R30 wezigidi
Wezokwakha	R15 wezigidi
Wezokuthengisa Nokuhweba Ngezimoto Nokhanda	R45 wezigidi
Wezokuhweba Kuma-wholesale, Abathengisi Nemisebenzi Ehlanganyelwayo	R75 wezigidi
Wezokudla, Indawo Yokuhlala Nokunye Ukuhweba	R15 wezigidi
Ezokuthutha, Indawo Yokugcina Izinto Nezokuxhumana	R30 wezigidi
Ezezimali Nezamabhizinisi	R30 wezigidi
Izinsizakalo Zomphakathi, Ezikhethekile Nezomuntu Siqu	R15 wezigidi

[11] *Isigaba 51(4) se-PAIA*
[12] *USomqulu KaHulumeni nombolo: 39504, 11 Disemba 2015*

9.2.4 Ngenxa yokubaluleka kwesidingo somthetho sokuhlanganisa iBhukwana Le-**PAIA**, ikakhulukazi isichibiyelo[13] sesigaba 51 se-**PAIA** (ezoqala ukusebenza ngomhla ka-30 Juni 2021), maqondana nokuthi ubukhulu bolwazi okumele ibhukwana lelo libe nalo buye banwetshwa ukuze libhakandanye izindaba eziphathelene ne-**POPIA**, izinhlangano ezizimele ngeke zisakhululwa esibophweni sokuhlanganisa ibhukwana le-**PAIA**. Ngenxa yalokho, kusukela ngomhla ka-1 Januwari 2022, zonke izinhlangano ezizimele nezikahulumeni kuzodingeka ukuba zitholakale zinalo iBhukwana Le-**PAIA**, njengoba kushiwo endimeni 9.2.2.2 ngenhla.

9.2.5 Ukukhululwa kwezinkampani ezizimele esibophweni sokuhlanganisa ibhukwana le-**PAIA** akuzikhululi lezo zinkampani ezizimele ekuthobeleni i-**PAIA**. Lokhu kusho ukuthi noma yimuphi umuntu usengafaka isicelo sokuthola ulwazi enhlanganweni ezimele ekhululiwe. Ukukhululwa kumane kusho ukuthi lezo zinkampani ezizimele akudingeki zihlanganise ibhukwana le-**PAIA**.

9.2.6 Khumbula futhi, ukuthi akuzona zonke izinhlangano ezizimele eziyizinkampani, njengoba incazelo yenhlangano ezimele ibandakanya umuntu ongokwemvelo, umnikazi oyedwa kanye nomfelandawonye. Kodwa-ke, kusengakuhle ukuhlola iwebhusayithi yazo, njengoba ezinye iZinkampani zakha ibhukwana le-**PAIA** kungakhathalekile inani labasebenzi noma inzuzo yazo yonyaka.

9.3 Ukudalulwa ngokuzithandela kwamarekhodi athile nokuwenza atholakale ngokuzenzakalelayo

9.3.1 Amarekhodi atholakala ngokuzenzakalelayo yilawo inhlangano yomphakathi noma ezimele ezowahlinzeka ngaphandle kwesidingo sokuthi umceli afake isicelo se-**PAIA** (ngamanye amazwi, umuntu angavele alicele nje ngaphandle kokugcwalisa iFomu 2 Le-**PAIA**).

9.3.2 Isikhulu Sezolwazi enhlanganweni yomphakathi kudingeka, ngokwesigaba 15(1) se-**PAIA**, ukuba senze kutholakale uhlu noma imikhakha yamarekhodi atholakala ngokuzenzakalelayo, njengoba kushiwo endimeni 9.3.4 ngezansi.

9.3.3 Amarekhodi atholakala ngokuzenzekelayo enhlangano ezimele nawo angenziwa atholakale, ngokwesigaba 52(1) se-**PAIA**, kodwa ngokuzithandela ngokuya ngendima 9.3.4 ngezansi.

9.3.4 Incazelo yemikhakha yamarekhodi atholakala ngokuzenzakalelayo kufanele yenziwe itholakale

(a) kuMlawuli Wezolwazi;

(b) kuwebhusayithi yenhlangano; nokuba

(c) ihloleke, emahhovisi enhlangano ethintekayo ngezikhathi zomsebenzi ezijwayelekile.

[13] *Isigaba 110 se-POPIA*

9.3.5 Uyacelwa ukuba uqaphele ukuthi uMlawuli incazelo yamarekhodi enhlangano yomphakahti atholakala ngokuzenzakalelayo uzoyifaka kuwebhusayithi yayo.

9.3.6 Lolu hlu lubandakanya amarekhodi okungase kudingeke ukuba enziwe atholakale ngeminye imithetho, kanye namanye amarekhodi inhlangano ekhetha ukuwafaka. Ukuze kugwenywe inqubo yesicelo se-**PAIA**, umceli welulekwa ukuba ahlole iBhukwana Le-**PAIA** lenhlangano ethintekayo yomphakathi noma ezimele. Uma umuntu efisa ukuthola amarekhodi awela ngaphansi kohlu lwenhlangano lwamarekhodi atholakalayo ngokuzenzakalelayo, lowo muntu angavele acele ukuwathola ngaphandle kokugcwalisa iFomu 2 Le-**PAIA**.

9.3.7 UMthetho 6 Ka-2018 Wokuxhazwa Ngezimali Kwamaqembu Ezepolitiki uletha izinguquko ezithile nge-**PAIA**, lapho izinhloko zamaqembu ezepolitiki kudingeka ukuba zibhale futhi zigcine amarekhodi eminikelo yangasese, okuzodingeka ukuba enziwe abe sobala emphakathini ngaphandle kokuba umuntu afake isicelo se-**PAIA**.

10. IMINININGWANE YOKUXHUMANA NEZIKHULU ZEZOLWAZI

10.1 Yize imininingwane yokuxhumana neZikhulu Zezolwazi kuzo zonke izinhlangano zomphakathi kudingeka ukuba ishicilelwe kuwo wonke amabhuku ocingo, ngokwesigaba 16 se-**PAIA**, uMlawuli unemininingwane eqondile yokuxhumana nazo zonke iZikhulu Zezolwazi (kubandakanya amaSekela Ezikhulu Zezolwazi, aqokwe ngokwemigomo yesigaba 17 no-56 se-**PAIA** ne-**POPIA** ngokulandelana kwazo) ababhaliswe ngayo ngokwesigaba 55(2) se-**POPIA**.

10.2 Nakuba ukuthola imininingwane efanele yokuxhumana kungase ngokuvamile kube yingxenye eyinselele kakhulu yokwenza isicelo se-**PAIA**, njengoba izindima zishintsha njalo emkhakheni womphakathi futhi ibhukwana le-**PAIA** lingase lingabi ngelamuva, indawo yokuqala yokuthola imininingwane yokuxhumana kusafanele kube yilo iBhukwana Le-**PAIA** lenhlangano. Kodwa-ke, uma umceli engalitholi ibhukwana, ukushayela ihhovisi lenhlangano acele imininingwane edingekayo, nakho kungasiza.

10.3 KoMasipala, iNhlangano YaseNingizimu Afrika Yohulumeni Basekhaya (i-**SALGA**) ibeka imininingwane yabo bonke oMasipala kule linki:
http://www.salga.org.za/Municipalities%20MCD.html

10.4 Umnyango wezokuxhumana kaHulumeni nawo uyahlinzeka ngemininingwane yokuxhumana kazwelonke neyezifundazwe kanye nemininingwane yokuxhumana neziNkampani ZikaHulumeni ngaphansi kwale linki:
https://www.gov.za/about-government/contact-directory. Khumbula njalo ukuthi incazelo yeSikhulu Sezolwazi iyasiza ukubona ukuthi imininingwane kabani yokuxhumana edingekayo ukuze ubone iSikhulu Sezolwazi

11. INQUBO YOKWENZA ISICELO SOLWAZI

11.1 Amafomu esicelo

11.1.1 Isicelo sokuthola ulwazi singenziwa kukho kokubili ezinhlanganweni zomphakathi nezizimele.

11.1.2 I-**PAIA** idinga ukuthi uma ufuna ukwenza leso sicelo, kufanele uthumele isicelo ngefomu elidingekayo (lawa mafomu anqunywe yiMithethonqubo). Kunezinhlobo ezimbili ezingasetshenziswa lapho usebenzisa ilungelo lokuthola ulwazi.

IFomu 2	IFomu 4
Leli fomu lingasetshenziswa kuphela uma ufuna ukucela ukuthola amarekhodi ezinhlangano zomphakathi noma ezizimele.	Leli fomu lingasetshenziswa kuphela uma ufuna ukufaka isikhalazo sangaphakathi esiphikisa izinqumo zeZikhulu Zezolwazi noma lezo zamaSekela Ezikhulu Zezolwazi zeMikhakha KaHulumeni Kazwelonke, Wezifundazwe noma Wendawo lapho kufanele siye khan isikhalazo sangaphakathi.

11.1.3 La mafomu angatholakala kuwebhusayithi yoMlawuli ku https://www.justice.gov.za/inforeg/

11.2 Ukunquma ukuthi isicelo ngesemininingwane egcinwe yinhlangano ezimele noma yomphakathi

11.2.1 Inhlangano yomphakathi yenza umsebenzi womphakathi, njengokuhlinzeka umphakathi ngogesi noma ngamanzi. Ngenxa yalokho, inhlangano yomphakathi ayiyona nje uMnyango kaHulumeni kaZwelonke, weZifundazwe noma waSekhaya – ibandakanya izinkampani zikahulumeni noma iZinhlangano ZoMbuso ezifana noMlawuli, i-Eskom, noma i-PRASA, kodwa-ke, kufanele kwenziwe umehluko maqondana nenhlangano yomphakathi ngenhloso yesikhalo sangaphakathi, okubhekiswe kuphela kuHulumeni kaZwelonke, weSifundazwe noma waSekhaya.

11.2.2 Inhlangano ezimele yenza umsebenzi wangasese. Inhlangano enjalo (okungaba ngumuntu) wenza uhwebo, ibhizinisi noma umsebenzi othile. Kubaluleke kakhulu ukuqaphela ukuthi lapho kufakwa isicelo se-**PAIA** enhlanganweni ezimele, umuntu kufanele asho ukuthi yiliphi ilungelo alivikelayo noma alisebenzisayo ngokucela lolu lwazi. Mayelana nanoma yiluphi ulwazi olugcinwe ngomunye umuntu, uStreicher JA wafingqa le ndaba ngendlela elandelayo, **eCape Metropolitan Council v Metro Inspection Services (Western Cape) CC nabanye**[14],

[14] ***2001 (3) SA 1013*** *(SCA) indinyana 28 kwi-1026F–G*

"Iminingwane ingadingeka kuphela ekusetshenzisweni noma ekuvikelweni kwelungelo uma lizoba usizo ekusetshenzisweni noma ekuvikelweni kwelungelo. Lokhu kulandela ukuthi, ukuze kuvulwe icala lokutholakala kolwazi ngokwesigaba 32, umceli kufanele asho ukuthi yiliphi ilungelo afisa ukulisebenzisa noma ukulivikela, ukuthi yiluphi ulwazi oludingekayo nokuthi lolo lwazi lungamsiza kanjani ekusebenziseni noma ekuvikeleni lelo lungelo".

11.2.3 Ngezinye izikhathi umbuzo wokuthi irekhodi liyirekhodi lomphakathi noma langasese yini ungaba nzima futhi umphakathi welulekwa ukuba ufune izeluleko zomthetho. Isibonelo, uma inhlangano yomphakathi iqoka inhlangano ezimele ukuba iyenzele imisebenzi ethile, njengokufakwa kwamamitha amanzi emiphakathini ethile, ukuthola inani lamamitha afakiwe, noma ngabe lolo lwazi lugcinwe yileyo nhlangano ezimele, luyobhekwa njengolwazi lwenhlangano yomphakathi.

11.3 Umuntu ulichaza kanjani ilungelo anethemba lokulisebenzisa noma ukulivikela?

11.3.1 Lapho umuntu echaza ukuthi yiliphi ilungelo anethemba lokulisebenzisa lapho enza isicelo enhlanganweni ezimele, akakwazi ukubhekisela kwilungelo lokuthola ulwazi. Umuntu kufanele achaze ukuthi irekhodi alicelayo lidingeka kanjani ngokunengqondo ukuze avikele, noma asebenzise elinye ilungelo. Lokhu kungabandakanya amalungelo okungewona amalungelo angokomthethosisekelo kuphela.

11.3.2 Umuntu, ngokwesibonelo, angase adinge amapulani ayinhloko avela enkampanini engase ibe nomthelela emazingeni okonakalisa imvelo emphakathini, ukuze amsize ekuvikeleni ilungelo lomuntu ngokuqondene nemvelo ngokuqapha imisebenzi yaleyo nkampani. Noma umuntu angadinga amarekhodi, azomsiza ekunqumeni ukuthi unalo yini ilungelo lokumangalela inkampani ethile. Ngenxa yalokho, umuntu kudingeka:

11.3.2.1 Alisho ngokuthe ngqo ilungelo anethemba lokulivikela noma lokulisebenzisa, bese

11.3.2.2 Echaza ngokucacile ukuthi kungani irekhodi alicelayo lidingeka ngokuzwakalayo ekumsizeni ngalelo lungelo

11.3.3 Ngokuphambene nalokho, lapho kufakwa isicelo se-**PAIA** enhlanganweni yomphakathi, akudingeki ukuthi umuntu abe nesizathu sokucela ulwazi.

12. UBANI ONGENZA ISICELO SE-PAIA?

12.1 Noma yimuphi umuntu, noma ngabe ungowaseNingizimu Afrika noma akayena owaseNingizimu Afrika, uvunyelwe ukwenza isicelo ngaphansi kwe-**PAIA**. Umceli angaba ngumuntu wemvelo noma umuntu ongokomthetho.

12.2 Inhlangano yomphakathi ibhekwa njengomuntu ongokomthetho futhi ingenza isicelo sokuthola amarekhodi agcinwe yizinhlangano ezizimele, kodwa kuphela uma inhlangano yomphakathi -

12.2.1 yenzela ukuzuzisa umphakathi, futhi

12.2.2 uma amarekhodi edingeka ukuze kufezwe noma kuvikelwe noma yimaphi amalungelo ngaphandle kwalawo enhlangano yomphakathi.

12.3 Ngaphansi kwe-**PAIA** umceli akakwazi ukucela ukuthola irekhodi, lenhlangano yomphakathi, eliqukethe imininingwane yangasese ephathelene nomceli enhlanganweni yomphakathi[15], kodwa noma kunjalo umceli noma umnininilwazi, ngokwesigaba 23(1)(b) se-**POPIA**, angacela enhlanganweni ethintekayo irekhodi noma incazelo yemininingwane yomuntu siqu ephathelene nomnininilwazi egcinwe yileyo nhlangano ethinyekayo. Lokhu kusho ukuthi noma yimuphi umuntu manje angacela ukuthola imininingwane yakhe siqu egcinwe yinhlangano yomphakathi noma ezimele lapho eveza ubufakazi obanele bokuthi ungubani. Imininingwane yomuntu siqu leyo umceli angayicela enhlanganweni ethintekayo, okubandakanya imininingwane mayelana nobunikazi babo bonke abantu besithathu, noma izigaba zabantu besithathu, abaye, noma abake bayithola leyo mininingwane.

12.4 Ngokwesigaba 50(1) se-**POPIA**, noma yimuphi umuntu angacela ukuthola irekhodi, lenhlangano ezimele, eliqukethe imininingwane yangasese emphathelene nomceli noma umuntu isicelo esenzelwa yena.

13. SINGENZIWA KOBANI ISICELO?

13.1 ISikhulu Sezolwazi enhlanganweni yomphakathi kudingeka ukuba siqoke iSekela LeSikhulu Sezolwazi, okufanele liqinisekise ukuthi amarekhodi enhlangano yomphakathi atholakala ngakho konke okusemandleni. Yize lokhu bekungeyona imfuneko maqondana nenhlangano ezimele ngaphansi kwe-**PAIA**, inhlangano ezimele ingakhetha iSekela LeSikhulu Sezolwazi esishiwo ngenhla, ngokwesigaba 56 se-**POPIA**.

13.2 Isicelo sokutholakala kolwazi, nakuba singase siyiswe eSikhulwini Sezolwazi, singathunyelwa kwiSekela LeSikhulu Sezolwazi. Imininingwane yeSekela LeSikhulu Sezolwazi ingatholakala ebhukwini le-**PAIA** yaleyo nhlangano noma kuMlawuli.

14. UKUGCWALISA IFOMU

14.1 IFomu 2 - isicelo sokuthola irekhodi lenhlangano yomphakathi noma ezimele:

14.1.1 Ukuze agcwalise ifomu le-**PAIA**, umuntu kudingeka anikeze imininingwane eyanele ukuze iSikhulu Sezolwazi noma iSekela LeSikhulu Sezolwazi bakwazi ukubona ukuthi yimaphi amarekhodi afunwa ngumceli.

[15] *Isigaba 11(2) se-PAIA*

14.1.2 IMithethonqubo Ye-**PAIA** iyalicacisa ifomu okufanele lisetshenziswe, okumele lithunyelwe eSikhulwini Sezolwazi, noma kwiSekela LeSikhulu Sezolwazi kuleyo nhlangano.

14.1.3 Abaceli abangakwazi ukufunda nokubhala bangenza izicelo zomlomo eSikhulwini Sezolwazi noma kwiSekela LeSikhulu Sezolwazi enhlanganweni yomphakathi, okuyiso okuyobe sekumele sigcwalisele lowo mceli ifomu 2. Ifomu lamanje lizodinga ukuba ugcwalise lezi zingxenye ezilandelayo:

Imininingwane edingekayo	Incazelo
Imininingwane yenhlangano yomphakathi / ezimele	Le ngxenye kufanele ibe ne-imeyili nenombolo yefeksi efanele yeSikhulu Sezolwazi kanye/noma iSekela LeSikhulu Sezolwazi.
Imininingwane yomuntu ocela ukuthola amarekhodi	Lokhu kufanele kube nemininingwane eyanele mayelana nomceli ukuze kube lula ukumazi umceli, okubandakanya imininingwane yokuxhumana nomceli: ikheli leposi, ikheli le-imeyili, inombolo yefeksi kanye/noma yocingo yaseNingizimu Afrika. Iphinde icele nenombolo yakho kamazisi ukuqinisekisa ubuwena. Uma ulwazi ulucelela omunye umuntu, kumele kuhlinzekwe ubufakazi besikhundla owenza ngaso leso sicelo ('njengomuntu ogunyaziwe').
Imininingwane yerekhodi elicelwayo	Nikeza imininingwane ephelele yerekhodi ocela ukulithola, okubandakanya inombolo yereferensi uma uyazi, ukuze lelo rekhodi litholakale. (Uma isikhala esinikeziwe singanele, sicela uqhubeke ekhasini elihlukile bese ulihlanganisa nefomu. Wonke amakhasi angeziwe kufanele asayinwe.
Uhlobo lwerekhodi	Lokhu kufanele kube nemininingwane eyanele mayelana nerekhodi ukuze kube lula ukulifuna. Uma imininingwane edingekayo ingeke yanele esikhaleni esinikezwe efomini, kungasetshenziswa elinye ikhasi elibhalwe ngomshini noma ngesandla ukunikeza imininingwane eyengeziwe yesicelo, inqobo nje uma ikhasi ngalinye

Imininingwane edingekayo	Incazelo
	elengeziwe lisayiniwe futhi lahlanganiswa nefomu lesicelo. Ungase, ngokwesibonelo, ufake nokuthile okukhiphe embikweni noma kwabezindaba okukhomba irekhodi olifunayo. Ikuvumela ukuba ufake inombolo yereferensi yerekhodi, uma ikhona.
Izinkokhiso	Inhlangano, leyo umceli ahlose ukusithumela kuyo isicelo sokuthola irekhodi, okubandakanya irekhodi eliqukethe imininingwane yakhe, ingakucela ukuba ukhokhe imali yesicelo (imali yokuthola ulwazi) noma imali yediphozithi, kepha leyo mali akumele yeqe ngokweqile, njengoba lezi zinkokhiso kufanele zibe ngezesikhathi esizwakalayo esidingekayo ukucinga nokulungisa irekhodi. UNgqongqoshe angase ngesaziso kuSomqulu akukhulule ekukhokheni lezi zimali njengoba kubhalwe esigabeni 51.1 ngezansi. Kunikezwa isikhala sokuba umceli abonise ukuthi kungani ekholwa ukuthi kufanele akhululwe ekukhokheni noma yiziphi izimali. Isizathu singabandakanya, ngokwesibonelo, ukuthi akasebenzi.
Indlela yokuthola irekhodi	Le ngxenye ikuvumela ukuba uphawule ngo-"X" izindlela ofisa ukulithola ngazo irekhodi, ngekhophi ephrintiwe yerekhodi kanye/noma i-flash drive kanye/noma i-compact disc drive.
Isimo sokuthola irekhodi	Ngaphansi kwale ngxenye kumele usho ulimi ofuna ukulithola ngalo irekhodi (lokhu kungase kungenzeki maqondana nawo wonke amarekhodi, kepha kusamele usho lokho okukhethayo). Isimo sokuthola irekhodi singaba nomthelela ekwenqatshelweni ngenxa yezinkokhelo eziphezulu. Isibonelo, uma umceli efuna idokhumenti ngolimi oluthile alukhethayo,

Imininingwane edingekayo	Incazelo
	kungase kudingeke ukuba akhokhele izindleko zokuguqulela lelo rekhodi olumini alufunayo. Kodwa-ke, uma irekhodi lingatholakali ngolimi olufunayo, ungavunyelwa ukulithola ngolimi lelo rekhodi elitholakala ngalo. Isimo sokuthola irekhodi singabandakanya ukuzihlolela wena irekhodi, ukuthunyelwa kwerekhodi nge-imeyili, noma ifeksi noma ikhuriya noma iposi.
Isaziso esiphathelene nesicelo sokuthola ulwazi	Kunikezwa isikhala sokuba umceli achaze indlela afisa ukwaziswa ngayo ngesinqumo sokuvunywa noma sokwenqatshwa kwesicelo. Umceli angacacisa ngokwesibonelo ukuthi angathanda ukuthintwa nge-imeyili noma ngocingo noma impendulo ingathunyelwa ngeposi noma ngekhuriya.
Imininingwane yelungelo elizosetshenziswa noma elizovikelwa	Lapho ecela ulwazi enhlanganweni ezimele umceli kudingeka ukuba achaze “imininingwane yelungelo okufanele lisetshenziswe noma livikelwe”. Lapha kufanele asho ilungelo athembele kulo (njengelungelo lakhe lokuba sendaweni enempilo) nokuthi irekhodi alicelayo lizomsiza kanjani ekusebenziseni noma ekuvikeleni lelo lungelo. Kumele abonise ukuxhumana phakathi kwerekhodi alifunayo, nokusetshenziswa noma ukuvikelwa kwelungelo. Ngeshwa, ngokungafani nesicelo sokuthola irekhodi lenhlangano yomphakathi, akakwazi ukuthola irekhodi lenhlangano ezimele uma engachazanga ilungelo noma amalungelo ahlose ukuwavikela noma ukuwasebenzisa uma eyinikwa imvume. Lokhu kungabandakanya iqiniso lokuthi ngemuva kokuthola amarekhodi, uzobe esesebenzisa ilungelo lakhe lokuvikelwa nokuhlomula ngomthetho[16] ngokumangalela leyo nhlangano ngomonakalo okungenzeka uye wabhekana nawo.

[16] *Isigaba 9(1) somthethosisekelo weRiphabhuliki YaseNingizimu Afrika, uMthetho 108 ka-1996*

14.1.4 Uma ngasizathu simbe isicelo sakhe singahambisani nezimfuneko ezibalulwe ngenhla, iSikhulu Sezolwazi ngeke sivele sisenqabe nje isicelo sakhe, ngaphandle uma simazisa umceli ukuthi sihlose ukusenqaba isicelo, sinikeze nezizathu. ISikhulu Sezolwazi kumele simazise nokuthi sizomsiza umceli noma simnikeze ithuba lokulungisa iphutha.

15. IZINKOKHISO

15.1 Ngokuvamile, izinkokhiso kudingeka zikhokhelwe kokubili ukwenza isicelo, kodwa futhi ukhokhele nezindleko zokuthola amarekhodi ngokwesicelo. Nakuba kunjalo, zikhona izimo okungakhokhiswa kuzo. Uma umceli enikezwa imvume yokuthola amarekhodi awacelile futhi engakhululwanga ekukhokheni noma yiziphi izimali, njengoba kushiwo endimeni 15.2 ngezansi, iSikhulu Sezolwazi noma iSekela LeSikhulu Sezolwazi enhlanganweni yomphakathi noma ezimele lingamkhokhisa imali enqunyiwe maqondona nezinhlu ezilandelayo -

PHAWULA: Uhlaka lwezinkokhiso maqondana nezimali ezikhokhelwa iZinhlangano Zomphakathi NeZizimele lungatholakala kuwebhusayithi yoMlawuli Wezolwazi.

Isici	Incazelo
1	Inkokhiso yesicelo ekhokhwa yibo bonke abaceli
2	Ifothokhophi yekhasi eliyi-A4
3	Ikhophi eprintiwe yekhasi eliyi-A4
4	Ngokuqondene nekhophi efundeka kwikhompyutha: (i) I-Flash drive (kumele ilethwe umceli) (ii) I-Compact disc • Uma ilethwe umceli • Uma ihlinzekelwe umceli
5	Ukuguqulelwa emagameni kwerekhodi eliyizithombe ikhasi ngalinye eliyi-A4
6	Ikhophi yezithombe
7	Ukuguqulelwa emagameni kwerekhodi eliyinkulumo, ikhasi ngalinye eliyi-A4
8	Ikhophi yerekhodi eliyinkulumo: (i) I-Flash drive (kumele ilethwe umceli) (ii) I-Compact disc • Uma ilethwe umceli • Uma ihlinzekelwe umceli
9	Ukucinga irekhodi nokulilungiselela ukulikhipha ihora ngalinye noma ingxenye yehora, ngaphandle kwehora lokuqala, elidingeka ngokufanelekile kulokho kucinga nokulungiselela. Kungadluli ingqikithi yezindleko engu Postage, e-mail or any other electronic transfer
10	Idiphozithi: Uma ukucinga kweqa emahoreni ayi-6
11	Iposi, i-imeyli noma enye indlela yokuthumela ngezobuchwepheshe

15.2 Umceli akudingeki akhokhe imali yokuthola ulwazi[17] enhlanganweni yomphakathi uma:-

15.2.1 Engumuntu ongashadile umholo wakhe wonyaka, ngemuva kokudonswa okuvumelekile, njenge-**PAYE** ne-**UIF**, ungaphansi kuka-**R14712.00** ngonyaka, noma

15.2.2 Eshadile futhi umholo wakhe uhlangene nowakwakhe, ngemuva kokudonswa okuvumelekile, njenge-**PAYE** ne-**UIF**, ungaphansi kuka-**R27192.00** ngonyaka.

15.3 Sicela wazi ukuthi inhlangano yomphakathi noma ezimele ingacela, kwiFomu 4 kwiMithethonqubo, idiphozithi kumceli, kodwa kuphela uma ikholelwa ukuthi imininingwane noma amarekhodi aceliwe kuzothatha amahora angaphezu kwayisithupha (6) ukuwacinga, kepha inani lediphozithi alikwazi ukuba ngaphezu kwengxenye eyodwa kwezintathu zemali ebekiwe.

16. INGABE ISIKHULU SEZOLWAZI SIYOMSIZA UMCELI ENZE ISICELO SE-PAIA?

16.1 Indima yeZikhulu Zezolwazi kanye/noma amaSekela EZikhulu Zezolwazi kokubili ezinhlanganweni zomphakathi nezizimele, maqondana nokucutshungulwa kwezicelo zokuthola amarekhodi, kumele:

16.1.1 zithole isicelo se-**PAIA** noma se-**POPIA**;

16.1.2 ziqondise ukucutshungulwa kwesicelo enhlanganweni;

16.1.3 zithathe isinqumo sokuvumela noma ukwenqabela ukutholakala kwamarekhodi acelwayo;

16.1.4 zikuxhumane nomceli (isb. zingadinga ukucela eminye imininingwane kumceli noma zingadinga ukucela ukwelula isikhathi sokusingatha isicelo, njll);

16.1.5 zazise umceli ngomphumela wesicelo sakhe se-**PAIA**, isaziso okufanele sinikezwe ngokushesha ngangokunokwenzeka kodwa zingakapheli izinsuku ezingama-30 ngemuva kokuthola isicelo. Isikhathi sokuqala sezinsuku ezingama-30 singanwetshwa kube kanye isikhathi esingeqile kwezinye izinsuku ezingama-30, uma ngokwesibonelo, umceli evumelene nokwelulwa kwesikhathi noma uma ukucingwa kwamarekhodi aceliwe kungenakuphothulwa phakathi nesikhathi sokuqala.

16.1.6 zinikeze umceli izizathu zesinqumo sokunqabela ukutholakala kwamarekhodi. Kubaluleke kakhulu ukuthi izizathu zokwenqaba ezinikezwayo zicace bha, zenabe kahle futhi kufanele zibe nokuthile okuvela ezigabeni ezithile ze-**PAIA** (bheka indima 19.4 ngezansi, maqondana nezizathu zokwenqatshwa kokutholakala kwamarekhodi[18]);

[17] ngokwesaziso sikaHulumeni R991 sika-14 Okthoba 2005
[18] Isigaba 33 kuya ku-46 se-PAIA

16.1.7 zazise abantu besithathu abafanele ngenqubo yokwazisa abantu besithathu, ngokwesigaba 47 se-**PAIA**; futhi

16.1.8 uma ukutholakala kwamarekhodi kuvunywa, zinike umceli ikhophi yerekhodi.

16.2 Lapho kwaziswa umceli ngesinqumo, makushiwo nezindlela zokuthola usizo olukhona kanye nezikhathi ezifanele (usizo olutholakalayo luhlukile ezinhlanganweni zomphakathi nezizimele).

16.3 Indima nezibopho ezengeziwe zeZikhulu Zezolwazi kanye/noma amaSekela EZikhulu Zezolwazi zichazwe kabanzi kwiZiqondiso zeZikhulu Zezolwazi namaSekela EZikhulu Zezolwazi, uZiqondiso ezitholakala ku https://www.justice.gov.za/inforeg/docs.html

16.4 Ngenxa yokuthi umsebenzi weZikhulu Zezolwazi kanye/noma amaSekela EZikhulu Zezolwazi uwukwenza lula isicelo sokutholakala kolwazi, lokhu kusho nokuthi zinezibopho ezihlukahlukene kulabo abenza isicelo.

16.5 IZikhulu Zezolwazi kanye/noma amaSekela EZikhulu Zezolwazi kumele usizo zilunikeze mahhala.

16.6 IZikhulu Zezolwazi kanye/noma amaSekela EZikhulu Zezolwazi enhlanganweni yomphakathi zinale misebenzi ekhethekile elandelayo:

Imisebenzi YeZikhulu Zezolwazi	Incazelo
Ukusiza ekugcwaliseni ifomu	ISikhulu Sezolwazi kufanele sinikeze usizo olufanele kumceli ekugcwaliseni ifomu lakhe le-**PAIA**, futhi asinakwenqaba ukwamukela ifomu elingagcwaliswanga kahle ngaphandle kwalapho silunikezile lolo sizo, noma sicelile ukulekelela noma ukusiza kodwa umceli wenqaba.
Ukuhlinzeka ngemininingwane edingekayo	Uma kungenzeka, iSikhulu Sezolwazi kufanele sinikeze umceli noma yimiphi eminye imininingwane engase ibaluleke, ngisho noma ingacelwanga ngqo.
Ukudlulisela isicelo	Lokhu kungumsebenzi obaluleke kakhulu. Uma isicelo se-**PAIA** senziwa enhlanganweni yomphakathi engafanele, iSikhulu Sezolwazi kufanele sidlulisele isicelo ehlanganweni yomphakathi efanele zingakapheli **izinsuku**

Imisebenzi YeZikhulu Zezolwazi	Incazelo
	eziyi-14 sisitholile leso sicelo futhi kufanele sazise umceli ngokumbhalela ukuthi yilokho esikwenzile ngesicelo sakhe. Uma isicelo sesidlulisiwe, iSikhulu Sezolwazi esifanele kumele siphendule ngesinqumo zingakapheli **izinsuku ezingama-30.**
Ukuhlehliswa kokukhishwa kwamarekhodi	ISikhulu Sezolwazi singanquma ukuhlehlisa ukukhishwa kwerekhodi kumceli uma lelo rekhodi lizoshicilelwa zingakapheli izinsuku ezingama-90 noma uma lelo rekhodi lifunwa ngumthetho ukuba lishicilelwe kodwa kuwuthi yikhona lisazoshicilelwa.

16.7 Kukho kokubili izinhlangano zomphakathi nezizimele, iSikhulu Sezolwazi, uma singakwazi ukuthola amarekhodi athile aceliwe noma sikholelwa ukuthi lawo marekhodi awekho, kumele sithumele incwadi efungelwe enabile noma isiqinisekiso[19] kumceli sinimkeza isaziso sokuthi amarekhodi awacelile awekho noma awatholakali, kodwa futhi sichaze nezinyathelo esizithathile ukuwafuna.

17. USIZO OLUTHOLAKALA KUMLAWULI WEZOLWAZI NGOKWE-PAIA NE-POPIA

17.1 ISikhulu Sezolwazi enhlanganweni yomphakathi sinesibopho sokunikeza usizo olufanele[20], mahhala, lapho kudingeka ukuze lowo mceli noma umninilwazi ahambisane nendlela yokuthola ulwazi njengoba kushiwo esigabeni 18 se-**PAIA** nasesigabeni 23 se-**IPOPIA**.

17.2 Kodwa-ke, uma iSikhulu Sezolwazi sihluleka ukufeza umsebenzi waso, okukhulunywe ngawo endimeni 17.1 ngenhla, umceli noma umninilwazi angafaka isikhalazo kuMlawuli futhi uMlawuli, lapho kuphenywa, angakhipha iSaziso Sokuphoqelela esiqondisa eSikhulwini Sezolwazi ukuba sinikeze usizo olufanele.

17.3 UMlawuli, uma kungenzeka, eceliwe, angasiza noma yimuphi umuntu ofisa ukusebenzisa noma yiliphi ilungelo elishiwo kwi-**PAIA** ne-**POPIA**[21], futhi lokhu kubandakanya ukunikeza usizo olufanele, mahhala, lapho kudingeka ukuze lowo mceli noma umninilwazi ahambisane nendlela yokuthola ulwazi njengoba kushiwo esigabeni 18 no-53 se-**PAIA** nasesigabeni 23 se-**POPIA**.

17.4 Lokhu okungenhla kubandakanya ukunikeza isiqondiso sendlela yokugcwalisa ifomu lokuthola ulwazi olufunwa umuntu ongakwazi ukubhala nokufunda nongaboni.

[19] *Isigaba 23(1) no-51(1) ze-PAIA*
[20] *Isigaba 19(1) se-PAIA*
[21] *Isigaba 83(3)(c) se-PAIA*

18. ISIKHULU SEZOLWAZI SINGAKWAZI YINI UKWELULA IZIKHATHI EZIDINGEKAYO?

18.1 Uhlaka lwenqubo nezikhathi ezibalulekile ezidingekayo ziqukethwe emdwebeni wenqubo yokufaka isicelo se-**PAIA**, endimeni 27 ngezansi. Ukuba nezikhathi ezibekiwe kuyingxenye ebalulekile ye-**PAIA**, njengoba kukhuthaza ukuphathwa ngendlela ephumelelayo kwezicelo zokuthola amarekhodi.

18.2 Ukukukhumbuza, uma ususithumele isicelo sakho kahle, iSikhulu Sezolwazi noma iSekela LeSikhulu Sezolwazi, okuyiso esithunyelelwe noma esidluliselelwe isicelo, kufanele sikuphendule ngokushesha ngangokunokwenzeka kodwa kunoma yikuphi **zingakapheli izinsuku ezingama-30**[22]. Kodwa-ke, iSikhulu Sezolwa enhlanganweni yomphakathi noma ezimele singacela ukwelulwa kube kanye **kwesikhathi sezinsuku ezingama-30**[23], kodwa kuphela uma:

18.2.1 isicelo sifuna inqwaba yamarekhodi noma sidinga ukuba kucingwe emarekhodini amaningi kakhulu futhi, ngaphandle kokwelulwa kwesikhathi, lokhu kucinga kungaphazamisa imisebenzi evamile yaleyo nhlangano ethintekayo;

18.2.2 isicelo sidinga ukuba kucingwe kumarekhodi asehhovisi aleyo nhlangano angekho edolobheni elifanayo futhi ngaleyo ndlela kungenakuphothulwa zingakapheli izinsuku ezingama-30; kanye/noma

18.2.3 kudingeka ukuba kuthintwe abathile ngezinga elithile ukuze kufezwe isicelo, okuyinto engenakuphothulwa zingakapheli izinsuku ezingama-30.

18.3 ISikhulu Sezolwazi kufanele sazise umceli ngenhloso yaso yokunweba ubude besikhathi sokuqala, futhi sisho ubude besikhathi esinwetshiwe, isizathu sokunwetshwa kwesikhathi, futhi simazise umceli ngelungelo lakhe -

18.3.1 lokukhalaza lolo daba kwiziphathimandla ezifanele;

18.3.2 lokukhalaza kuMlawuli; noma

18.2.3 lokufaka isikhalo enkantolo sokuphikisa ukwelulwa kwesikhathi lapho kudingeka.

18.4 ISikhulu Sezolwazi kufanele futhi sazise umcelio ngenqubo yelungelo ngalinye kulawa ashiwo ngenhla esazisweni[24].

19. IZIMPENDULO ZESICELO SOKUTHOLA ULWAZI

19.1 I-**PAIA** inikeze umphakathi ilungelo lokucela ukuthola amarekhodi kunoma iyiphi inhlangano yomphakathi noma ezimele. Kuvame ukuchazwa njengomthetho ogcina izakhamuzi zazi ngohulumeni wazo. Izinhlangano zomphakathi kudingeka zidalule noma yiluphi ulwazi olucelwe ngaphansi kwe-**PAIA** ngaphandle uma

[22] Isigaba 25(1) se-PAIA
[23] Isigaba 26(1) se-PAIA
[24] Isigaba 26(3) se-PAIA - isaziso sokunweba isikhathi kumele sisho ukuthi umceli angakwazi ukufaka isikhalazo sangaphakathi, akhalaze kuMlawuli Wezolwazi, kuye ngezimo, ngokunwetshwa kwesikhathi, nangenqubo (okubandakanya ubude besikhathi) ukufaka isikhalazo sangaphakathi, ukukhalaza kuMlawuli Wezolwazi, kuye ngezimo.

ingena ngaphansi kwesinye sezizathu **zokukhululwa eziyishumi nambili (12)** noma izizathu zokuthi kungani ukutholakala kwamarekhodi enhlangano yomphakathi kungase kungavunyelwa noma kungafanele kuvunyelwe[25] kanye nezizathu zokukhululwa **eziyisikhombisa (7)** noma izizathu zokuthi kungani ukuthola amarekhodi enhlangano ezimele kungase kungavunyelwa noma kungafanele kuvunyelwe[26]. Izizathu zokukhululwa eziyishumi nesishiyagalolunye (19) ezihlinzekwe kwi-**PAIA** zihloselwe ukuvikela izintshisekelo ezifana nobumfihlo bemininingwane yomuntu siqu, ukuphepha kwezwe, kanye nokugcinwa komthetho.

19.2 Isimiso esiyisisekelo sokusetshenziswa kwe-**PAIA** siwukukholelwa ekubekeni izinto obala. Lokhu kusho ukuthi noma yisiphi isizathu sokunciphisa lokhu kubekwa kwezinto obala kumele sizwakale. Izinhlangano zomphakathi kufanele nokuba zibheke ukuthi ingabe zingakwazi yini ukudalula ingxenye ethile yolwazi noma nini lapho zinquma ukuthi ukudalulwa kwalo lonke ulwazi akunakwenzeka futhi kufanele zikhiphe noma zihlele kabusha imininingwane engenakudalulwa bese ziyidalula yonke esele.

19.3 Izinhlobo zezimpendulo zezicelo

19.3.1 Lapho isicelo sokuthola irekhodi sesenziwe, iSikhulu Sezolwazi noma iSekela LeSikhulu Sezolwazi, uma isicelo sokuthola irekhodi sivunywa noma sinqatshwa, kumele sazise umceli-

(a) Ngesinqumo saso, kanye
(b) Nezinkokhiso ezifunekayo, uma zikhona,

efomini elihambisana kakhulu neFomu 3 leSithasiselo A kwiMithethonqubo.

19.3.2 Kodwa-ke, i-**PAIA** inikeza uhlu lwezizathu noma izisekelo (zokukhululwa) (bheka indima 19.4 no-19.6 ngezansi) zokuthi kungani isicelo singase senqatshwe noma kufanele senqatshwe. Lokhu kubalulekile, njengoba isicelo singenqatshwa kuphela ngesisekelo sesinye salezi zizathu ezisohlwini lokwenqabela ukuthola amarekhodi.

19.3.3 Naphezu kwezizathu ezibalulwe ngenhla zokwenqatshwa kokutholakala kwamarekhodi, iSikhulu Sezolwazi enhlanganweni yomphakathi kufanele sisivume isicelo sokuthola irekhodi lenhlangano uma intshisekelo yomphakathi ekudalweni kwerekhodi kusobala ukuthi idlula ubungozi obushiwo ezizathwini zokwenqaba ezisohlwini. Lokhu kusho ukuthi umceli angathembela kwintshisekelo yomphakathi noma nini lapho kusetshenziswa esinye sezizathu zokwenqabela ukutholakala kwamarekhodi.

19.3.4 Ngamafuphi, izizathu zokuthi kungani ulwazi lungenakudalulwa zihambisana nokuthi ukudalulwa kwalolo lwazi kungadala umonakalo omkhulu yini kunokungadalulwa kwalo. Kunezinhlobo ezimbili ezehlukene zezizathu zokwenqabela ukutholakala kwamarekhodi enhlangano:

[25] Isahluko 4 se-PAIA- izizathu zokwenqabela ukutholakala kwamarekhodi (isigaba 34-45 se-PAIA)
[26] Isahluko 4 of PAIA - izizathu zokwenqabela ukutholakala kwamarekhodi (isigaba 63-69 se-PAIA)
[27] Isigaba 46 se-PAIA

19.4 **Izizathu eziyimpoqo zokwenqaba (izizathu zokukhululwa)**

19.4.1 Ngenxa yezizathu eziyimpoqo, iSikhulu Sezolwazi noma iSekela LeSikhulu Sezolwazi kufanele sisenqabe isicelo ngoba ziyasebenza kulo rekhodi.

19.4.2 Kunezizathu eziyimpoqo eziningi kunezizathu ezingeyona impoqo. Lokhu okulandelayo kuyizizathu eziyimpoqo zokwenqaba, futhi iSikhulu Sezolwazi noma iSekela LeSikhulu Sezolwazi kumele sisenqabe isicelo ngoba ziyasebenza kulelo rekhodi –

19.4.2.1 **Ukuvikelwa okuyimpoqo kwemininingwane yangasese yomuntu wesithathu ongumuntu wemvelo;**
ISikhulu Sezolwazi enhlanganweni yomphakathi noma ezimele akufanele sivumele umceli ukuba athole imininingwane eyimfihlo yomunye umuntu uma lokho kuzoba 'ukudalula okungafanele'. Izigaba ngokwazo ziveza izizathu ezimbalwa lapho lokhu kungasebenzi khona, njengalapho amarekhodi esevele esesemphakathini, noma lapho umuntu eyinikezile imvume. Udaba lwemvume lubaluleke kakhulu njengoba luxhuma kwenye ingxenye yenqubo umceli okufanele ayazi, ephathelene nezaziso zokwazisa abantu besithathu, ngokwesigaba 5 se-**PAIA**.

19.4.2.2 **Ukuvikelwa okuyimpoqo kwamarekhodi athile oPhiko Lwezentela LwaseNingizimu Afrika;**
ISikhulu Sezolwazi Sakwa-**SARS** akufanele sivumele umceli ukuba athole amarekhodi atholwe, noma agcinwe ngu-**SARS** ngezinhloso zokuqoqa imali. Kodwa-ke, amarekhodi atholwe noma agcinwe yi-**SARS** awanakwenqatshelwa uma isicelo senziwa ngumceli ofuna amarekhodi akhe noma omuntu amcelelayo.

19.4.2.3 **Ukuvikelwa okuyimpoqo kolwazi lwezebhizinisi lomuntu wesithathu;**
ISikhulu Sezolwazi enhlanganweni akumele sivumele umceli ukuba athole ulwazi lwezebhizinisi lomunye umuntu (ngamanye amagama, okungeyena umceli noma ocelwayo). Lokhu kungabandakanya ulwazi olunjengezimfihlo zokuhweba, noma lokho okungasongela ibhizinisi lalowo muntu wesithathu. Isibonelo, i-**KFC** isebenzisa amaresiphi athile, okubandakanya nezithako ezithile ezenziwe umuntu wesithathu, okuyizimfihlo zokuhweba zalowo muntu wesithathu futhi ukuzidalula kungasongela ibhizinisi lalowo muntu wesithathu.

19.4.2.4 **Ukuvikelwa okuyimpoqo kolwazi oluthile oluyimfihlo, nokuvikelwa kolunye ulwazi oluyimfihlo, lomuntu wesithathu;**
IZikhulu Zezolwazi ezinhlanganweni zomphakathi nezizimele akumele zivumele umceli ukuba athole irekhodi uma ukukhishwa kwalo kuzofana nokwephula isivumelwano sokugcina imfihlo esenziwe nomuntu wesithathu.

19.4.2.5 **Ukuvikelwa okuyimpoqo kokuphepha kwabantu, nokuvikelwa kwempahla;**
ISikhulu Sezolwazi ezinhlanganweni somphakathi nezizimele akumele sivumele umceli ukuba athole irekhodi uma ukukhishwa kwalo kungalindeleka ukuba kubeke engcupheni ukuphepha komuntu. Ezigabeni ezifanayo, ibuye ithi iSikhulu Sezolwazi enhlanganweni singase sikwenqabele ukutholakala kwerekhodi uma kungenzeka kuthikameze ukuphepha kwesakhiwo noma kwempahla.

19.4.2.6 **Ukuvikelwa okuyimpoqo kwamadokhethi amaphoyisa lapho kwenziwa ibheyili, nokuvikelwa kokugcinwa komthetho kanye nezinqubo zomthetho;**
ISikhulu Sezolwazi enhlanganweni yomphakathi akumele sivumele umceli ukuba athole amarekhodi anjengamarekhodi ebheyili asevele evikelwe kakade yisigaba 60 soMthetho Wenqubo Yobugebengu. Kuso lesi sigaba, ibuye ithi iSikhulu Sezolwazi enhlanganweni yomphakathi singase sikwenqabele ukutholakala kwamarekhodi okuphoqelelwa komthetho aveza izindlela, amasu, izinqubo zokuvimbela ubugebengu, noma ukushushiswa kwezigebengu, kanye namanye amarekhodi ahlobene nezinqubo zomthetho ezenzekayo.

19.4.2.7 **Ukuvikelwa okuyimpoqo kwamarekhodi avinjelwe ukukhiqizwa ezinqubweni zomthetho;**
ISikhulu Sezolwazi enhlanganweni ezimele akumele sivumele umceli ukuba athole irekhodi uma lelo rekhodi livinjelwe ukukhiqizwa ezinqubweni zomthetho, ngaphandle kwalapho umuntu onelungelo lalelo rekhodi elisusa ilungelo lakhe.

19.4.2.8 **Ukuvikelwa okuyimpoqo kolwazi locwaningo lomuntu wesithathu, kanye nokuvikelwa kolwazi locwaningo lwenhlangano yomphakathi noma ezimele.**
ISikhulu Sezolwazi enhlanganweni akumele sivumele umceli ukuba athole irekhodi uma lelo rekhodi lithintene nocwaningo olwenziwa, noma oluzokwenziwa, yileyo nhlangano ethintekayo futhi ukukhishwa kwalo kungadalula umcwaningi, umuntu wesithathu noma udaba olucwaningwayo okungabangela izinkinga ezinkulu.

19.4.3 Uyacelwa ukuba uphawule ukuthi lezi zizathu ezingenhla eziyimpoqo zokwenqabela ukutholakala kwamarekhodi ziyafana ngadlelathile ezinhlanganweni zomphakathi nezizimele, ngaphandle kokuvikelwa okuyimpoqo kwamarekhodi athile oPhiko Lwezentela LwaseNingizimu Afrika, amadokhethi amaphoyisa lapho kwenziwa ibheyili, ukuphoqelelwa komthetho nawezinqubo zomthetho, ezisebenza kuphela ezinhlanganweni zomphakathi.

19.4.4 Uma kuyingxenye ethile kuphela yerekhodi ethintwa yizizathu zokwenqaba, iSikhulu Sezolwazi enhlanganweni yomphakathi noma ezimele singaphansi kwesibopho sokubheka ukuthi ukudalulwa kwengxenye ethile yolwazi kungenzeka yini noma nini lapho sinquma ukuthi ukudalulwa kwalo lonke ulwazi akunakwenzeka kufanele sithathe izinyathelo ezifanele zokukhipha noma ukuhlela kabusha leyo ngxenye engenakunikezwa umceli bese siyivumela yonke ingxenye esele yerekhodi

19.5 **Kuthathwa ngokuthi isicelo senqatshiwe**[28]

19.5.1 Ukwehluleka ukuphendula kahle isicelo singakapheli isikhathi esibekiwe kubhekwa ngokuthi 'kuthathwa ngokuthi isicelo senqatshiwe'. Lokhu kubalulekile, ngoba i-**PAIA** ivumela umceli ukuba aphikise isinqumo lapho kungekho sinqumo esenziwe nesicelo singanakangwa. Umceli angavele asho nje lapho efaka isikhalazo sangaphakathi ukuthi akatholanga mpendulo.

19.5.2 Isicelo sokuthola amarekhodi sithathwa njengesenqatshiwe ngemuva kokuphela kwezinsuku ezingama-30 noma kwesikhathi eseluliwe, inhlangano yomphakathi noma ezimele ingaphenduli.

19.6 **Izizathu zokwenqaba ezingeyona impoqo**

19.6.1 Ngenxa yezizathu ezingeyona impoqo, iSikhulu Sezolwazi noma iSekela LeSikhulu Sezolwazi singabheka ukuthi sisenqabe yini noma cha isicelo ngoba izizathu zisebenza kwirekhodi eliceliwe. Ngenxa yokuthi aziyona impoqo, iSikhulu Sezolwazi kufanele sisebenzise umqondo waso ngokufanele lapho sibheka izizathu ezihlukahlukene, okuyilezi:

19.6.1.1 **ezokuvikela zaseNingizimu Afrika, ezokuphepha kanye nobudlelwano bamazwe omhlaba:** ISikhulu Sezolwazi singakwenqabela ukutholakala kolwazi uma ukukhishwa kwalo kungalindeleka ukuba kusongele ezokuvikela noma ukuphepha kwezwe. Lokhu kungasebenza nalapho ukukhishwa kolwazi kungalimaza ubudlelwano beNingizimu Afrika nelinye izwe, njengokuveza amarekhodi ahlinzekwe ngokuyimfihlo.

19.6.1.2 **Ezomnotho, ezezimali nezebhizinisi:** ISikhulu Sezolwazi singase sikwenqabele ukutholakala kolwazi uma ukukhishwa kwalo kuzolimaza ezomnotho nezezimali zeRiphabhuliki;

[28] *Isigaba 27 no-58 ze-PAIA*

19.6.1.3 **Ukusebenza kwezinhlangano zomphakathi:** ISikhulu Sezolwazi enhlanganweni yomphakathi singakwenqabela ukutholakala kolwazi uma ukukhishwa kwalo kungaphazamisa imisebenzi, ngokwesibonelo uma izama ukwakha inqubomgomo, noma ibhunga ngodaba oluthile;

19.6.1.4 **Izicelo ezibonakala zingenasisekelo noma ezichukuluzayo:** IZikhulu Zezolwazi zingase sisenqabe isicelo solwazi uma zinombono wokuthi ukucubungula lezo zicelo kuzothatha isikhathi ngokungadingekile, kuholele ekuchithekeni kwezimali. Ngaphezu kwalokho, zingakwenqabela ukutholakala kwerekhodi uma kubonakala sengathi umceli wenzela ukucasula nokuchukuluza okungadingekile.

20. UKUDALULWA OKUYIMPOQO KWAMAREKHODI OKUZOZUZISA UMPHAKATHI

20.1 Ngisho noma sikhona isizathu esingeyona impoqo noma esiyimpoqo sokwenqaba isicelo sokuthola amarekhodi ezinhlangano zomphakathi noma ezizimele, kuhlale kunethuba lokuthi izidingo zomphakathi ekudalulweni kwerekhodi zibaluleke kakhulu kunokulimala okungase kubangelwe ukukhishwa kwerekhodi.

20.2 Lapho ukubaluleka kwezidingo zomphakathi kukhona njengoba kushiwo ngenhla futhi ukudalulwa kwerekhodi kuzoveza ubufakazi bokwephulwa okukhulu, noma ukwehluleka ukuthobela umthetho; noma ingozi yokuphepha komphakathi eseduze futhi ebucayi noma ukuba sengcupheni kwezemvelo, lapho-ke iSikhulu Sezolwazi enhlanganweni kufanele sisivume isicelo sokuthola irekhodi naphezu kokuba nezizathu zokwenqaba ezishiwo ngenhla.

21. INQUBO YOKWAZISA UMUNTU WESITHATHU[29]

21.1 ISikhulu Sezolwazi noma iSekela LeSikhulu Sezolwazi enhlanganweni, ngokwesigaba 47 no-71 se-**PAIA**, kudingeka sithathe zonke izinyathelo ezifanele zokwazisa umuntu wesithathu ngesicelo serekhodi lakhe noma amarekhodi angaba yirekhodi eliqukethe imininingwane yomuntu yangasese,

21.1.1 irekhodi lakwa-**SARS**;

21.1.2 izimfihlo zokuhweba

21.1.3 imininingwane ukudedelwa kwayo okungaba yizizathu zesenzo sokwephula isibopho sokugcina imfihlo; noma ulwazi locwaningo olungadalula othile noma udaba okungabangela umonakalo omkhulu.

21.2 Isaziso esiya kumuntu wesithathu lowo amarekhodi noma ulwazi lwakhe yilo oluceliwe kufanele simeme umuntu wesithathu ukuba -

[29] *Isigaba 47 no-71 ze-PAIA*

21.2.1 enze izethulo ezibhalwe phansi noma ezenziwa ngomlomo eSikhulwini Sezolwazi ukuthi kungani isicelo sokuthola ulwazi kufanele senqatshwe; noma

21.2.2 anikeze imvume ebhaliwe yokudalulwa kwerekhodi kumceli.

21.3 Okubalulekile kumceli, i-**PAIA** ithi izaziso ezibhaliwe eziya kumuntu wesithathu kufanele zithunyelwe kumuntu wesithathu **zingakapheli izinsuku ezingama-21** isicelo samukelwe, nokuthi iSikhulu Sezolwazi noma iSekela LeSikhulu Sezolwazi kufanele lazise umceli ukuthi isaziso sithunyelwe kumuntu wesithathu.

21.4 Uma leso saziso sesithunyelwe, iSikhulu Sezolwazi noma iSekela LeSikhulu Sezolwazi kufanele sibe sesithatha isinqumo esingujuqu sokuthi sizowadedela yini noma cha amarekhodi **zingakapheli izinsuku ezingama-30** leso saziso sithunyeliwe.

21.5 Umuntu wesithathu kufanele aziswe ngesinqumo esithathiwe futhi kufanele kunikezwe nezizathu ezanele zokuvunywa kwesicelo. Umuntu wesithathu kufanele futhi aziswe nangelungelo nenqubo yokuphikisa isinqumo njengoba kushiwo esigabeni 22 ngezansi.

22. USIZO LWEZOMTHETHO OLUTHOLAKALAYO EKUPHIKISENI IZINQUMO NOMA UKUNGATHATHI SINQUMO KWESIKHULU SEZOLWAZI NOMA ISEKELA LESIKHULU SEZOLWAZI

22.1 Isinyathelo ongasithatha lapho nje isinqumo sesicelo sesenziwe

22.1.1 Umceli angathatha isinyathelo sokulandelela ngokubhala, isinqumo esisalenga seSikhulu Sezolwazi noma iSekela LeSikhulu Sezolwazi. Kukhuthazwa ukuthi konke ukuxhumana phakathi komceli neSikhulu Sezolwazi noma iSekela LeSikhulu Sezolwazi kumele kubhalwe phansi ukuze kusetshenziswe esikhathini esizayo.

22.1.2 Kunezinqubo ezihlukahlukene zezinhlangano zomphakthi nezizimele, ikakhulukazi maqondana nezikhalazo zangaphakathi. Isibonelo, maqondana nesicelo sokuthola irekhodi lenhlangano yomphakathi, umceli kufanele aqale ngokufaka isikhalazo sangaphakathi ngaphambi kokuya kuMlawuli noma eNkantolo. Kodwa-ke, asikho isikhalazo sangaphakathi sokuphikisa isinqumo (noma ngabe kuvunyiwe noma kwenqatshiwe ukutholakala kwamarekhodi) noma lokho okuthathwa njengokwenqatshwa kokutholakala kwamarekhodi enkampani ezimele.

22.1.3 Lesi sigaba sizochaza usizo lwezomthetho olutholakalyo kubaceli abafisa ukuphonsela inselelo lezo zinqumo, okubandakanya ukufaka isikhalazo kwangaphakathi, ukufaka isikhalazo kuMlawuli nokuyisa isikhalazo eNkantolo. Bheka neshadi lokulandelana kwezinyathelo zenqubo yesicelo se-**PAIA**, esigabeni 27 ngezansi.

22.1.4 Umceli angase, phakathi kokunye, aphikise isinqumo esilandelayo senhlangano ezimele kanye/noma yomphakathi -

22.1.4.1 ithenda noma ukukhokhwa kwemali yesicelo;

22.1.4.2 ithenda noma ukukhokhwa kwediphozithi;

22.1.4.3 imali yokuthola ulwazi okumele ikhokhwe yeqe kakhulu;

22.1.4.4 indlela enikeziwe yokuthola irekhodi;

22.1.4.5 ukwenqatshwa kwesicelo;

22.1.4.6 inkambiso (okubandakanya nobude besikhathi) yokufaka isikhalazo sangaphakathi;

22.1.4.7 ukunwetshwa kwesikhathi okungafanele okwenzelwe ukuphendula isicelo sokuthola ulwazi;

22.1.4.8 ukwehluleka ukudalula amarekhodi;

22.1.4.9 ukuvunywa kwesicelo sokuthola irekhodi;

22.1.4.10 ukwenqatshwa kwesicelo sokungakhokhi;

22.2 Usizo lwangaphakathi

22.2.1 Umceli usifaka kanjani isikhalazo sangaphakathi sokuphikisa isinqumo senhlangano yomphakathi?

22.2.1.1 Isikhalazo sangaphakathi singafakwa kuphela, ngokwesigaba 74 se-**PAIA**, kuziphathimandla ezifanele zomkhakha kahulumeni kazwelonke noma wesifundazwe noma yimuphi umasipala emkhakheni kahulumeni wendawo kuye ngohlobo lwesikhalo.[30]

22.2.1.2 Ngokwesibonelo, iDolobha LaseGoli liyisibonelo somkhakha kahulumeni wendawo lapho isicelo sangaphakathi singafakwa khona. ISikhwama Sezingozi Zomgwaqo noma uMlawuli uyisibonelo senhlangano yomphakathi engeyona ingxenye kahulumeni kazwelonke, wesifundazwe noma wasekhaya njengoba emiswe ngumthetho, okusho ukuthi isikhalazo sangaphakathi asinakufakelwa zona.

[30] *Isigaba 74(1) se-PAIA*

22.2.1.3 Lapho umceli noma umuntu wesithathu engeneme ngesinqumo esenziwe yiSikhulu Sezolwazi noma iSekela LeSikhulu Sezolwazi emkhakheni kahulumeni kazwelonke, wesifundazwe noma wasekhaya, umceli noma umuntu wesithathu unelungelo lokufaka isikhalazo sangaphakathi, ngokwesigaba 74(1) noma u-(2) kwi-**PAIA**. Inqubo yokufaka isikhalazo ibekiwe ebhukwaneni le-PAIA laleyo nhlangano futhi indlela yokufaka isikhalazo sangaphakathi ichaziwe nalapha ngezansi.

22.2.1.4 Uma impendulo evela emkhakheni kahulumeni kazwelonke, wesifundazwe noma wasekhaya ithathwa njengokwenqaba, ngamanye amazwi, wehlulekile ukuphendula isicelo ezinsukwini ezingama-30 noma kunoma yisiphi isikhathi eseluliwe, umceli angafaka isikhalazo sangaphakathi, ngokwenqubo echazwe lapha, ngaphambi kokuba umceli aye kuMlawuli noma eNkantolo.

22.3 **Ukulondolozwa kwamarekhodi kuze kube yilapho sethithathiwe isinqumo sokugcina maqondana nesicelo**

22.3.1 ISikhulu Sezolwazi somkhakha kahulumeni kaZwelonke, weSifundazwe noma waSekhaya lapho kufakwe khona isikhalazo sangaphakathi kuyadingeka, ngokwesigaba 21 se-**PAIA**, ukuba sithathe izinyathelo ezifanelekile ezidingekayo ukuze kugcinwe irekhodi futhi asinakucisha noma sishabalalise noma yiliphi irekhodi eliceliwe, kuze kube yilapho ekugcineni seziphothulwe zonke nanoma yiziphi izinqubo zesikhalazo sangaphakathi noma isikhalazo kuMlawuli noma isikhalazo enkantolo, kuye ngohlobo lwesikhalazo.

22.3.2 Lokhu kusho ukuthi isikhulu sezolwazi asikwazi ukucisha noma ukushabalalisa noma yiluphi ulwazi oluceliwe, kuyilapho kusalindwe inqubo eshiwo endimeni 22.3.1.1 ngenhla.

22.4 **Isikhalazo sangaphakathi kufanele sibhekiswe kubani?**

22.4.1 Nakuba isikhalazo sizobhekwa yisiphathimandla esifanele, isikhalazo sangaphakathi kufanele silethwe noma sithunyelwe eSikhulwini Sezolwazi soMkhakha KaHulumeni kaZwelonke, weSifundazwe noma waSekhaya, kuye ngohlobo lwesikhalazo, ekhelini lakhe, kwinombolo yefeksi noma ekhelini le-imeyili , imininingwane yaso etholakala ebhukwaneni le-**PAIA** noma kuMlawuli.

22.4.2 ISikhulu Sezolwazi emkhakheni kahulumeni kazwelonke, wesifundazwe noma wendawo, kuye ngohlobo lwesikhalazo, sinesibopho esiqondile, ngokwesigaba 75(4) se-**PAIA**, sokuletha isikhalazo kusiphathimandla

[31] *Isigaba 75(1)(b) se-PAIA*

sezikhalazo, kanye nezizathu zaso zesinqumo esiphikiswayo. Ukulethwa kwesikhalazo kuziphathimandla ezifanele kufanele kwenziwe zingakapheli izinsuku eziyi-10 zokusebenza ngemuva kokutholwa kwesikhalazo.

22.5 **Ubani oyisiphathimandla esifanele?**

22.5.1 Isiphathimandla esifanele, lapha esibizwa ngokuthi "yisiphathimandla sezikhalazo" ngokuvamile siyinhloko yezepolitiki enhlanganweni ethintekayo (nakuba lo msebenzi ungadluliselwa ngokusemthethweni komunye umuntu) futhi kusho ngqo abantu abandelayo

Inhlangano Yomphakathi ("UHulumeni")	Isiphathimandla Esifanele ("Isiphathimandla Sezikhalazo")
IHhovisi LikaMongameli	Umuntu oqokwe ngencwadi nguMongameli, uma ekhona, uma kungenjalo uMongameli uyisiphathimandla sezikhalazo.
UMnyango Kazwelonke	UNgqongqoshe owengamele lowo mnyango noma umuntu oqokwe ngencwadi ngulowo Ngqongqoshe
IHhovisi LikaNdunankulu	Umuntu oqokwe ngencwadi nguNdunankulu.
UMnyango Wesifundazwe	ILungu LoMkhandlu Ophethe (**MEC**) elengamele lowo Mnyango Wesifundazwe noma umuntu oqokwe ngencwadi ngu-**MEC**.
UMasipala	IMeya, uSomlomo noma omunye umuntu oqokwe ngencwadi nguMkhandlu KaMasipala walowo masipala.

22.5.2 Noma yisiphi isimo, lapho kungesilo ihhovisi likandunankulu: ilungu lesigungu esiphethe elengamele leyo nhlangano yomphakathi noma umuntu oqokwe ngencwadi yilelo lungu.

22.5.3 Uma isiphathimandla sezikhalazo sivumelana nesinqumo seSikhulu Sezolwazi, kuyosho ukuthi isikhalazo sangaphakathi siyenqatshwa futhi isinqumo sokuqala seSikhulu Sezolwazi siyasebenza. Kodwa-ke, uma isiphathimandla sezikhalazo singavumelani nesinqumo seSikhulu Sezolwazi, kuyosho ukuthi isikhalazo siyavunywa futhi isinqumo sokuqala siyachithwa.

22.5.4 isinqumo seSikhulu Sezolwazi siyaqhubeka sisebenza. Kodwa-ke, uma igunya lezikhalazo lingavumelani nesinqumo seSikhulu Sezolwazi, isikhalazo sizovunywa kuthi isinqumo sokuqala sichithwe.

22.6 Ubani ongafaka isikhalazo sangaphakathi?

22.6.1 Noma yimuphi umceli ofake isicelo se-**PAIA** sokuthola amarekhodi emkhakheni kaHulumeni kaZwelonke, weZifundazwe noma waSekhaya, kuye ngohlobo lwesicelo, sabe sesiyenqatsha, futhi ekholwa ukuthi esinye sezizathu zokufaka isikhalazo ezishiwo endimeni 22.2.4 ngenhla siyasebenza esicelweni sakhe, unelungelo lokufaka isikhalazo sangaphakathi.

22.6.2 Abantu besithathu nabo bangazifaka izikhalazo zangaphakathi eziphikisa isinqumo esenziwe iSikhulu Sezolwazi sokuvumela ukutholakala kwerekhodi elibathintayo. Uma isikhalazo sangaphakathi sithinta umuntu wesithathu, isiphathimandla sezikhalazo esithole isikhalazo sangaphakathi kudingeka sazise labo bantu besithathu (okusho ukuthi umthwalo uyasuka eSikhulwini Sezolwazi uye kusiphathimandla sezikhalazo).

22.7 Ubude besikhathi sokufaka isikhalazo

22.7.1 Isikhalo sangaphakathi kufanele sifakwe -

22.7.1.1 kungakapheli **izinsuku ezingama-60**[32] ngemuva kokuthathwa kwesinqumo;

22.7.1.2 zingakapheli **izinsuku ezingama-30**[33] ngemuva kokuba isaziso sinikezwe umuntu wesithathu mayelana nesinqumo esikhalazelwayo.

22.7.2 Ukufaka isikhalazo sangaphakathi ngemuva kwalesi sikhathi esishiwo ngenhla (sekwedlule isikhathi) akunakuvunyelwa, ngaphandle kwalapho isiphathimandla sezikhalazo sinikezwa isizathu esizwakalayo sokuza sekwephuzile. Isibonelo, njengokulaliswa esibhedlela ngaphezu kwezinsuku ezingama-60 kungamukelwa njengezizathu ezizwakalayo zokuphuza ukufika.

22.7.3 Uma isiphathimandla sezikhalazo singakwamukeli ukufakwa kwesikhalazo sangaphakathi sekwedlule isikhathi, kufanele sikunikeze izizathu zokwenqaba isikhalazo futhi sikunikeze umhlahlandlela wanoma yiluphi olunye ulwazi olwengeziwe, uma lukhona, oludingekayo ukuze samukele isikhalazo. Isiphathimandla sezolwazi kumele futhi sikweluleke ngenqubo yokufaka isikhalazo ngesinqumo saso kuMlawuli noma enkantolo.

[32] *Isigaba 75(1)(a)(i) se-PAIA*
[33] *Isigaba 75(1)(a)(ii) se-PAIA*

22.7.4 Njengoba kubonisiwe ngenhla, isikhalazo sakho kufanele silethwe yiSikhulu Sezolwazi kwisiphathimandla sezikhalazo zingakapheli izinsuku eziyi-10 zokusebenza ngemuva kokuthola isikhalazo sangaphakathi[34].

22.8 Isaziso sesikhalazo esithunyelwa yisiphathimandla sesikhalazo kumceli noma kumuntu wesithathu

22.8.1 Isiphathimandla sezikhalazo kufanele, ngokushesha okukhulu ngangokunokwenzeka kodwa kunoma yikuphi kungakapheli **izinsuku ezingama-30** ngemuva kokuthola isikhalazo sangaphakathi[35], sazise -

22.8.1.1 umuntu wesithathu ongumnikazi walelo rekhodi elikhalazelwayo, noma

22.8.1.2 umceli mayelana nesikhalazo sangaphakathi sokuphikisa ukuvunyelwa kwesicelo sokuthola irekhodi.

22.8.2 Umceli noma umuntu wesithathu onikezwa isaziso, zingakapheli **izinsuku ezingama-21** ngemuva kokuba esinikiwe leso saziso, angenza izethulo ezibhaliwe kusiphathimandla sezikhalazo ukuthi kungani isicelo sokuthola irekhodi kufanele sivunyelwe noma kungafanele sivunyelwe.

22.9 Isinqumo ngesikhalazo sangaphakathi nesesaziso saso[36]

22.9.1 Isiphathimandla sezikhalazo kufanele sinqume maqondana nesikhalazo sangaphakathi ngokushesha ngangokunokwenzeka kodwa kunoma yikuphi kungakapheli izinsuku ezingama-30:

22.9.1.1 ngemuva kokuthi isikhalazo sangaphakathi sifikile eSikhulwini Sezolwazi kuyo nhlangano;

22.9.1.2 ngemuva kokwaziswa komuntu wesithathu, njengoba kushiwo endimeni 22.3.6.1 ngenhla.

22.9.2 Isinqumo sesiphathimandla sezikhalazo kufanele siyiswe kumkhalazi, umuntu wesithathu nakumceli. Isinqumo sesiphathimandla sezikhalazo kufanele sihambisane nezizathu ezanele zesinqumo, okubandakanya izinhlinzeko ze-**PAIA** noma ze-**POPIA** okusekelwe kuzo isinqumo.

22.9.3 Uma isiphathimandla sezikhalazo sehluleka ukukhipha isaziso ngesinqumo sesikhalazo sangaphakathi sisinike umkhalazi kungakapheli izinsuku ezingama-30, isikhalazo sithathwa njengesichithiwe futhi umkhalazi angaqhubeka afake isikhalazo kuMlawuli noma aye eNkantolo ukuze athole usizo olufanele[37].

[34] *Isigaba 75(4) se-PAIA*
[35] *Isigaba 76(2)(a) se-PAIA*
[36] *Isigaba 77 se-PAIA*
[37] *Isigaba 77(7) se-PAIA*

22.10 **Ukugcwalisa isikhalazo sangaphakathi - IFomu 4**

22.10.1 Ukuze afake isikhalazo sangaphakathi sokuphikisa noma yisiphi isinqumo esenziwe umkhakha kaHulumeni kaZwelonke, weSifundazwe noma waSekhaya, umceli kumele afake isikhalazo sakhe sangaphakathi ngokugcwalisa iFomu 4. IFomu 4 kufanele lithunyelwe eSikhulwini Sezolwazi emkhakheni kahulumeni othintekayo, okuzobe-ke sona sekudingeka ukuba sisidlulisele kusiphathimandla sezikhalazo, njengoba kushiwo ngenhla.

22.10.2 IFomu 4 liyatholakala kwiwebhusayithi yoMlawuli, https://www.justice.gov.za/inforeg/, nakuwebhusayithi yomkhakha kaHulumeni othintekayo.

22.10.3 ISikhulu Sezolwazi noma iSekela LeSikhulu Sezolwazi emkhakheni kaHulumeni othintekayo asikho ngaphansi kwesibopho esiqondile sokusiza umceli agcwalise ifomu lesikhalazo sangaphakathi; kodwa-ke, umceli usengasicela iSikhulu Sezolwazi ukuba simsize kulokhu.

22.10.4 Ngezansi kunenqubo yesinyathelo ngasinye sokugcwalisa ifomu lesikhalo sangaphakathi

Imininingwane edingekayo	Incazelo
Imininingwane yenhlangano yomphakathi	Le ngxenye kufanele ibe negama lomkhakha othintekayo kaHulumeni kaZwelonke, weSifundazwe noma waSekhaya, negama nesibongo seSikhulu Sezolwazi.
Imininingwane somkhalazi ofake isikhalazo sangaphakathi	Le ngxenye kufanele igcwaliswe ngumkhalazi, kungaba umelele othile noma cha. Amagama aphelele nesibongo, inombolo kamazisi kanye nesikhundla akwenza ngaso lokhu, okubandakanya lapho isikhalazo sangaphakathi senzelwa omunye umuntu, uma kudingeka, kufanele konke kushiwo. Uma umuntu ezenzela yena isikhalazo, kufanele akusho lokho. Imininingwane eyengeziwe edingekayo ibandakanya imininingwane yokuxhumana nalowo mceli:

Imininingwane edingekayo	Incazelo
	ikheli leposi, ikheli le-imeyili, ifeksi kanye/noma inombolo yocingo. Le mininingwane kufanele ifane nesesicelweni sokuqala. Uma umuntu ogcwalisa ifomu engummeleli womceli, ubufakazi besikhundla asifaka ngaso isikhalazo kufanele buhlanganiswe naleli fomu.
Imininingwane yomuntu owenzelwa isicelo (Uma sifakwa ngumuntu wesikhathu)	Le ngxenye idinga ukugcwaliswa kuphela ngumuntu ulwazi alucelela omunye umuntu. Uma umuntu ofaka isikhalazo sangaphakathi kungeyena umuntu owayecele ulwazi ekuqaleni, imininingwane yalowo mceli kufanele ihlinzekwe lapha. Uma umuntu ezenzela yena isicelo, akudingeki ukuba le ngxenye igcwaliswe.
Isinqumo esifakelwe isikhalazo sangaphakathi	Ifomu linesikhala sokuba umceli abonise ngo-“x”, ukuthi yisiphi ezizathwini zokukhalaza ezisohlwini esisebenza esikhalazweni sakhe.
Izizathu sokukhalaza	Ngaphansi kwale ngxenye, umceli kudingeka achaze kabanzi ukuthi kungani ecabanga ukuthi izizathu zokukhalaza ziyasebenza kuye. Kudingeka anikeze izizathu zokuthi kungani ecabanga ukuthi isinqumo seSikhulu Sezolwazi asilungile. Kudingena nokuba afake noma yimaphi amaphepha asekela isikhalazo. Uhlu lwezizathu ezisekela isikhalazo lungachazwa kabanzi ekhasini elihlukile, uma isikhala esisefomini singenele. Amakhasi angeziwe azothunyelwa kufanele asayinwe.

Imininingwane edingekayo	Incazelo
	Kufanele kube nezizathu ezanele nemininingwane esekelayo ukuze isiphathimandla sezikhalazo senze isinqumo sinolwazi. Lokho kusho ukuthi umuntu kufanele futhi afake uhlaka lwazo zonke izinto ezenzekile kuze kube yilapho efaka isikhalazo sangaphakathi. Ekhasini elihlukile, umuntu angakhomba izigaba ezithile ze-**PAIA** njengesisekelo sesikhalazo.
Isaziso sesinqumo sesikhalazo	Kunesikhala sokuchazwa kwendlela isinqumo okufanele sithunyelwe ngayo, ngokwesibonelo ngeposi, ngekhuriya noma ngefeksi noma nge-imeyili. Sicela ukhethe indlela oyithandayo yokuthola isaziso.

22.10.5 Nakuba kungekho lutho oluvimbela umuntu ukuba athole ummeli ozomsiza kunoma yiliphi iqophelo lesicelo solwazi, izinqubo ezehlukahlukene ze-**PAIA** zenzelwe ukwenza izinto zibe lula, okususa isidingo sommeli nezindleko zezomthetho okumele zikhokhwe.

23. ISIKHALAZO ESIYA KUMLAWULI WEZOLWAZI

23.1 Umceli noma umuntu wesithathu angathumela kuphela isikhalazo kuMlawuli ngemuva kokuba lowo mceli noma lowo muntu wesithathu eseyenze yonke inqubo yesikhalazo sangaphakathi sokuphikisa isinqumo seSikhulu Sezolwazi emkhakheni kahulumeni kazwelonke, wesifundazwe noma wasekhaya. Lokhu kusho ukuthi umuntu angaletha kuphela isikhalazo sakhe, sokukhalaza ngomkhakha othile kahulumeni kuMlawuli uma umuntu engathokozile ngesinqumo sesiphathimandla sesikhalazo. UMlawuli uzosenqaba isikhalazo uma inqubo yokukhalaza emkhakheni othintekayo kahulumeni ingakapheli.

23.2 Kodwa-ke, maqondana nenhlangano yomphakathi (lapho isikhalazo sangaphakathi singasebenzi) nenhlangano ezimele, umceli noma umuntu wesithathu angasithumela isikhalazo kuMlawuli, uma engagculisekile ngesinqumo senhlangano ethintekayo.

23.3 Isikhalazo somceli noma somuntu wesithathu esiya kuMlawuli kufanele sifakwe zingakapheli izinsuku eziyi-180 ngemuva kokuthola isinqumo senhlangano.

23.4 Umceli angafaka isikhalazo kuMlawuli, uma engajabulile -

23.4.1 ngomphumela wesikhalazo sangaphakathi kwisiphathimandla sezikhalalo kunoma yimuphi umkhakha kahulumeni;

23.4.2 ngesinqumo sesiphathimandla sezikhalo sokungavumeli ukufakwa kwesikhalazo sangaphakathi sekwedlule isikhathi;

23.4.3 ngesinqumo seSikhulu Sezolwazi enhlangaweni yomphakathi engeyona ingxenye yanoma yimuphi umkhakha kahulumeni –

23.4.3.1 sokwenqaba isicelo sokuthola ulwazi; noma

23.4.3.2 sokunweba isikhathi sokusingatha isicelo; noma

23.4.3.3 sokukhipha imvume ngendlela ethile.

23.4.4 ngesinqumo senhloko yenhlangano ezimele -

23.4.4.1 sokwenqaba isicelo sokuthola ulwazi; noma

23.4.4.2 sokufuna kukhokhwe imali yesicelo, noma idiphozithi yokuthola ulwazi; noma

23.4.4.3 sokwelula isikhathi sokusingatha isicelo; noma

23.4.4.4 sokukhipha imvume ngendlela ethile.

23.5 Umuntu wesithathu angafaka isikhalazo kuMlawuli, uma engajabule -

23.5.1 ngomphumela wesikhalazo sangaphakathi kwisiphathimandla sezikhalazo emkhakheni kahulumeni othintekayo;

23.5.2 ngesinqumo seSikhulu Sezolwazi enhlanganweni yomphakathi engeyona ingxenye yanoma yimuphi umkhakha kahulumeni sokuvuma isicelo sokuthola ulwazi; noma

23.5.3 ngesinqumo senhloko yenhlangano ezimele sokuvuma isicelo sokuthola irekhodi laleyo nhlangano

23.6 **Umuntu ukhalaza kanjani kuMlawuli?**

23.6.1 Isikhalazo kuMlawuli kufanele sibhalwe phansi futhi nefomu lesikhalazo kufanele ligcwaliswe, kungaba ngesandla noma kwi-inthanethi. Ifomu lesikhalazo, iFomu 5, lingadonswa kuwebhusayithi yoMlawuli, https://www.justice.gov.za/inforeg/

23.6.2 Lokhu kusho ukuthi uMlawuli ngeke asamukele isikhalazo ngocingo; kodwa-ke, uMlawuli kudingeka ukuba anikeze usizo olufanele kunoma yimuphi umuntu ofisa ukufaka isikhalazo futhi lokhu kubandakanya usizo maqondana nokugcwalisa ifomu lesikhalazo.

23.6.3 Uma umuntu ephikisa isinqumo seSikhulu Sezolwazi enhlanganweni ezimele, kufanele anikeze ubufakazi obanele bokufakazela ukuthi irekhodi eliceliwe liyadingeka ekusetshenzisweni noma ekuvikeleni noma yimaphi amanye amalungelo. Ukutholakala kwamarekhodi enhlangano ezimele kungavunyelwa kuphela uma umuntu efakazela ukuthi uhlose ukusebenzisa noma ukuvikela noma yimaphi amanye amalungelo ngalelo rekhodi eliceliwe.

23.7 **Kwenzekani ngemuva kokuthola isikhalazo?**

23.7.1 Lapho ethola isikhalazo somuntu, uMlawuli kufanele -

23.7.1.1 aphenye isikhalazo futhi adlulisele lokho akutholile eKomidini Lezokuphoqelela ukuze kuthathwe isinqumo; noma

23.7.1.2 angathathi sinyathelo ngesikhalazo ngenxa yokuthi -

23.7.1.2.1 isikhalazo asithunyelwanga esikhathini esiyizinsuku eziyi-180 futhi kungekho zizathu ezizwakalayo zokuthethelela ukulethwa kwesikhalazo sekwedlule isikhathi;

23.7.1.2.2 isikhalazo asinasisekelo noma siyachukuluza noma asenziwanga ngezinhloso ezinhle; noma

23.7.1.2.3 ngokubheka zonke izimo zesicelo, noma yisiphi esinye isenyathelo asidingekile noma asifanele. Isibonelo, imininingwane eceliwe isiyatholakala kakade emphakathini.

23.7.1.3 lapho ukuxolelana okufanele noma ukusebenzisa imizamo yakhe engcono kakhulu yokuthola leso sixazululo noma ukusiza izinhlangothi zixazulule izingxabano zazo; nokuba

23.7.1.4 eluleke umkhalazi kanye neSikhulu Sezolwazi, esithintwa yisikhalazo, ngesinyathelo okumele sithathwe.

23.8 Ukuxhumana kokuqala koMlawuli nomkhalazi neSikhulu Sezolwazi maqondana nesikhalazo esifakiwe

23.8.1 Uma uMlawuli ethatha isinqumo sokungasathathi zinyathelo ngesikhalazo, uMlawuli uzokwazisa umceli ngaleso sinqumo nezizathu zokungasasithathi esinye isinyathelo ngesikhalazo.

23.8.2 Uma uMlawuli enquma ukusiphenya isikhalazo, umceli uzothola incwadi emazisayo ukuthi uMlawuli unqume ukwenza uphenyo.

23.8.3 Lapho isikhalazo sifika, uMlawuli uzodlulisela imininingwane yesikhalazo eSikhulwini Sezolwazi enhlanganweni ethintekayo, bese esicela ukuba sithumele kuMlawuli, impendulo ebhaliwe maqondana nesikhalazo.

23.9 Amandla oMlawuli okuphenya

23.9.1 UMlawuli unamandla, ngokwesigaba 77G(2) se-**PAIA** -

23.9.1.1 ukusebenzisa yonke imizamo yakhe engcono ukufinyelela leso sixazululo;

23.9.1.2 ukubiza futhi aphoqelele ukuvela kwabantu phambi koMlawuli;

23.9.1.3 ukubaphoqa ukuba banikeze ubufakazi bomlomo noma obubhaliwe ngaphansi kwesifungo nokuba baveze noma yimaphi amarekhodi;

23.9.1.4 ukuthola nokwamukela noma yibuphi ubufakazi nolunye ulwazi, kungaba ngesifungo, nge-afidavithi;

23.9.1.5 angene futhi aseshe noma yiziphi izakhiwo ezihlala labo abathinyekayo;

23.9.1.6 enze ingxoxo yangasese nanoma yimuphi umuntu kunoma yisiphi isakhiwo angena kuso; nokuba

23.9.1.7 abuze noma yini noma yimiphi imibuzo kulezo zakhiwo uMlawuli ayibona ifanele.

23.10 **Ukuhlola ukuhambisana nezinhlinzeko ze-PAIA**

23.10.1 UMlawuli angahlola ukuthi ingabe inhlangano yomphakathi noma ezimele ngokuvamile iyahambisana yini nezinhlinzeko ze **PAIA**.

23.10.2 UMlawuli angenza ukuhlola okungahleliwe kokuthi inhlangano iyahambisana yini nezinhlinzeko, ngokuzithandela kwayo, kodwa-ke, uMlawuli angenza nokuhlola ukuhambisana nezinhlinzeko uma ecelwa noma enzela iSikhulu Sezolwazi enhlanganweni noma omunye umuntu. Lokhu kusho ukuthi noma yimuphi umuntu angacela uMlawuli ukuba ahlole ukuthi inhlangano iyahambisana yini nezinhlinzeko. Umuntu futhi angafaka isicelo esingaziwa-mnikazi sokuba kuhlolwe ukuthi inhlangano iyahambisana yini nezinhlinzeko, ngokusho ukuthi ucela ukuhlala engaziwa.

23.10.3 UMlawuli uzohlinzeka umuntu ocele ukuhlolwa ukuhambisana nezinhlinzeko umbiko walokho kuhlola kanye nezincomo zezinyathelo okufanele zithathwe, uma zikhona.

23.11 **Isazizo Solwazi**

UMlawuli anganikeza iSikhulu Sezolwazi enhlanganweni iSaziso Solwazi esidinga leyo nhlangano ukuba inikeze uMlawuli imininingwane ebalulwe esazisweni. Isibonelo, uma isikhalazo esifakwe kuMlawuli siphathelene nokwenqatshwa kokutholakala kolwazi ngokwanoma yiziphi izizathu zokwenqaba, uMlawuli angacela, kwiSaziso Solwazi, amakhophi amarekhodi lawo esikwenqabele ukutholakala kwawo ukuze anqume ukuthi izizathu zokwenqaba ziyezwakala yini noma cha.

23.12 **Ukusungulwa KweKomidi Lokuphoqelela**

23.12.1 UMlawuli kudingeka ukuba asungule iKomidi Lokuphoqelela[38], elinamandla -

23.12.1.1 okucubungula zonke izindaba ezidluliselwe kulo nguMlawuli ngokwe-**PAIA** bese lisho elikutholile ngazo; nokuba

23.12.1.1 lenze noma yiziphi izincomo kuMlawuli maqondana nanoma yisiphi isinyathelo okufanele sithathelwe iSikhulu Sezolwazi kuleyo nhlangano.

23.13 **Isaziso Sokuphoqelela**

23.13.1 UMlawuli, ngemuva kokubheka izincomo zeKomidi Lokuphoqelela, anganikeza iSikhulu Sezolwazi kuleyo nhlangano iSaziso Sokuphoqelela -

[38] *Isigaba 50 se-POPIA*

23.13.1.1 eqinisekisa, echibiyela noma esichitha isinqumo esikhalazelwayo; noma

23.13.1.2 edinga ukuba iSikhulu Sezolwazi sithathe isinyathelo noma singathathi isinyathelo njengokusho koMlawuli Wezolwazi esazisweni.

23.14 **Iyini imiphumela yokungahambasani neZaziso Zokuphoqelela?**

23.14.1 ISikhulu Sezolwazi enhlanganweni esenqaba ukuhambisana nesaziso sokuphoqelela siba necala futhi sizohlawuliswa noma sigqunywe ejele isikhathi esingeqile eminyakeni emithathu noma sigwetshwe kokubili inhlawulo nokugqunywa ejele.

23.14.2 Isigaba 77K se-**PAIA** siqokomisa ukubaluleka kwelungelo lokuthola ulwazi noma amarekhodi. Lesi sigaba siqinisa nokubaluleka koMlawuli maqondana nokugqugquzelwa kwelungelo lokuthola ulwazi.

24. UKUFAKA ISICELO ENKANTOLO

24.1 **Ubani ongafaka isicelo enkantolo ephikisa isinqumo?**

24.1.1 Umceli noma umuntu wesithathu angafaka isikhalazo enkantolo sokuthola usizo olufanele ngokwesigaba 82 kulezi zimo ezilandelayo kuphela:

24.1.1.1 ngemuva kokuba lowo mceli noma lowo muntu wesithathu esekwenze konke okusenqubweni yesikhalazo sangaphakathi okukhulunywe ngayo esigabeni 22.3 ngenhla; noma

24.1.1.2 ngemuva kokuba lowo mceli noma lowo umuntu wesithathu esekwenze konke okusenkambisweni yezikhalazo okukhulunywe ngayo esigabeni 77A.

24.1.2 Ngokwesigaba 78(1) se-**PAIA**, umceli noma umuntu wesithathu unezinketho ezimbili, kungaba ukudlulisela isinqumo, esishiwo ezigabeni 22.2.4, 23.4 no-23.5 ngenhla, kuMlawuli noma eNkantolo. Yize umuntu engaphoqelekile ukuya kuMlawuli ngaphambi kokuya eNkantolo, kutuswa ukuba umuntu acabange ngokuya kuMlawuli, njengoba uMlawuli enezindlela eziningi futhi ezisheshayo zokuxazulula izingxabano, ngokungafani neNkantolo.

24.1.3 Kodwa-ke, ukuze iNkantolo ibe negunya lokwahlulela udaba, umceli noma umuntu wesithathu kufanele -

24.1.3.1 kube ukuthi akavumelani nezinqumo, ezishiwo esigabeni 22.2.4, 23.4 noma u-23.5 ngenhla; noma

24.1.3.2 kube ukuthi usekwenze konke okusenkambisweni yezikhalazo noMlawuli noma ehoxisa isikhalazo kuMlawuli. Lokhu kusho ukuthi umuntu akakwazi ukuya eNkantolo uma isikhalazo sakhe sisesezithebeni zoMlawuli.

24.1.4 Uma umuntu ephikisa isinqumo seSikhulu Sezolwazi enhlanganweni ezimele, kudingeka ukuba anikeze ubufakazi obanele bokufakazela ukuthi irekhodi eliceliwe liyadingeka ekusebenziseni noma ekuvikeleni noma yimaphi amanye amalungelo.

24.2 **Umuntu angasifaka nini isikhalazo eNkantolo esiphikisa isinqumo senhlangano noma soMlawuli?**

24.2.1 Isikhalazo esifakwa eNkantolo ngumceli noma ngumuntu wesithathu, ongaphumelelanga esikhalazweni sangaphakathi kwisiphathimandla sezikhalazo emkhakheni othintekayo kahulumeni noma engavumelani nesinqumo seSikhulu Sezolwazi enhlanganweni ethile (esishiwo ku-22.2.4 , 23.4 noma ku-23.5 ngenhla) noma leso soMlawuli, kufanele sifakwe kungakapheli izinsuku eziyi-180 kusukela ngosuku lwaleso sinqumo.

24.2.2 ISikhulu Sezolwazi enhlanganweni ethile noma isiphathimandla sezikhalazo kuHulumeni, kuye ngohlobo lwesikhalazo, singavumelani nesinqumo soMlawuli, singafaka isicelo enkantolo ukuze sithole usizo olufanele ngokwesigaba 82, zingakapheli izinsuku eziyi-180[39].

24.2.3 Umceli, umuntu wesithathu, noma inhlangano, bangafaka isikhalazo enkantolo sokuba iNkantolo ibuyekeze noma yiziphi izinqumo abangavumelani nazo.

24.2.4 Ukufaka isikhalazo eNkantolo ngaphansi kwe-**PAIA** kwenziwa ngezinkambiso zomthetho, futhi kufanele kube yisinyathelo sokugcina.

24.2.5 Amacala okuthola ulwazi angalalelwa phambi kweNkantolo KaMantshi, njengenkantolo yokuqala[40], kanye neNkantolo Ephakeme enamandla afanele.

24.2.6 Ukwehluleka ukufaka isikhalazo kungakapheli izinsuku eziyi-180 kungavunyelwa yiNkantolo uma umuntu ebonisa ukuthi izidingo zobulungiswa zifuna kanjalo. Lokhu kusho ukuthi inkantolo ingasamukela isikhalazo esifike sekwedlule isikhathi uma udaba

[39] *Isigaba 78(4) se-PAIA*
[40] *Isigaba 91A se-PAIA neMithetho Yokugqugquzelwa kokutholakala kolwazi, 2019*

oluzokwahlulelwa lutholakala lunezinhloso zobulungiswa. Uma amarekhodi aceliwe ezosiza umuntu ekufakeni isikhalazo sokuboshwa noma ezosiza umuntu ekutholeni olunye usizo lwezokwelashwa, ngokwesibonelo, inkantolo kungenzeka imnikeze ushwele kulokhu.

24.2.7 Isicelo singalethwa ngokuhambisana nenqubo ebekwe kumthetho 53 weMithetho YeNkantolo Ephakeme noma ngokomthetho 55 weMithetho YeNkantolo KaMantshi uma kungekho marekhodi noma irekhodi elingaphelele elilethwe ngumphathi.

24.2.8 Uma irekhodi selilethiwe kakade, isikhalazo siyolethwa ngokomthetho 55 weNkantolo KaMantshi, uma nje kunesizathu sokuthi umceli uyakholelwa ukuthi irekhodi eliphelele lezinqubo kungenzeka ukuthi alizange lihlinzekwe ngumphathi, umkhalazi angaqhubeka ngokulandela inqubo ebekwe kuMthetho 53 weMithetho YeNkantolo Ephakeme, ngokukhetha kwayo, kepha abonise kwi-afidavithi yakhe ukuthi kungani kunesizathu sokukholelwa ukuthi irekhodi eligcwele alizange lilethwe[41].

24.3 Siyini isimo esingokomthetho sesinqumo soMlawuli lapho kusalindwe isinqumo seNkantolo?

Amandla oMlawuli atholakala ikakhulu kuMthethosisekelo, i-**POPIA** ne-**PAIA**. Ngenxa yalokhu, isaziso sokuphoqelela esikhishwa uMlawuli sinemiphumela yezomthetho, okusho ukuthi siyabopha kuze kube yilapho inkantolo yomthetho inquma okwehlukile. Izinqumo zoMlawuli ziyasebenza futhi ziyaphoqeleka ngaphandle uma kuneNkantolo efanele esho okwehlukile.

24.4 Yimiphi imiyalelo engakhishwa yiNkantolo elalela isikhalazo?

24.4.1 Inkantolo (kungaba ekaMantshi noma iNkantolo Enkulu) elalela isikhalazo ingenza le miyalelo elandelayo -

24.4.4.1 ukuqinisekisa, ukuchibiyela noma ukuchitha isinqumo seSikhulu Sezolwazi, noma seSiphathimandla Sezikhalazo noma soMlawuli Wezolwazi;

24.4.4.2 ukuyalela iSikhulu Sezolwazi noma iSiphathimandla Sezikhalazo ukuba sithathe isinyathelo esithile noma singasithathi isinyathelo esithile ngokubona kweNkantolo phakathi nesikhathi esithile esishiwo kulowo myalelo.;

24.4.4.3 ukukhipha incwadi evimbelayo yesikhashana noma usizo oluthile oluqondile, umyalelo oyisixazululo noma umyalelo wesinxephezelo;

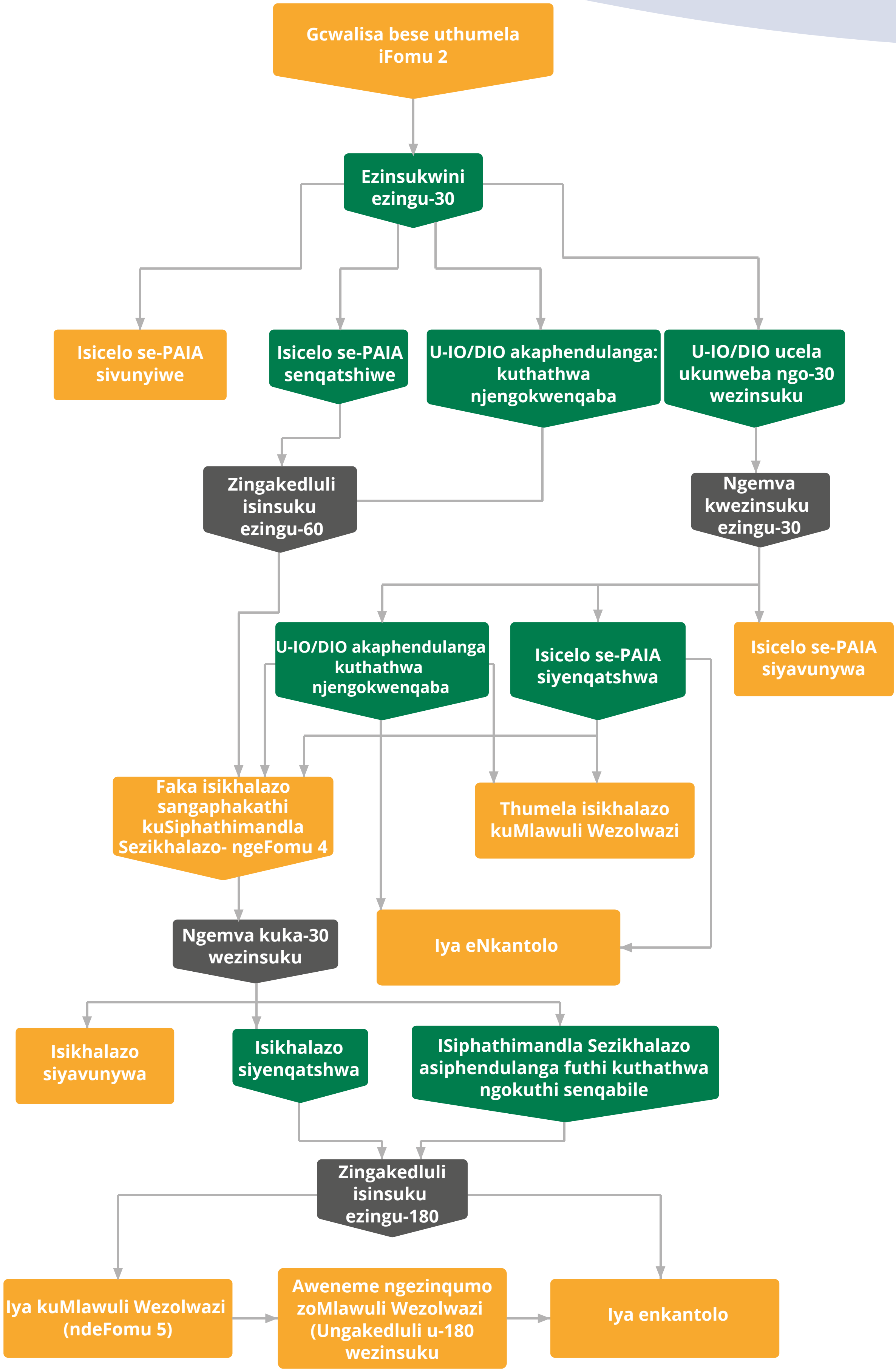
[41] *UMthetho 4 IMithetho yokugqugquzelwa kokutholakala kolwazi, 2019*

24.4.4.4 ukukhipha umyalelo wezindleko kunoma obani abathintekayo;

24.4.4.5 ngenxa yezobulungiswa, ukuxolela ukungalandelwa kwenkathi yezinsuku eziyi-180 zokufaka isikhalazo. Njengoba kushiwo ngenhla, izizathu ezanele zokuhluleka ukulandela isikhathi esinqunyiwe kufanele zichazwe kabanzi esikhalazweni esihambisana nesicelo sikashwele.

25. ISHADI LENQUBO YESICELO SE-PAIA

Sicela ubheke ukulandelana kwezinyathelo zenqubo ngothi lwazo, ezinqubweni okumele zilandelwe lapho usebenzisa ilungelo lokuthola ulwazi.


Gcwalisa bese uthumela iFomu 2
Ezinsukwini ezingu-30
Isicelo se-PAIA sivunyiwe
Isicelo se-PAIA senqatshiwe
U-IO/DIO akaphendulanga: kuthathwa njengokwenqaba
U-IO/DIO ucela ukunweba ngo-30 wezinsuku
Zingakedluli isinsuku ezingu-60
Ngemva kwezinsuku ezingu-30
U-IO/DIO akaphendulanga kuthathwa njengokwenqaba
Isicelo se-PAIA siyenqatshwa
Isicelo se-PAIA siyavunywa
Faka isikhalazo sangaphakathi kuSiphathimandla Sezikhalazo- ngeFomu 4
Thumela isikhalazo kuMlawuli Wezolwazi
Ngemva kuka-30 wezinsuku
Iya eNkantolo
Isikhalazo siyavunywa
Isikhalazo siyenqatshwa
ISiphathimandla Sezikhalazo asiphendulanga futhi kuthathwa ngokuthi senqabile
Zingakedluli isinsuku ezingu-180
Iya kuMlawuli Wezolwazi (ndeFomu 5)
Aweneme ngezinqumo zoMlawuli Wezolwazi (Ungakedluli u-180 wezinsuku
Iya enkantolo

26. IMITHETHONQUBO EYENZIWE NGOKWESIGABA 92 SE-PAIA

26.1 Ngokwesigaba 92(1) no-92(4) kwi-**PAIA**, uNgqongqoshe wenza iMithethonqubo emayelana nokuGqugquzelwa Kokutholakala Kolwazi, ehlanganisa izindaba ezilandelayo

26.1.1 Izibopho zoMlawuli Wezolwazi **(umthethonqubo 2)**;

26.1.2 Izibopho zeZikhulu Zezolwazi **(umthethonqubo 3)**

26.1.3 Ukutholakala ngokuzenzakalelayo kwamarekhodi athile ezinhlangano zomphakathi **(umthethonqubo 4)**

26.1.4 Ukudalula ngokuzithandela nokutholakala ngokuzenzakalelayo kwamarekhodi athile ezinhlangano ezizimele **(umthethonqubo 5)**

26.1.5 Ukutholakala kwamarekhodi amaqembu ezepolitiki **(umthethonqubo 6)**

26.1.6 Isicelo sokuthola ulwazi **(umthethonqubo 7)**

26.1.7 Umphumela wesicelo nezinkokhiso **(umthethonqubo 8)**

26.1.8 Isikhalazo sangaphakathi sokuphikisa isinqumo sesikhulu sezolwazi senhlangano yomphakathi **(umthethonqubo 9)**

26.1.9 Ukufaka izikhalazo **(umthethonqubo 10)**

26.1.10 Inqubo ephathelene nokuphenywa kwezikhalazo **(umthethonqubo 11)**

26.1.11 Ukuxazululwa kodaba **(umthethonqubo 12)**

26.1.12 Ukulanyulwa kodaba **(umthethonqubo 13)**

26.1.13 Ukucubungula **(umthethonqubo 14)**

26.1.14 Ukuxhumana ngezobuchwepheshe **(umthethonqubo 15)**

26.1.15 Amacala nezinhlawulo **(umthethonqubo 16)**

26.2 Ngokwesigaba 79(1) se-**PAIA**, iBhodi Lemithetho yeZinkantolo Zomthetho, ngemvume kaNgqongqoshe, lenza imithetho yenqubo -

26.2.1 yenkantolo maqondana nezicelo ngokwesigaba 78 se-**PAIA**; neyokuba

26.2.2 inkantolo ithole izethulo zabathintekayo okukhulunywe ngazo esigabeni 80(3)(a).

27. IMITHETHO ESEMQOKA, IMITHETHONQUBO, IZAZISO NESIVUMO

Imithetho, njengoba iyaye ichitshiyelwe ngezinye izikhathi
UMthetho Wokugqugquzelwa Kokutholakala Kolwazi, uMthetho 2 ka-2000
UMthetho Wezobulungiswa Bokuphatha, uMthetho 3 ka-2000
UMthetho Wokuchitshiyelwa Komthetho Wokugqugquzelwa Kokutholakala Kolwazi, uMthetho 54 ka-2002
UMthetho Wokuvikelwa Kwemininingwane Yabantu, uMthetho 4 ka-2013
UMthetho Wokuchitshiyelwa Komthetho Wokugqugquzelwa Kokutholakala Kolwazi, uMthetho 31 ka-2019
UMthetho Wokuxhaswa Ngezimali Kwabaqembu Ezepolitiki, uMthetho 6 ka-2018

Imithethonqubo Nezaziso

Isaziso SikaHulumeni	Usuku lokushicilelwa	Isihloko nencazelo
Isaziso Sikahulumeni R. 757 esikwi-GG Nombolo 45057	27 Agasti 2021	Imithethonqubo ehambisana Nokugqugquzelwa Kokutholakala Kolwazi, 2021
Isaziso SikaHulumeni R.991 ku GG 28107	14 Okthoba 2005	Imithethonqubo echaza izizathu zokukhululwa komuntu ekukhokheni izinkokhiso.
Isaziso Sikahulumeni 397 esikwi-GG Nombolo 44785	30 Juni 2021	Ukukhululwa kwezinhlangano ezithile ezizimele ekwenzeni iBhukwana Le-**PAIA**.
Isaziso SikaHulumeni 1217 ku GG 42717	19 Septhemba 2019	Ukuqokwa kweziNkantolo ZikaMantshi njengezinamandla okulalela izindaba ze-**PAIA**.
Isaziso SikaHulumeni R. 1284 ku GG 42740	4 Okthoba 2019	Imithetho yenqubo yezicelo ezizokwenziwa ngokwe-**PAIA** phambi kweNkantolo Ephakeme noma iNkantolo KaMantshi.

ISIVUMO

Lo Mhlahlandlela obuyekeziwe wokusetshenziswa kwe-**PAIA** ekuqaleni wahlanganiswa yiKhomishini Yamalungelo Abantu YaseNingizimu Afrika (i-**SAHRC**) futhi uMlawuli lapha uyawuvuma umsebenzi wokuqala we-**SAHRC**, kubandakanye nayo yonke imithombo yayo.

Ukhishwe ngu
MLAWULI WEZOLWAZI