



## social development

Department:  
Social Development  
NORTHERN CAPE  
REPUBLIC OF SOUTH AFRICA

# UXWEBHU LWE-PAIA

Ilungiselelwe ngokwesiqendu 14  
Ukukhuthazwa kokuFikelela kuMthetho woLwazi  
I-2 ka-2000 (njengoko ilungisiwe)

**UMHLA WOKUHLANGANISWA: 01 /  
03 / 2022**

**UMHLA WOKUHLAZIYWA:**

## IZIQULATHO

### Iziqulatho

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## 1. Uluhlu lwezifinyezo kunye nezifinyezo

- 1.1. **"CEO"** - IGosa eliyiNtloko
- 1.2. **"DIO"** - USekela-Gosa loLwazi;
- 1.3. **kwik kwik** IGosa loLwazi;
- 1.4. **"UMphathiswa"**- UMphathiswa wezoBulungisa neeNkonzo zoLungiso;
- 1.5. **"PAIA"** - Ukukhuthazwa koMthetho wokuFikelela kuLwazi noNombolo 2 ka-2000 njengoko uLungisiwe;
- 1.6. **"PFMA"** -UMthetho woLawulo lweMali kaRhulumente No.1 ka-1999 njengoLungisiweyo;
- 1.7. **"POPIA"** - UMthetho wokuKhuselwa koLwazi loBuqu No.4 ka-2013;
- 1.8. **"Umlawuli"**- Umlawuli wolwazi.

## 2. Iinkcazelo

- 2.1. **intlawulo yokufikelela**" ithetha intlawulo emiselwe icandelo [22\(6\)](#) okanye [54\(6\)](#), njengoko kunjalo;
- 2.2. "isicelo" sithetha isicelo enkundleni ngokwecandelo 78;
- 2.3. **"i-biometrics"** ithetha ubuchule bokuchonga umntu osekelwe kwiimpawu zomzimba, zomzimba okanye zokuziphatha, kubandakanya ukuchwetheza igazi, ukuthathwa kweminwe, uhlalutyo lwe-DNA, ukuskena kwe-retina kunye nokuqaphela ilizwi;
- 2.4. **"Umgaqo-siseko"** uthetha uMgaqo-siseko weRiphabliki yoMzantsi-Afrika, 1996 (uMthetho No.108 ka-1996)
- 2.5. **"inkundla"** ithetha –
  - 2.5.1. iNkundla yoMgaqo-siseko esebenza ngokwesiqendu 167(6)(a) soMgaqo-siseko; okanye
  - 2.5.2. INkundla ePhakamileyo okanye enye inkundla yobume obufanayo, okanye
  - 2.5.3. INkundla kaMantyi kuyo nayiphi na isithili okanye naliphi na icandelo lommandla elisekwe nguMphathiswa ngeenjongo zokugweba iingxabano zoluntu ngokwesiqendu 2 soMthetho weeNkundla zikaMantyi, 1944 (uMthetho Nombolo 32

ka-1944), mhlawumbi ngokubanzi okanye ngokubhekiselele kwiklasi echaziweyo yezigqibo ngokubhekiselele kulo Mthetho, otyunjwe nguMphathiswa ngesaziso kwiGazethi kwaye usongamela ngumantyi, umantyi owongezelelweyo okanye umantyi wecandelo lommandla elisekwe ngeenjongo zokugweba iingxabano zoluntu, njengoko kunjalo, utyunjwe ngokwendlela

2.5.4. kwindawo kabani kulawulo –

2.5.4.1. isigqibo segosa lolwazi okanye igunya elifanelekileyo lequmrhu likarhulumente okanye intloko yequmrhu labucala sithathiwe;

2.5.4.2. iqumrhu likarhulumente okanye iqumrhu labucala elichaphazelekayo linendawo yalo eyintloko yolawulo okanye ishishini; okanye

2.5.4.3. umfaki-sicelo okanye umntu wesithathu ochaphazelekayo uhlala okanye ngokuqhelekileyo ungumhlali;

2.6. "**izinto zokuhlola**" zithetha uvavanyo okanye uluvo olulungiselelwe injongo yokumisela -

a) ukufaneleka, ukufaneleka okanye iziqinisekiso zomntu onxulumene naye okanye apho uvavanyo okanye uluvo lunxulumene –

i) ukuqeshwa okanye ukutyunjwa kwi-ofisi;

ii) ukunyuselwa kwengqesho okanye eofisini okanye ukuqhubeka kwengqesho okanye eofisini;

iii) ukususwa emsebenzini okanye eofisini; okanye

iv) ukunikezelwa kwebhasari, ibhaso, ibhasari, imbeko okanye inzuzo efanayo; okanye

b) nokuba nayiphi na ibhasari, ibhaso, ibhasari, imbeko okanye inzuzo efanayo kufuneka iqhubeke, iguqulwe, irhoxiswe okanye ihlaziye;

2.7. "**intloko**" ye, okanye ekhathazayo, umzimba wabucala uthetha—

a) kwimeko yomntu wendalo, kuquka nomntu ekubhekiswa kuye kumhlathi (c) wenkcazo "yeqela lezopolitiko", loo mntu wemvelo okanye nawuphi na umntu ogunyaziswe ngokufanelekileyo ngulo mntu wendalo;

b) kwimeko yobambiswano, naliphi na iqabane lobambiswano okanye nawuphi na umntu ogunyaziswe ngokufanelekileyo yintsebenziswano;

c) kwimeko yomntu wezombuxoki—

i) igosa eliyintloko elilawulayo okanye igosa elilinganayo lomntu wezombuxoki okanye nawuphi na umntu ogunyaziswe ngokufanelekileyo ngaloo gosa; okanye

ii) umntu osebenza ngolo hlobo okanye nawuphi na umntu ogunyaziswe ngokufanelekileyo ngumntu osebenza ngolo hlobo; okanye

d) kwimeko yeqela lezopolitiko, inkokeli yeqela lezopolitiko okanye nawuphi na umntu ogunyaziswe ngokufanelekileyo yiloo nkokheli;

- 2.8. **"ugqirha wezempilo"** uthetha umntu oqhubekayo, kwaye ubhaliswe ngokwemithetho yokuqhubeka, umsebenzi obandakanya ukubonelelwa ngononophelo okanye unyango lwempilo yomzimba okanye yengqondo okanye impilo-ntle yabantu ngabanye;
- 2.9. **"isalamane somntu ngamnye"** sithetha –
- a) umntu lowo umntu wayetshate naye ngokukhawuleza ngaphambi kokufa komntu;
  - b) umntu lowo umntu wayephila naye ngokungathi batshatile ngokukhawuleza ngaphambi kokufa komntu;
  - c) umzali, umntwana, umntakwabo okanye udade womntu; okanye
  - d) ukuba –
    - i) akukho salamane silandelayo ekubhekiswa kuso kwimihlathi (a), (b) no(c); okanye
    - ii) umfaki-sicelo ochaphazelekayo wathabatha onke amanyathelo afanelekileyo okufumana izalamane ezinjalo kodwa akazange aphumelele; umntu onxulumene nomntu kwinqanaba lesibini lobudlelwane okanye i-consanguinity;
- 2.10. **"igosa lolwazi"** le, okanye elixhalabisayo, iqumrhu loluntu –
- a) kwimeko yesebe likazwelonke, ulawulo lwephondo okanye icandelo lombutho –
    - i) ekhankanywe kwiKholam 1 yeShedyuli 1 okanye 3 kuMthetho weNkonzo kaRhulumente, 1994 (Isibhengezo esinombolo 103 sowe-1994), sithetha ukuba igosa eliphethe isikhundla esinegama elikhankanywe kwiKholam 2 yesiHlomelo 1 okanye isi-3 esikhankanyiweyo esichasene negama leSebe lesizwe elichaphazelekayo, ulawulo lwephondo okanye icandelo lombutho okanye umntu osebenza ngolo hlobo; okanye
    - ii) engakhankanywanga kangako, ithetha uMlawuli-Jikelele, intloko, umlawuli olawulayo okanye igosa elilinganayo, ngokulandelelana, kwelo Sebe likazwelonke, ulawulo lwephondo okanye icandelo lombutho, ngokulandelelana, okanye umntu osebenza ngolo hlobo; (10 Meyi 2015 ngokubhala)
      - b) kwimeko kamasipala, kuthetha umphathi kamasipala otyunjwe ngokwesiqendu 82 soMthetho woRhulumente weNgingqi: weZakhiwo zikaMasipala, ka-1998 (uMthetho onguNombolo 117 ka-1998), okanye umntu osebenza ngolo hlobo; okanye
      - c) kwimeko yalo naliphi na elinye iqumrhu loluntu, lithetha igosa eliyintloko elilawulayo, okanye igosa elilinganayo, ngaloo qumrhu loluntu okanye umntu osebenza ngolo hlobo;
- 2.11. **"Umlawuli woLwazi"** uthetha ukuba [uMlawuli woLwazi](#) owasekwa ngokwecandelo [39 loMthetho woKhuselo loLwazi lomntu](#), 2013;
- 2.12. **"isibheni sangaphakathi"** sithetha isibheni sangaphakathi kwigunya elichaphazelekayo ngokwesiqendu 74;

- 2.13. **"umbutho wamazwe ngamazwe"** uthetha umbutho wamazwe ngamazwe –
- (a) yamazwe; okanye
  - (b) esekwe ngoorhulumente bamazwe;
- 2.14. **"UMphathiswa"** uthetha ilungu leKhabhinethi elijongene nolawulo lobulungisa;
- 2.15. **"isaziso"** sithetha isaziso ngokubhaliweyo, kwaye "yazisa" kwaye "yaziswa" ineentsingiselo ezihambelanayo;
- 2.16. **"izinto zoMthetho"** zithetha izinto zoMthetho ekubhekiswa kuzo kwicandelo 9;
- 2.17. **"igosa"**, ngokuphathelele iqumrhu likarhulumente okanye labucala, lixelela –
- (a) nawuphi na umntu oqeshiweyo (ngokusisigxina okanye okwethutyana nangokusisigxina okanye ngokungesosigxina) wequmrhu likarhulumente okanye labucala, njengoko kunjalo, kuquka nentloko yomzimba, kwisikhundla sakhe njengoko kunjalo; okanye
  - (b) ilungu lequmrhu likarhulumente okanye labucala kwisikhundla sabo njengoko kunjalo;
- 2.18. **"umntu"** uthetha umntu wendalo okanye umntu wezombuxoki;
- 2.19. **"ulwazi lomntu"** luthetha ulwazi olunxulumene nomntu wendalo obonakalayo, kubandakanya, kodwa kungaphelelanga apho—
- (a) ulwazi olunxulumene nobuhlanga, isini, isini, ukukhulelwa, isimo somtshato, imvelaphi yesizwe, yobuhlanga okanye yentlalo, umbala, ukuziphatha ngokwesondo, ubudala, impilo yomzimba okanye yengqondo, impilo-ntle, ukukhubazeka, inkolo, isazela, inkolelo, inkcubeko, ulwimi kunye nokuzalwa komntu;
  - (b) ulwazi olunxulumene nemfundo okanye imbali yezonyango, yemali, yolwaphulo-mthetho okanye yengqesho yomntu;
  - (c) nayiphi na inombolo yokuchonga, uphawu, idilesi ye-imeyile, idilesi yomzimba, inombolo yomnxeba, ulwazi lwendawo, isazisi se-intanethi okanye enye into eyabelwe umntu;
  - (d) ulwazi lwe-biometric lomntu;
  - (e) izimvo zobuqu, iimbono okanye izinto ezikhethwayo ngumntu;
  - (f) imbalelwano ethunyelwe ngumntu ngokucacileyo okanye ngokucacileyo yohlobo lwabucala okanye oluyimfihlo okanye imbalelwano engaphezulu eyayiza kutyhila okuqulethwe yimbalelwano yokuqala;
  - (g) iimbono okanye izimvo zomnye umntu malunga nomntu kunye

- (h) igama lomntu ukuba livela kunye nezinye iinkcukacha zobuqu ezinxulumene nomntu okanye ukuba ukubhengezwa kwegama ngokwalo kuya kutyhila ulwazi malunga nomntu,
- 2.19.1. kodwa ayibandakanyi ulwazi malunga nomntu ofileyo ngaphezu kweminyaka engama-20;
- 2.20. **"iqela lezopolitiko"** lithetha—
- (a) naliphi na iqumrhu elamkela iminikelo ngokuyintloko ukuxhasa okanye ukuchasa naliphi na iqela lezopolitiko elibhalisiweyo okanye abagqatswa balo kunyulo njengoko kuchaziwe kwicandelo 1 loMthetho woNyulo, 1998 (uMthetho Nombolo 73 ka-1998);
  - (b) naliphi na iqela lezopolitiko elibhalisiweyo njengoko kuchaziwe kuMthetho woNyulo, 1998, okanye
  - (c) umntu wendalo ongumgqatswa ozimeleyo;
- 2.21. **"imiselwe"** ithetha ukumiselwa ngummiselo ngokwecandelo 92;
- 2.22. **"umzimba wabucala"** uthetha –
- (a) umntu wendalo ophethe okanye oye waqhubeka naluphi na urhwebo, ishishini okanye umsebenzi, kodwa kuphela kwisikhundla esinjalo;
  - (b) intsebenziswano ethatha okanye eye yaqhubeka naluphi na urhwebo, ishishini okanye umsebenzi;
  - (c) nawuphi na umntu owayesakuba ngumntu we-juristic okanye okhoyo okanye
  - (d) iqela lezopolitiko,
- 2.23. kodwa ayibandakanyi iqumrhu loluntu;
- 2.24. **"ukhuseleko loluntu okanye umngcipheko wokusingqongileyo"** uthetha umonakalo okanye umngcipheko kwindalo esingqongileyo okanye kuluntu (kubandakanywa nabantu ngabanye kwiindawo abasebenza kuzo) ezinxulumene –
- (a) imveliso okanye inkonzo efumaneka kuluntu;
  - (b) into ekhutshwe kwindawo yokusingqongileyo, kubandakanya, kodwa kungaphelelanga apho, emsebenzini;
  - (c) into ejoliswe ekusetyenzisweni kwabantu okanye izilwanyana;
  - (d) indlela yezithuthi zikawonkewonke okanye
  - (e) ukufakwa okanye inkqubo yokuvelisa okanye into esetyenziswa kuloo ufakelo okanye inkqubo;
- 2.25. **"iqumrhu loluntu"** lithetha –
- (a) naliphi na isebe likaRhulumente okanye lolawulo kwinqanaba lesizwe okanye lephondo likaRhulumente okanye nawuphi na umasipala kwinqanaba lasekuhlaleni likaRhulumente; okanye
  - (b) nawuphi na omnye umsebenzi okanye iziko xa –

- (i) ukusebenzisa igunya okanye ukwenza umsebenzi ngokomGaqo-siseko okanye umgaqo-siseko wephondo, okanye
- 2.26. (ii) ukusebenzisa igunya loluntu okanye ukwenza umsebenzi woluntu ngokwemigaqo nawuphi na umthetho;
- 2.27. "**irekhodi**" ye, okanye ekhathazayo, iqumrhu likarhulumente okanye labucala lithetha naluphi na ulwazi olurekhodiweyo -
- (a) kungakhathaliseki ifomu okanye ephakathi;
  - (b) ekubanjweni okanye phantsi kolawulo lwelo qumrhu likarhulumente okanye labucala, ngokulandelelana; Yi\_nile
  - (c) nokuba yadalwa okanye akunjalo yiloo qumrhu likarhulumente okanye labucala, ngokulandelanayo;
- 2.28. "**igunya elifanelekileyo**" ngokuphathelele –
- (a) iqumrhu loluntu ekubhekiswa kulo kumhlathi (a) wenkcazo "yequmrhu loluntu" kwinqanaba lesizwe likaRhulumente, lithetha –kwimeko ye-Ofisi kaMongameli, umntu otyunjwe ngokubhaliweyo nguMongameli okanye
  - (b) (ii) kuyo nayiphi na enye imeko, uMphathiswa onoxanduva lwelo qumrhu loluntu okanye umntu otyunjwe ngokubhaliweyo ngulo Mphathiswa;
- (c) iqumrhu loluntu ekuthethwe kulo kumhlathi (a) wenkcazo "yequmrhu loluntu" kwinqanaba lephondo okanye kuRhulumente, lithetha –kwimeko ye-Ofisi yeNkulumbuso, umntu otyunjwe ngokubhaliweyo yiNkulumbuso okanye
- (i) kuyo nayiphi na enye imeko, ilungu leBhunga eliLawulayo elijongene nelo qumrhu loluntu okanye umntu otyunjwe ngokubhaliweyo ngaloo lungu okanye
- (d) umasipala uthetha –
- (i) usodolophu;
  - (ii) isithethi okanye
  - (iii) nawuphi na omnye umntu,
- 2.29. etyunjwe ngokubhaliweyo liBhunga likaMasipala ngaloo masipala;
- 2.30. "**isicelo sokufikelela**" ngokuphathelele –
- (a) iqumrhu loluntu lithetha isicelo sokufikelela kwirekhodi yequmrhu loluntu ngokwesiqendu [11](#) okanye
  - (b) iqumrhu labucala lithetha isicelo sokufikelela kwirekhodi yomzimba wobuqu ngokwecandelo [50](#);
- 2.31. "**umfaki-sicelo**" ngokuphathelele –
- (a) iqumrhu loluntu lithetha –
  - (i) nawuphi na umntu (ngaphandle kwequmrhu loluntu elicingisiswe kumhlathi (a) okanye (b)(i) wenkcazo "yequmrhu loluntu", okanye igosa layo) ecela ukufikelela kwirekhodi yelo qumrhu loluntu; okanye



- (ii) umntu osebenza egameni lomntu ekubhekiswa kuye kwi-subparagraph (i);
  - (b) umzimba wabucala uthetha –
  - (i) nawuphi na umntu, kubandakanya, kodwa kungaphelelanga apho, iqumrhu loluntu okanye igosa layo, ecela ukufikelela kwirekhodi yaloo qumrhu lobuqu; okanye
  - (ii) umntu osebenza egameni lomntu ocingisiswe kwi-subparagraph (i);
- 2.32. **"imisebenzi eguquguqukayo okanye enobutshaba"** ithetha –
- (a) ubundlobongela kwiRiphabliki;
  - (b) ukonakaliswa okanye ubugrogrisi obujoliswe kubantu beRiphabliki okanye i-asethi ecwangcisiweyo yeRiphabliki, nokuba ngaphakathi okanye ngaphandle kweRiphabliki;
  - (c) umsebenzi ojolise ekutshintsheni ucwangco lomgaqo-siseko weRiphabliki ngokusebenzisa amandla okanye ubundlobongela, okanye
  - (d) umsebenzi wobuntlola welinye ilizwe okanye onobutshaba;
- 2.33. **"umntu wesithathu"** malunga nesicelo sokufikelela –
- (a) ingxelo yequmrhu loluntu ithetha nawuphi na umntu (kubandakanywa, kodwa kungaphelelanga apho, uRhulumente welizwe langaphandle, umbutho wamazwe ngamazwe okanye iqumrhu ngaloo Rhulumente okanye umbutho) ngaphandle –
  - (i) umfaki-sicelo ochaphazelekayo, kunye (ii) nequmrhu loluntu; okanye
  - (b) ingxelo yequmrhu labucala lithetha nawuphi na umntu (kubandakanywa, kodwa kungaphelelanga apho, iqumrhu loluntu) ngaphandle komfaki-sicelo, Kodwa , kwicandelo 34 nele-63, ukubhekisela "kumntu" kwimihlathi (a) kunye (b) kufuneka kuthathwe njengokubhekisela "kumntu wendalo";
- 2.34. **"Io Mthetho"** uquka nawuphi na ummiselo owenziwe kwaye usebenza ngokwecandelo 92;
- 2.35. **"ukudluliselwa"** malunga nerekhodi kuthetha ukudluliselwa ngokwecandelo 20 (1) okanye (2), kwaye "ukudluliselwa" kunentsingiselo ehambelanayo;
- 2.36. **"Iintsuku zokusebenza"** zithetha naziphi na iintsuku ngaphandle kweMigqibelo, ngeCawa okanye ngeeholide zikawonkewonke, njengoko kuchaziwe kwicandelo 1 loMthetho weeholide zikaRhulumente, 1994 (uMthetho Nombolo 36 ka-1994).

### **3. Injongo ye-PAIA Manual**

Le Ncwadana ye-PAIA inenzuzo kuluntu, kakhulu.

- 3.1. Jonga uhlobo lweerekhodi, ezinokuthi sele zifumaneka kwiSebe loPhuhliso loLuntu loMntla Koloni, ngaphandle kwesidingo sokungenisa isicelo esisemthethweni se-PAIA;
- 3.2. Ube nokuqonda indlela yokucela ukufikelela kwirekhodi yeSebe loPhuhliso loLuntu loMntla Koloni;
- 3.3. Fikelela kuzo zonke iinkcukacha zoqhagamshelwano ezifanelekileyo zabantu abaya kuncedisa uluntu ngeerekhodi abazimisele ukufikelela kuzo;
- 3.4. Yazi zonke izilungiso ezikhoyo ezivela kwiSebe loPhuhliso loLuntu loMntla Koloni malunga nezicelo zokuFikelela kwiirekhodi phambi kokusondela kuMlawuli okanye kwiiNkundla;
- 3.5. Inkcazo yeenkonzo ezifumanekayo kumalungu oluntu avela kwiSebe loPhuhliso loLuntu loMntla Koloni nendlela yokufumana i-Access kwezo nkonzo;
- 3.6. Inkcazo yesikhokelo malunga nendlela yokusebenzisa i-PAIA, njengoko ihlaziywa nguMlawuli kunye nendlela yokufumana ukufikelela kuyo;
- 3.7. Ukuba umzimba uya kuqhuba ulwazi lomntu, injongo yokucwangcisa ulwazi lomntu kunye nenkcazo yeendidi zezifundo zedatha kunye nolwazi okanye iindidi zolwazi ezinxulumene nalo nto;
- 3.8. Yazi ukuba iSebe loPhuhliso loLuntu loMntla Koloni licwangcise ukudlulisela okanye ukulungelelanisa ulwazi lomntu ngaphandle kweRiphabliki yoMzantsi Afrika kunye nabafumanayo okanye iindidi zabamkeli abafikelela kubo idatha kunye
- 3.9. Yazi ukuba ingaba iSebe loPhuhliso loLuntu loMntla Koloni linamanyathelo afanelekileyo okhuseleko ukuqinisekisa imfihlo, ukuthembeka nokufumaneka kweenkcukacha zobuqu eziza kuqhutyelwa phambili.

**4. Ukusekwa kweSebe loPhuhliso loLuntu loMntla Koloni.**

UMgaqo-siseko weRiphabliki yoMzantsi Afrika, 1996

- Amalungelo okufikelela kukhuseleko loluntu nakwiinkonzo zentlalo aqulethwe kwicandelo 27 nele-28 loMgaqo-siseko. Isibonelelo somgaqo kwicandelo 27(1)(c) elithi;
- wonke umntu unelungelo lokufumana ukhuseleko lwentlalo, kuquka noncedo olufanelekileyo lwentlalo kwabo bangakwaziyo ukuzixhasa kunye nabo baxhomekeke kubo.
- Icandelo 27(2) likhuthaza uRhulumente ukuba athathe amanyathelo afanelekileyo omthetho kunye namanye amanyathelo ngaphakathi kwezibonelelo zakhe ezikhoyo ukuze aqonde la malungelo ngokuqhubekayo.
- Isiqendu 28 (1) soMgaqo-siseko sibeka amalungelo abantwana malunga nononophelo olufanelekileyo (isondlo esibalulekileyo, indawo yokuhlala, iinkonzo zonyango kunye neenkonzo zentlalo) nokuba ukuvalelwa kwabantwana ngumlinganiselo wokugqibela.
- Icandelo 29(1) (c) libonelela ngelungelo lokufikelela kuNcedo loLuntu olufanelekileyo kwabo bangakwaziyo ukuzixhasa kunye nabo baxhomekeke kubo.

**5. Iinjongo/Igunya**

chrum kwik

Umthetho	Impembelelo ekusebenzeni kweDSD
UMthetho waBantwana (38/2005)	<ul style="list-style-type: none"> <li>▪ Lo Mthetho unika ukusebenza kwamalungelo abantwana njengoko equlethwe kuMgaqo-siseko kwaye ubeka imigaqo enxulumene nokunyamekela nokukhuselwa kwabantwana. Ichaza:               <ul style="list-style-type: none"> <li>– Amalungelo noxanduva lwabantwana;</li> <li>– Iimbopheleleko zabazali kunye namalungelo;</li> <li>– Imigaqo nezikhokelo zokukhusela abantwana;</li> <li>– Ukukhuthazwa kwentlalo-ntle yabantwana</li> <li>– Ukuqinisa imithetho enxulumene nentlalo-ntle yabantwana kunye nokukhuselwa kunye nemicimbi yeziganeko.</li> </ul> </li> <li>▪ Eyona nto iphambili kuphononongo lwesibini loMthetho waBantwana kukufunyanwa INkundla ePhakamileyo yaseMzantsi Gauteng, yomhla ka-Epreli 2011, malunga nokutolikwa ngokuchanekileyo Icandelo 150(1) (a) loMthetho. INkundla yafumanisa ukuba:               <ul style="list-style-type: none"> <li>– Umkhathaleli onetyala lokunyamekela ngokusemthethweni (kule meko, umakhulu) unokuthi utyunjwe njengomzali okhulisa abantwana, kwaye</li> </ul> </li> </ul>

Umthetho	Impembelelo ekusebenzeni kweDSD
	<ul style="list-style-type: none"> <li>– UMthetho waBantwana okanye uMthetho woNcedo loLuntu okanye iMimiselo yawo ayifuni ukuhlolwa kwengeniso yomzali okhulisa abantwana; ngoko ke, imeko yemali yabantwana abafuna ukunyanyekelwa nokukhuselwa kufuneka iqwalaselwe hayi leyo yomzali okhulisa abantwana. Apho abazali abakhulisa abantwana abanomsebenzi osemthethweni wokuxhasa bengenazo iindlela zemali zokwenza oko, kufuneka bakwazi ukufaka isicelo sesibonelelo sokukhulisa abantwana.</li> </ul>
<p>UMthetho wokuLungiswa kwaBantwana 17 ka-2016 neyesibini yabantwana UMthetho wokuLungiswa 18 ka-2016</p>	<ul style="list-style-type: none"> <li>▪ UMthetho wokuLungiswa kwaBantwana (18/2016) utshintsha uMthetho waBantwana ka-2005 ngokuthi, phakathi kwezinye, ufake iinkcazo ezintsha ezibonelela ukuba ukususwa komntwana kwindawo yokunyamekela ngokukhuselekileyo okwethutyana ngaphandle komyalelo wenkundla kubekwe phambi kweNkundla yaBantwana ukuze kuqwalaselwe phambi kokuphela kosuku olulandelayo lwenkundla; ibonelela ngokuphononongwa kwesigqibo sokususa umntwana ngaphandle komyalelo wenkundla; ibonelela ngeNtloko yoPhuhliso loLuntu yePhondo ukuba idlulisele umntwana okanye umntu ukusuka kolunye uhlobo lwenkathalo eyahlukileyo ukuya kolunye uhlobo lwenkathalo eyahlukileyo kwaye inika ukuba isicelo sokuba umntwana ahlale ekukhathaleleni okunye ngaphaya kweminyaka eli-18 ubudala singeniswe phambi kokuphela konyaka apho umntwana ochaphazelekayo afikelela kwiminyaka eli-18 ubudala. UMthetho wokuLungiswa kwaBantwana (17/2016) utshintsha uMthetho waBantwana, ka-2005 ngokuthi, phakathi kwabanye, ufake iinkcazo ezintsha; ukuba umntu ofunyenwe enetyala kwizenzo ezithile zolwaphulo-mthetho abonwe engafanelekanga ukusebenza nabantwana; ibonelela ukuba uMkomishinala kaZwelonke weNkonzo yamaPolisa oMzantsi Afrika kufuneka adlulisele kuMlawuli-Jikelele zonke iinkcukacha zabantu abafunyenwe bengafanelekanga ukusebenza nabantwana; ibonelela ngokuphononongwa kwesigqibo sokususa umntwana ngaphandle komyalelo wenkundla; yandisa iimeko malunga nokuba umntwana unokukhuliswa nini; kwaye yandisa iziphumo zomyalelo wokukhulisa abantwana ngokubonelela ukuba umyalelo wokukhulisa abantwana awuphelisi ngokuzenzekelayo zonke iimbopheleleko zabazali kunye namalungelo omzali womntwana xa umyalelo wokukhulisa abantwana unikwa iqabane okanye iqabane elisisigxina lobomi basekhaya laloo mzali kunye nokubonelela ngemicimbi edibene nayo.</li> </ul>
<p>UMthetho waBantu Abadala No. 13 ka-2006</p>	<ul style="list-style-type: none"> <li>▪ Lo Mthetho useka isakhelo sokuxhobisa nokukhusela abantu abadala, ukukhuthaza nokugcina isimo sabo, amalungelo, intlalo-ntle, ukhuseleko nokhuseleko nokulwa ukuxhatshazwa kwabantu abadala.</li> <li>▪ UMthetho ukhuthaza indlela yophuhliso evuma oku kulandelayo: <ul style="list-style-type: none"> <li>– Ubulumko nobuchule babantu abadala;</li> <li>– Ukuthatha inxaxheba kwabantu abadala kwimicimbi yoluntu;</li> <li>– ukulawula ubhaliso lweenkonzo zabantu abadala kunye;</li> <li>– ukusekwa nolawulo lweenkonzo nezibonelelo zabantu abadala.</li> </ul> </li> </ul> <p>Ngokungafaniyo noMthetho waBantu abadala, uNombolo 81 ka-1967, ugxininiso lutshintshwa kwiziko ukhathalelo kunonophelo olusekelwe kuluntu ukuqinisekisa ukuba umntu omdala uhlala uluntu ixesha elide kangangoko kunokwenzeka.</p>
<p>UMthetho woBulungisa baBantwana, uNombolo 75 ka-2008</p>	<ul style="list-style-type: none"> <li>▪ Lo Mthetho ubonelela ngokuseka inkqubo yobulungisa kulwaphulo-mthetho kubantwana abangqubanayo nomthetho kwaye ujolise ekukhuseleni amalungelo abantwana.</li> </ul>

Umthetho	Impembelelo ekusebenzeni kweDSD
UMthetho weeNkonzo zoVavanyo no 116 ka-1991 njengoko ulungisiwe 35 ka-2002.	<ul style="list-style-type: none"> <li>▪ Lo Mthetho uchaza imisebenzi nemisebenzi yamagosa eProbation and Assistant Probation. Ikwabonelela ngokuseka nokuphumeza iinkqubo ezijolise ekulweni ulwaphulo-mthetho kunye nokunikezela ngoncedo kunye nokunyanga abantu abathile ababandakanyekayo kulwaphulo-mthetho.</li> <li>▪ Yandisa amagunya nemisebenzi yamagosa okuvavanya; Ukubonelela ngoxanduva lwamagosa ancedisayo okuvavanya; Ukubonelela ngohlolo olunyanzelekileyo lwabantwana ababanjiweyo; Ukubonelela ngokuseka ikomiti yokucebisa ngokulinga; Nika ukuchongwa kwabafumani bentsapho kwaye ubonelele ngemicimbi enxulumene ukongeza kuloo nto.</li> </ul>
UMthetho wokuThintela nokuNyanga ukuSetyenziswa kakubi kwezinyobisi No. 70 ka-2008	<ul style="list-style-type: none"> <li>▪ Lo Mthetho ubonelela ngokuphunyezwa kokunikezelwa kweenkonzo ezibanzi nezihlanganisiweyo kwicandelo lokusetyenziswa kakubi kwezinyobisi phakathi kwawo onke amaSebe kaRhulumente. Eyona nto igxininiswayo kulo Mthetho kukukhuthaza iinkqubo zokungenelela ezisekelwe kuluntu nezokuqala.</li> </ul>
Umthetho wokuthintela nokulwa ukuThengiswa kwabantu (7/2013)	<ul style="list-style-type: none"> <li>▪ Lo Mthetho unika ukusebenza kwiProtocol yeZizwe eziManyeneyo (i-UN) ukuthintela, ukucinezela nokohlwaya ukuthengiswa kwabantu, ngakumbi abafazi nabantwana, ukongeza ingqungquthela yeZizwe eziManyeneyo ngokuchasene nolwaphulo-mthetho olulungelelanisiweyo lwamazwe ngamazwe.</li> </ul>
UMthetho woBundlobongela baseKhaya no 116 1998	<ul style="list-style-type: none"> <li>▪ Injongo yalo Mthetho kukukhusela amaxhoba oBundlobongela basekhaya ukhuseleko oluphezulu ekuxhatshazweni ekhaya.</li> <li>▪ Lo Mthetho wenza ukuba inkundla ikwazi ukukhupha umntu owaziwayo okanye otyholwa ngokuba ngumenzi wobundlobongela basekhaya kwikhaya lomntwana okanye anqande ezinye iintlobo zokufikelela kubo.</li> </ul>
UMthetho wokuThintela ubundlobongela beNtsapho no-133 ka-1993	<ul style="list-style-type: none"> <li>▪ Lo Mthetho ufuna ukuba nawuphi na umntu onesikhundla soxanduva lomntwana achaze naluphi na ukrokrolo olufanelekileyo lokuba umntwana uye waxhatshazwa kwigosa lamapolisa, umkomishinala wentlalo-ntle yabantwana okanye unontlalontle kumbutho ochongiweyo.</li> </ul>
UMthetho woNcedo loLuntu, no. 13 ka-2004	<ul style="list-style-type: none"> <li>▪ Lo Mthetho ulawula ulawulo kunye nokuhlalulwa kwezibonelelo zentlalo. Ithi ngubani ofanelekileyo ukufumana izibonelelo kwaye iqinisekisa ukuba kukho imigangatho ephantsi yokuhanjiswa koncedo loluntu.</li> <li>▪ Lo Mthetho ukwabonelela ngendlela yokunikezela ngoncedo olunjalo, ukuseka i-inspectorate yoncedo loluntu, kunye nokubonelela ngezinye izinto ezinxulumene nazo.</li> </ul>
UMthetho wokuLungiswa koMthetho woLwaphulo-mthetho (Sexual Offences and Related Matters), uMthetho 32 ka-2007, okwabizwa ngokuba nguMthetho woLwaphulo-mthetho lwezeSondo.	<ul style="list-style-type: none"> <li>▪ Lo Mthetho wawuguqula waza wavakalisa umthetho onxulumene nolwaphulo-mthetho lwezesondo. Ibonelela ngeenkonzo ezahlukeneyo kumaxhoba olwaphulo-mthetho ngokwesondo. Kwakhona kwadala iRejista kaZwelonke yabaphuli-mthetho bezesondo, ebhala iinkcukacha zabo bafunyenwe benetyala lokwaphula umthetho ngokwesondo kubantwana okanye kubantu abakhubazekileyo ngengqondo.</li> </ul>
Umthetho wolwaphulo-mthetho (Isini Ulwaphulo-mthetho Imiba) UMthetho wokuLungiswa (6/2012)	<ul style="list-style-type: none"> <li>▪ Lo Mthetho utshintsha uMthetho woLwaphulo-mthetho (Ulwaphulo-mthetho lwezesondo kunye nemicimbi enxulumene noko) UMthetho woLungiso, ka-2007, ukubonelela ngokucacileyo ukuba ukubekwa kwezohlwayo ukuhlonipha izenzo zolwaphulo-mthetho ezithile eziqulethwe kuMthetho kushiyelwe kubulumko beNkundla nokubonelela ngemicimbi enxulumeneyo.</li> </ul>
UMthetho weMibutho engenzi nzuzo (71/1997)	<ul style="list-style-type: none"> <li>▪ Lo Mthetho ujolise ekuxhaseni ii-NPO ngokuseka isakhelo solawulo nesolawulo apho ii-NPO zingaqhuba imicimbi yazo.</li> </ul>

Umthetho	Impembelelo ekusebenzeni kweDSD
UMthetho weMisebenzi yeNkonzo yoLuntu (110/1978, Izilungiso: 1995, 1996 & 1998)	<ul style="list-style-type: none"> <li>Lo Mthetho waseka iBhunga loMzantsi Afrika leMisebenzi yoMsebenzi woLuntu. (SACSSP) kwaye ichaza amandla nemisebenzi yebhodi yeenkonzo zentlalo kunye nomsebenzi.</li> </ul>
UMthetho weMisebenzi yeeNkonzo zoLuntu 110 ka-1978: Imigaqo enxulumene nokubhaliswa kobuchule iinkonzo zovavanyo (2013)	<ul style="list-style-type: none"> <li>Le mimiselo yapapashwa kwiGazethi yeMimiselo No 36159 ngomhla we-15 kweyoMdumba 2013, Vol. 572, No 9911 ijolise ekulawuleni nasekuphuculeni iinkonzo zokulinga.</li> </ul>
Ubudlelwane Phakathi Korhulumente UMthetho weSakhelo (13/2005)	<ul style="list-style-type: none"> <li>Lo Mthetho ujolise ekuququzeleleni ukuzibandakanya okukhulu phakathi kweenkalo ezintathu zikaRhulumente ukukhuthaza inkqubo yolawulo ezinzileyo nephendulayo, ephucula amaxabiso nemigaqo yolawulo lukarhulumente.</li> </ul>
Uphuhliso loLutsha lweSizwe UMthetho we-Arhente (54/2008)	<ul style="list-style-type: none"> <li>Lo Mthetho ujolise ekudaleni nasekukhuthazeni ulungelelwaniso kwimicimbi yophuhliso lolutsha.</li> </ul>
Uqinisekiso loMgangatho Isakhelo soLuntu linkonzo zeNtlalontle (V4) (2012)	<ul style="list-style-type: none"> <li>Esi sikhokelo sikazwelonke sinika inkqubo engaguququkiyo nemigangatho ecacileyo ukuvavanya ukusebenza nokuhambisa uphuculo oluqhubekayo malunga neenkonzo zentlalo-ntle yoluntu.</li> </ul>
UMthetho woLawulo lweNtlekele (57/2002)	<ul style="list-style-type: none"> <li>Lo Mthetho ubonelela ngomgaqo-nkqubo wolawulo lweentlekele ohlanganisiweyo nolungelelanisiweyo (ukugxila ekuthinteleni okanye ekunciphiseni umngcipheko weentlekele, ukunciphisa ubunzima beentlekele, ukulungiselela imeko kaxakeka, ukuphendula ngokukhawuleza nangempumelelo kwiintlekele kunye nokubuyiswa emva kwentlekele); ukusekwa kwamaziko olawulo lweentlekele kuzwelonke, amaphondo noomasipala; amavolontiya olawulo lweentlekele; kunye nezinye Imiba yesiganeko</li> </ul>
Ubudlelwane Phakathi Korhulumente UMthetho weSakhelo (13/2005)	<ul style="list-style-type: none"> <li>UMthetho ujolise ekuququzeleleni ukuzibandakanya okukhulu phakathi kweenkalo ezintathu urhulumente ukukhuthaza inkqubo ezinzileyo nephendulayo ulawulo, oluphucula amaxabiso nemigaqo yolawulo lukarhulumente.</li> </ul>
Ulawulo lweMali kaRhulumente UMthetho (PFMA) No. 01 ka-1999 Ilungisiwe.	<ul style="list-style-type: none"> <li>Ukulawula ulawulo lwezezimali kuRhulumente wesizwe oorhulumente bamaphondo; ukuqinisekisa ukuba yonke ingeniso karhulumente, inkcitho, ii-asethi kunye namatyala alawulwa ngokufanelekileyo nangempumelelo; ukubonelela ngeembopheleleko zabantu abaphathiswe ulawulo lwezezimali kwabo rhulumente; nokubonelela ngemicimbi enxulumeneyo ukongeza kuloo nto.</li> </ul>

### Izigunyaziso zoMgaqo-nkqubo

Umgqaqo-nkqubo	Impembelelo ekusebenzeni kweDSD
Isicwangciso-qhinga sexesha eliphakathi Isakhelo (MTSF) 2019-24	<ul style="list-style-type: none"> <li>Esi sikhokelo soCwangciso-qhinga sexesha eliphakathi (MTSF) sisicwangciso-qhinga sikaRhulumente sexesha lonyulo luka-2014-2019. Ibonakalisa izibophelelo ezenziwe kwi-manifesto yolonyulo yeqela elilawulayo, kuquka nokuphumeza i-NDP. I-MTSF ibeka izezo kunye neethagethi zikaRhulumente eziza kufezekiswa. I-MTSF ijolise ekuqinisekiseni ukudibana, ukulungelelaniswa kunye</li> </ul>

Umgaqo-nkqubo	Impembelelo ekusebenzeni kweDSD
	nokulungelelaniswa kuzo zonke izicwangciso zikarhulumente kunye nokulungelelaniswa neenkqubo zohlahlo-lwabiwo mali.
Umgaqo-nkqubo weSizwe oHlanganisiweyo woPhuhliso lwaBantwana abaQalayo (2015)	<ul style="list-style-type: none"> <li>▪ Lo mgaqo-nkqubo ujoleswe ekuguquleni ukunikezelwa kweenkonzo zophuhliso lwabantwana abasaqalayo eMzantsi Afrika, ingakumbi, ukujongana nezikhewu ezibalulekileyo nokuqinisekisa ukubonelelwa kwenkqubo ebanzi, yobudala kunye nophuhliso efanelekileyo yophuhliso lwabantwana abasaqalayo efikelelekayo kuzo zonke iintsana, abantwana abancinane kunye nabakhathaleli babo njengoko kubonwa kwi-NDP.</li> </ul>
Umgaqo-nkqubo weSizwe woLutsha 2020-2030 (10EIAAAAAAAAAAAAAAAAAAIIIIII)	<ul style="list-style-type: none"> <li>▪ I-NYP 2030 ngumgaqo-nkqubo onqamleze amacandelo ojolise ekwenzeni ulutsha oluhle iziphumo zophuhliso kubantu abatsha eMzantsi Afrika kumanqanaba asekuhlaleni, amaphondo nawesizwe. Lo mgaqo-nkqubo wakha kwii-NYP zokuqala nezesibini zoMzantsi Afrika, ezazigubungela ixesha lika-2009-2014 no-2015-2020, ngokulandelayo. Lo mgaqo-nkqubo uyaqonda ukuba ukubekwa phambili kwezibonelelo kufuneka kubandakanye uphuhliso lolutsha, imfundo yolutsha, ukuthatha inxaxheba kwezoqoqosho, kunye nempilo yomzimba neyengqondo. Isiphumo esinqwenelekayo somgaqo-nkqubo lulutsha olunike amandla oluxhotyiswe ngolwazi, ulwazi kunye nezakhono ezenza ukuba luxhakamfule amathuba kwaye luthabathe ngempumelelo uxanduva lokwenza igalelo elinentsingiselo ekuphuhliseni uMzantsi Afrika wedemokhrasi nophumelelayo.</li> </ul>
Iphepha elimhlophe kwiintsapho ze-2013	<ul style="list-style-type: none"> <li>▪ Injongo ephambili yePhepha elimhlophe kukukhuthaza impilo-ntle yosapho, ukukhuthaza nokuqinisa ubomi bentsapho yeentsapho, kunye nemiba eqhelekileyo yosapho kumaphulo okwenza umgaqo-nkqubo karhulumente ngokubanzi.</li> </ul>
Iphepha elimhlophe leNtlalontle, ngo-1997	<ul style="list-style-type: none"> <li>▪ Iphepha elimhlophe sisiseko sentlalo-ntle yoluntu emva kowe-1994 ngokubonelela ngemigaqo ekhokelayo, imigaqo-nkqubo kunye neenkqubo zeenkqubo zentlalo-ntle yophuhliso.</li> </ul>
Iphepha elimhlophe malunga namaLungelo abantu abakhubazekileyo, 2015	<ul style="list-style-type: none"> <li>▪ Iphepha elimhlophe lixhasa indlela eqhelekileyo yokuqaphela amalungelo abantu abakhubazekileyo ngokudala uluntu olukhululekileyo nolufanelekileyo olubandakanya abantu abakhubazekileyo njengabemi abalinganayo. Ikhokela kwaye ikhuthaza ukuzimela kwabantu abakhubazekileyo. Ichaza ngokubanzi uxanduva kunye nokuphendula ngeentsika ezisithoba zobuchule, ezenza ukuba abathathi-nxaxheba baphelise ucalucalulo oluqhubekayo lwenkqubo kunye nokukhutshwa ngaphandle okufunyanwa ngabantu abakhubazekileyo.</li> </ul>
IsiCwangciso soPhuhliso seSizwe 2030 (2012)	<ul style="list-style-type: none"> <li>▪ IKomishoni yoCwangciso kaZwelonke yapapasha "isiCwangciso soPhuhliso seSizwe: Umbono ka-2030" ngomhla we-11 kuNovemba 2011 njengenqanaba lokuzoba indlela entsha yoMzantsi Afrika, efuna ukuphelisa intlupheko nokunciphisa ukungalingani ngo-2030. I-"National Development Plan 2030: Our Future – Make It Work" ehlaziyweyo yapapashwa ngo-2012.</li> </ul>
Isakhelo soLawulo loMsebenzi woLuntu kuMsebenzi woLuntu eMzantsi Afrika (2012)	<ul style="list-style-type: none"> <li>▪ Ibonelela ngesakhelo sokubekwa esweni okwaneleyo kwabasebenzi bezentlalo, oonontlalontle abafundi, abasebenzi abancedisayo kwezentlalo, abasebenzi abancedisayo kwezentlalo abafundayo, iingcali zemisebenzi yoluntu kunye noogqirha babucala ukuqinisekisa indlela ezifanelekileyo zobungcali zomsebenzi wentlalo ezikhonza iminqweno engcono yabasebenzisi beenkonzo kwicandelo loluntu loMzantsi Afrika.</li> </ul>
ISebe loPhuhliso loLuntu loMntla Koloni lihlaziywe isiCwangciso-qhinga (NCPSP) 2020 -2025	<ul style="list-style-type: none"> <li>▪ Ngoko ke, isiCwangciso-qhinga esihlaziyweyo sika-2021/204/25 yingxelo engathandabuzekiyo yeenjongo kule minyaka mihlanu izayo malunga nokuzibophelela kweSebe loPhuhliso loLuntu ekudaleni ubomi obungcono kubo bonke, ngokuhambelana nogunyaziso lwesebe.</li> <li>▪ Ibeka iiparameters ezibanzi apho iSebe liza kulinganiswa ngayo.</li> </ul>

Umgaqo-nkqubo	Impembelelo ekusebenzeni kweDSD
Isakhelo soLawulo Umsebenzi woLuntu eMzantsi Afrika (2012)	<ul style="list-style-type: none"> <li>▪ Inika isakhelo sokubekwa esweni okwaneleyo kwabasebenzi bezentlalo, umfundi oonontlalontle, abasebenzi abancedisayo kwezentlalo, abasebenzi abancedisayo kwezentlalo abafundayo, iingcali zomsebenzi kunye noogqirha babucala ukuqinisekisa ngobuchule iindlela zobungcali zomsebenzi wentlalo ezikhonza iminqweno engcono yabasebenzisi beenkonzo kwicandelo loluntu loMzantsi Afrika.</li> </ul>

## Umbono

Uluntu olunenkathalo noluzimelayo

## Uthumo

Ukubonelelwa ngeenkonzo zophuhliso loluntu ezihlanganisiweyo nezizinzileyo.

## Amaxabiso

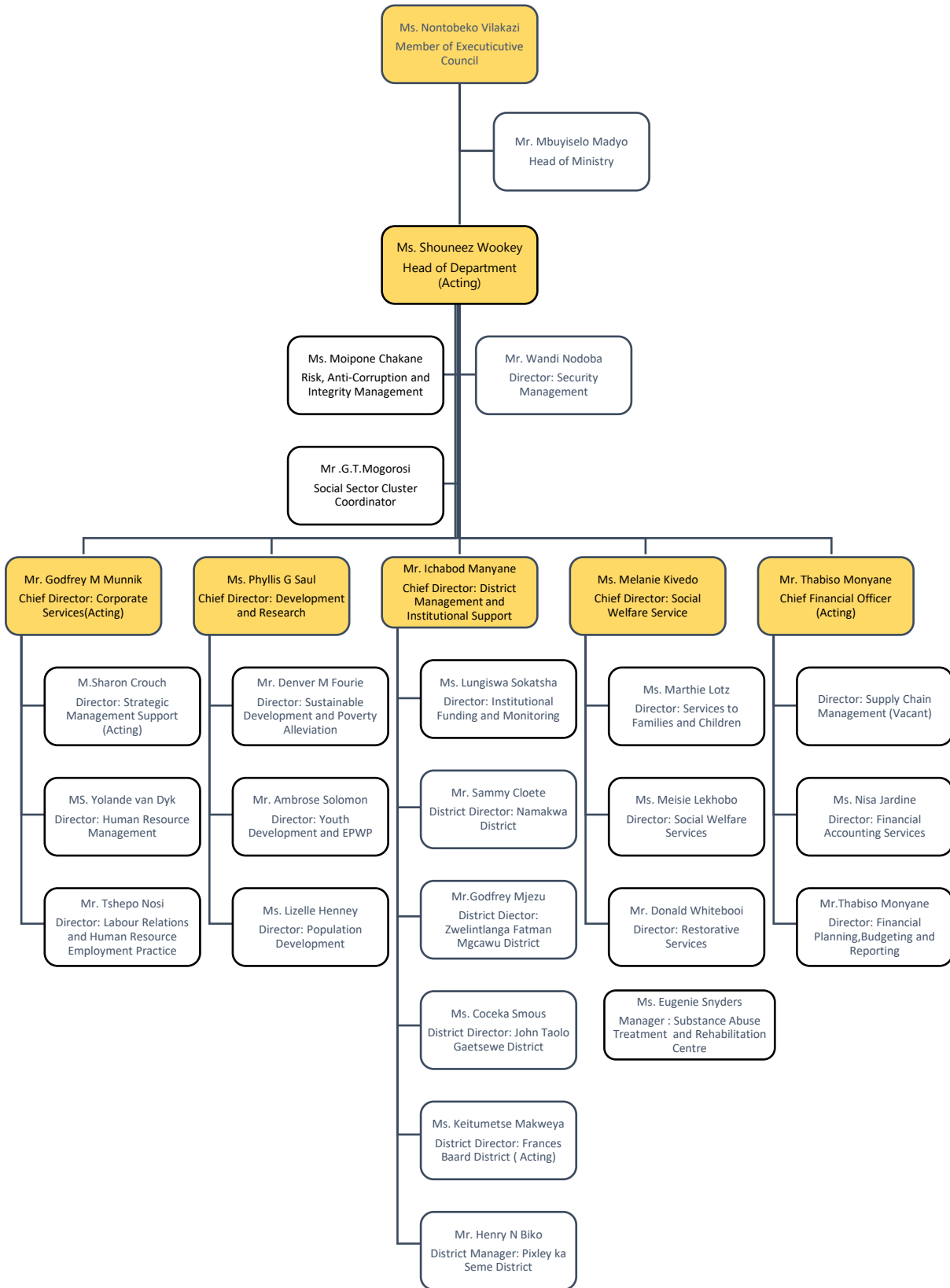
La maxabiso alandelayo kunye ne-ethos ziye zachongwa kuPhuhliso loLuntu:

- **Isidima soluntu** lilungelo loluntu elisisiseko ekufuneka likhuselwe kuMgaqo-siseko woMzantsi Afrika kwaye liququzelele inkululeko, ubulungisa noxolo.
- **Intlonipho** ibonisa intlonipho omnye komnye kunye nabantu esikhonzayo kwaye lixabiso elisisiseko lokufezekisa iinjongo zophuhliso.
- **Ukuthembeka** kuqinisekisa ukuba sihambelana nemilinganiselo yethu, imigaqo, izezo, kunye nemilinganiselo kwaye ngaloo ndlela sivelisa ukuthembeka phakathi kwethu kunye nabathathi-nxaxheba bethu.
- **Ubulungisa buvakalisa** ukuzibophelela kwethu ekuboneleleni ngeenkonzo kubo bonke abemi boMzantsi Afrika ngaphandle kokucalulwa ngokusekelwe kubuhlanga, isini, inkolo okanye inkolo.
- **Ukulingana-** sifuna ukuqinisekisa ukufikelela ngokulinganayo kwiinkonzo, ukuthatha inxaxheba kwabemi kwizigqibo ezichaphazela ubomi babo kunye nokusukela i-equity imperatives apho ukungalingani kukhona.

## 6. Isakhiwo seSebe loPhuhliso loLuntu loMntla Koloni

### Isakhiwo





Imisebenzi

Ukuphuculwa komgangatho wobomi ngeenkono zophuhliso loluntu ezibanzi, ezihlanganisiweyo nezizinzileyo

Iziphumo zivela kwisakhelo sesicwangciso-qhinga sexesha eliphakathi seSebe ngokubhekiselele kwiZinto eziPhambili 4: Ukuqinisa uMvuzo woLuntu ngeenkono eziSiseko ezithembekileyo nezisemgangathweni ngokubhekiselele kwezi ndawo zibanzi zokugxila, ezizezi:

**Isiphumo 1:** Ukuphuculwa kokubonelelwa ngeenkono ezisemthethweni kubantwana, abantu abadala, abafazi kunye nabantu abakhubazekileyo.

**Isiphumo 2:** Ukunciphisa iingxaki zentlalo

**Isiphumo 3:** Ukuncitshiswa kwezinga lobuthathaka ngokubhekiselele ekungakhuselekanga kokutya

**Isiphumo 4:** Ukuphucula ukunikezelwa kweenkono ezisekelwe kwiimfuno

## **7. Iinkcukacha zoqhagamshelwano eziphambili zokufikelela kulwazi lweSebe loPhuhliso loLuntu loMntla Koloni**

### **IGosa eliyiNtloko loLwazi**

Igama: Shouneez Wookey  
Umnxeba: 053 – 874 9300  
I-imeyili: [skimmie@ncpg.gov.za](mailto:skimmie@ncpg.gov.za)  
Inombolo yefeksi: 053 - 871 1062

### **Isekela leGosa loLwazi**

Igama: Nks Phyllis Gosalamang Saul  
Umnxeba: 053 – 874 9107  
I-imeyili: [paulineverkoper@ncpg.gov.za](mailto:paulineverkoper@ncpg.gov.za)  
Inombolo yefeksi: 053 - 871 1062

### **Ukufikelela kulwazi jikelele lwabafowunelwa**

I-imeyili: [tbooyesen@ncpg.gov.za](mailto:tbooyesen@ncpg.gov.za)

### **chrum kwik**

Idilesi Yeposi: Private Bag X5042, Kimberley, 8300  
Idilesi Yomzimba: Latlhi Mabilo Complex, 257 Barkly Road,  
Homestead, Kimberley, 8306  
Ifowuni: 053 – 874 9300 / 9100  
I-imeyili: [tbooyesen@ncpg.gov.za](mailto:tbooyesen@ncpg.gov.za)  
Iwebhusayithi: <http://socdev.ncpg.gov.za>

**8. Inkcazo yazo zonke izilungiso ezikhoyo ngokubhekiselele kuMthetho okanye ukusilela ukwenza liSebe loPhuhliso loLuntu loMntla Koloni.**

Zonke izilungiso kumthetho ezikhoyo malunga nesenzo okanye ukungaphumeleli ukwenza ngokubhekiselele kwilungelo okanye umsebenzi onikezelwe okanye obekwe ngulo Mthetho kunye noMthetho woKhuselo loLwazi lobuqu, 2013, kuquka nendlela yokuhlala:

- (i) isibhenno sangaphakathi;
- (ii) isikhalazo kuMlawuli woLwazi, kunye
- (iii) isicelo kunye nenkundla ngokuchasene nesigqibo segosa lolwazi lwequmrhu loluntu, isigqibo kwisibhenno sangaphakathi, isigqibo soMlawuli woLwazi okanye isigqibo sentloko yequmrhu labucala;

**9. Isikhokelo malunga nendlela yokusebenzisa iPaia kunye nendlela yokufumana ukufikelela kwisikhokelo**

Esi sikhokelo sapapashwa ukuncedisa uluntu kuzo zonke iinkalo zobomi ekuphakamiseni ilungelo labo lomgaqo-siseko lokufumana ulwazi. Eminye imithombo yolwazi nayo inokunceda umntu acele ukufikelela kwiirekhodi.

Ngaphambi kokuba nabani na athabathe amanyathelo okufikelela kulwazi okanye iirekhodi zomzimba othile, iNcwadi ye-PAIA sisixhobo sokuqala sokufunda.

Kwinqanaba layo elisisiseko, incwadi ye-PAIA iluncedo kumntu ukuba:

- jonga uhlobo lweirekhodi ezinokuthi sele zifumaneka ngaphandle kwesidingo sokungenisa isicelo esisemthethweni se-PAIA;
- banokuqonda indlela yokucela ukufikelela kulwazi olugcinwe liqumrhu elithile;
- ukufikelela kuzo zonke iinkcukacha zoqhagamshelwano ezifanelekileyo zomntu oza kuncedisa uluntu ngeirekhodi nawuphi na umntu ozimisele ukufikelela kuzo;
- yazi zonke izilungiso ezikhoyo ezivela kwiqumrhu apho kucelwa ukufikelela kwiirekhodi ngaphambi kokusondela kuMlawuli okanye kwiiNkundla;
- jonga inkcazo yeenkonzo ezifumanekayo kumalungu oluntu avela emzimbeni kunye nendlela yokufumana ukufikelela kwezo nkonzo;
- yazi ukuba umzimba uya kuqhuba ulwazi lomntu, injongo yokucwangcisa ulwazi lomntu kunye nenkcazo yeendidi zezifundo zedatha kunye nolwazi okanye iindidi zolwazi olunxulumene nalo nto;

- yazi ukuba umzimba ucebe ukudlulisela okanye ukulungelelanisa iinkcukacha zomntu ngaphandle kweRiphabliki yoMzantsi Afrika; 59 7 Icandelo 14 neCandelo 51 lePAIA Ukuqinisekisa ukukhuselwa kweenkcukacha zakho zobuqu
- Esi sikhokelo sifumaneka ngeelwimi ezintathu ezisemthethweni.
- Isikhokelo, njengoko kuchaziwe ngaphambili, siqulethe inkcazo- yezinto ze-PAIA kunye ne-POPIA;
- idilesi yeposi neyesitrato, inombolo yefowuni neyefeksi kwaye, ukuba iyafumaneka, idilesi yeposi ye-elektroniki ye- iGosa loLwazi kuwo onke amaqumrhu oluntu kunye nalo lonke iSekela leGosa leeNkcukacha kuzo zonke iqumrhu likarhulumente nelabucala elichongwe ngokwecandelo 17(1) le-PAIA<sup>1</sup> kunye necandelo 56 le-POPIA<sup>2</sup>;

### **Inkqubo yokwenza isicelo solwazi**

Ukufikelela kulwazi, isicelo singenziwa kwiSebe. I-PAIA ifuna ukuba kungeniswe ifom ukucela ifom efunekayo (Imigaqo imisela ezi fom).

Iifom ezimbini zingasetyenziselwa ukulandela ilungelo lokufikelela kulwazi.

Ezi fom zingafumaneka kwiwebhusayithi ye-Regulator kwi-<https://www.justice.gov.za/inforeg/>

### **Isikhalazo kuMlawuli:**

Isicelo esinenkundla ngokuchasene nesigqibo segosa lolwazi lwequmrhu loluntu, isigqibo malunga nesibhenno sangaphakathi, isigqibo esenziwe nguMlawuli okanye isigqibo sentloko yequmrhu labucala;

- Izibonelelo zecandelo le-145 kunye ne-516 zifuna iqumrhu likarhulumente kunye nequmrhu labucala, ngokulandelanayo, ukuqulunqa incwadi kunye nendlela yokufumana ukufikelela kwincwadi;
- Izibonelelo zamacandelo 157 kunye ne-528 zibonelela ngokubhengezwa ngokuzithandela kweendidi zeerekhodi ngumbutho woluntu kunye nequmrhu labucala, ngokulandelanayo;
- Izaziso ezikhutshwe ngokwesiqendu 229 nese-5410 malunga neentlawulo ekufuneka zihlawulwe malunga nezicelo zokuFikelela
- Imimiselo yenziwa ngokwesiqendu 92<sup>11</sup>
- Amalungu karhulumente anokuhlola okanye enze iikopi zesikhokelo kwii-ofisi zamaqumrhu karhulumente okanye abucala, kuquka ne-ofisi yoMlawuli, ngeeyure zokusebenza rhoqo.

**7. Inkcazo yezifundo apho iSebe loPhuhliso loLuntu loMntla Koloni libambe iiRekhodi kunye neendidi zeeRekhodi ezibanjwe**

Izifundo apho umzimba ubambe iirekhodi	Izifundo apho umzimba uneengxelo
eCwangcisiweyo Amaxwebhu, Izicwangciso, Iziphakamiso	Ngonyaka lingxelo, eCwangcisiweyo Cwangcisa, Ngonyaka IsiCwangciso sokuSebenza.
chrum kwik	Imigaqo-nkqubo kunye neenkqubo ze-HR; Izithuba ezipapashiweyo; Iirekhodi zabasebenzi; Ukufunda nophuhliso, umzekelo, uphuhliso lwezakhono kunye nezicwangciso zoqeqesho Isicwangciso sokulingana kwengqesho kunye neenkukacha-manani
Ezezimali	Iifayile zeTender Bid Iibhetshi Intlawulo Iingxelo zeMali zoNyaka Iingxelo ze-PERSAL/BAS/LOGIS Ulwazi loHlahlo-lwabiwo-
Iinkonzo zeNtlalontle	Iifayili zomxhasi Imiyalelo Yenkundla
Imibutho engenzi nzuzo	Iifayile zesicelo seNkxaso-mali ye-NPO Iinkukacha zobhaliso

**8. Iindidi zeerekhodi zeSebe loPhuhliso loLuntu loMntla Koloni ziyafumaneka ngaphandle kokuba umntu acele ukufikelela**

**Ulwazi olupapashwe ukuze lusetyenziswe luluntu:**

- Ingxelo yoNyaka

- IsiCwangciso seNtsebenzo yoNyaka
- Isakhelo soCwangciso-qhinga sexesha eliphakathi

## 9. Iinkonzo ezifumanekayo kumalungu oluntu asuka eMntla Koloni

Inkqutyana	Inkqutyana/iiNkqubo	Igalelo kwisiphumo seZiko	
Inkqutyana 1: Ulawulo	kwik kwik	Ukuphucula ukunikezelwa kweenkonzo ezisekelwe kwiimfuno.	
	Iinkonzo zoLawulo lweNkampani		
	chrum kwik		
Inkqutyana 2: Iinkonzo zeNtlalontle	Iinkonzo Kubantu Abadala	Ukuphuculwa kokubonelelwa ngeenkonzo ezisemthethweni kubantu abadala, abafazi, abantwana kunye nabantu abakhubazekileyo	
	Iinkonzo Kubantu Abakhubazekileyo		
	I-HIV kunye ne-AIDS		
	chrum kwik	Ukuncitshiswa kwezinga lobuthathaka ngokubhekiselele ekungakhuselekanga kokutya	
Inkqutyana 3: Abantwana neentsapho	Ukunakekelwa kunye neeNkonzo kwiiNtsapho	Ukuphuculwa kokubonelelwa ngeenkonzo ezisemthethweni kubantwana, abantu abadala, abafazi kunye nabantu abakhubazekileyo.	
	Ukunyanyekelwa Nokukhuselwa Kwabantwana		
	Ukuphuhliswa kobuntwana bokuqala kunye nokunyamekela ngokungaphelelanga		
	Amaziko oKhathalelo lwaBantwana noLutsha		
	Iinkonzo ezisekelwe kuluntu kubantwana		
Inkqutyana 4: Iinkonzo zokubuyisela	Ukuthintela nokuXhasa uLwaphulo-mthetho	Ukunciphisa iingxaki zentlalo	
	Ukuxhotyiswa kwamaxhoba		
	Ukuthintela nokubuyiselwa kwimo yesiqhelo		
Inkqubo 5: Uphuhliso noPhando	chrum kwik	Ukuncitshiswa kwezinga lobuthathaka ngokubhekiselele ekungakhuselekanga kokutya	
	Ukwakhiwa kweZakhono zeZiko leNPO		
	Ukunciphisa Intlupheko Nokuziphilisa Okuzinzileyo	Ukuphucula ukunikezelwa kweenkonzo ezisekelwe kwiimfuno.	
	Uphando olusekelwe kuluntu kunye noCwangciso		
	Uphuhliso loLutsha		Ukuncitshiswa kwezinga lobuthathaka ngokubhekiselele ekungakhuselekanga kokutya
	chrum kwik		
Ukukhuthazwa koMgaqo-nkqubo woLuntu	Ukuphucula ukunikezelwa kweenkonzo ezisekelwe kwiimfuno.		

Inkqutyana	Inkqutyana/iiNkqubo	Igalelo kwisiphumo seZiko
	Inkqubo yeMisebenzi yoLuntu eyandisiweyo (EPWP)	Ukuncitshiswa kwezinga lobuthathaka ngokubhekiselele ekungakhuselekanga kokutya
	Inkxaso-mali yamaZiko kunye nokuBeka esweni	Ukuphucula ukunikezelwa kweenkonzo ezisekelwe kwiimfuno.

## 10. UKULUNGISWA KWEENKCUKACHA ZOBUQU

### Injongo Processing

- Ukubonelela ngeenkonzo zentlalo-ntle yophuhliso ezihlanganisiweyo kumahlwempu nabasemngciphekweni ngokubambisana nabathathi-nxaxheba kunye nemibutho yoluntu.

### Inkcazelo yeendidi zeZifundo zeDatha kunye nolwazi okanye iindidi zolwazi olunxulumene naloo nto

Iindidi zezifundo zogcino-lwazi	Ulwazi lomntu siqu lulungisiwe
chrum kwik	Amagama nefani; iinkcukacha zoqhagamshelwano (inombolo yoqhagamshelwano (iinombolo zoqhagamshelwano), inombolo yefeksi, idilesi ye-imeyile); Idilesi yokuhlala, yeposi okanye yeshishini; Isazisi/Isazisi Inani kunye nembalelwano eyimfihlo
chrum kwik	Amagama abantu abaqhagamshelana nabo; Igama lequmrhu elisemthethweni; idilesi yomzimba neyeposi; iinkcukacha zoqhagamshelwano (inombolo yoqhagamshelwano (iinombolo zoqhagamshelwano), inombolo yefeksi, idilesi ye-imeyile); inombolo yobhaliso; ezemali, zorhwebo, ezenzululwazi okanye zobugcisa kunye neemfihlo zorhwebo
Abasebenzi	Isini, ukukhulelwa; ubume bomtshato; Ubuhlanga, ubudala, ulwimi, ulwazi lwezemfundo (iziqinisekiso); ulwazi lwezezimali; imbali yengqesho; Inani le-ID; idilesi yomzimba neyeposi; iinkcukacha zoqhagamshelwano (inombolo yoqhagamshelwano (iinombolo zoqhagamshelwano), inombolo yefeksi, idilesi ye-imeyile); ukuziphatha kolwaphulo-mthetho; intlalo-ntle kunye nezalamane zabo ( amalungu osapho) uhlanga, unyango, isini, isini, ubuzwe, imvelaphi yobuhlanga okanye yentlalo, ukuziphatha ngokwesondo, ubudala, impilo yomzimba okanye yengqondo, impilo-ntle, ukukhubazeka, inkolo, isazela, inkolelo, inkcubeko, ulwimi, ulwazi lwe-biometric yomntu

## 11. Abamkeli okanye iindidi zabamkeli abanokufikelela kwiinkcukacha zobuqu

Iindidi zezifundo zogcino-lwazi	Abamkeli okanye iindidi zabamkeli
Iinombolo zezazisi kunye namagama okuhlola ulwaphulo-mthetho	Iinkonzo zamapolisa oMzantsi Afrika
Iziqinisekiso, zokuqinisekiswa kweziqinisekiso	IGunya leZiqinisekiso zoMzantsi Afrika
Imbali yamatyala kunye nentlawulo yolwazi lwamatyala	chrum kwik

## 12. UKUFUMANEKA KWENCWADI

Le Ncwadana yenziwe ifumaneke kwezi lwimi zintathu zilandelayo ezisemthethweni-

- IsiNgesi;
- IsiBhulu;
- Isi-Tswana
- Ikopi yale Ncwadi, okanye inguqulelo ehlaziyiweyo yayo, nayo iyafumaneka ngolu hlobo lulandelayo- kwi <http://socdev.ncpg.gov.za>, ukuba ikhona, yequmrhu loluntu;
- kwi-ofisi eyintloko yequmrhu loluntu ukuze lihlolwe luluntu ngexesha leeyure eziqhelekileyo zomsebenzi;
- kuye nawuphi na umntu xa eceliwe kunye nokuhlulwa kwentlawulo emiselweyo efanelekileyo; Yi\_nile
- kuMlawuli woLwazi xa eceliwe.
- Intlawulo yekopi yeNcwadi, njengoko kucatshangelwa kwisiHlomelo B seMimiselo, iya kuhlulwa ngefotokopi nganye enobungakanani be-A4.

### Isikhokelo sinokufunyanwa kwakhona:

- Emva kwesicelo kwiGosa loLwazi,
- Ukusuka kwiwebhusayithi ye-Regulator (<https://www.justice.gov.za/inforeg/>).

### chrum chrum kwik

ISebe loPhuhliso loLuntu loMntla Koloni liya kuhlaziya li ize lipapashe le Ncwadi minyaka le ukuba kuyimfuneko.

Ikhutshwe ngu





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**Nks. S. Wookey**  
**chrum chrum kwik**  
**Uphuhliso loLuntu**

### **limbekiselo**

*Icandelo 14(1) le-PAIA- Igosa lolwazi lequmrhu loluntu kufuneka, ubuncinane ngeelwimi ezintathu ezisemthethweni, lenze ukuba ifumaneke incwadi equlethe ulwazi oludweliswe kumhlathi 4 apha ngasentla.*

*Icandelo 51(1) le-PAIA- Intloko yequmrhu labucala mayiyenze ifumaneke incwadi equlethe inkcazo yolwazi oludweliswe kumhlathi 4 apha ngasentla.*

*Icandelo 15(1) le-PAIA- Igosa lolwazi lequmrhu loluntu kufuneka lenze ukuba lifumaneke ngendlela emiselweyo inkcazo yeendidi zeerekhodi zequmrhu loluntu ezifumaneka ngokuzenzekelayo ngaphandle kokuba umntu acele ukufikelela*

*Icandelo 52(1) le-PAIA- Intloko yequmrhu labucala inokuthi, ngokuzithandela, yenze ukuba ifumaneke ngendlela emiselweyo inkcazo yeendidi zeerekhodi zomzimba wobuqu ezifumaneka ngokuzenzekelayo ngaphandle kokuba umntu acele ukufikelela*

*Icandelo 22(1) le-PAIA- Igosa lolwazi lequmrhu loluntu apho isicelo sokuFikelela senziwe khona kufuneka, ngesaziso, lifune ukuba umfaki-sicelo ahlawule imali yesicelo emiselweyo (ukuba ikhona) ngaphambi kokuqhubela phambili isicelo.*

*Icandelo 54(1) le-PAIA- Intloko yequmrhu labucala apho isicelo sokuFikelela senziwe khona kufuneka, ngesaziso, kufuneka ukuba umfaki-sicelo ahlawule imali yesicelo emiselweyo (ukuba ikhona) phambi kokuqhubela phambili isicelo.*

*Icandelo 92(1) le-PAIA libonelela ukuba –"UMphathiswa unokuthi, ngesaziso kwiGazethi, enze imimiselo malunga- (a) nawuphi na umcimbi ofunekayo okanye ovunyelwe ngulo Mthetho ukuba umiselwe; nawuphi na umcimbi onxulumene neentlawulo ezicingwa kwicandelo 22 nele-54; nasiphi na isaziso esifunwa ngulo Mthetho; iikhrayitheriya ezifanayo ekufuneka zisetyenziswe ligosa lolwazi lequmrhu loluntu xa kusenziwa isigqibo sokuba zeziphi iindidi zeerekhodi*

*ekufuneka zenziwe zifumaneka ngokwesiqendu 15 kunye nawuphi na umcimbi wolawulo okanye wenkqubo oyimfuneko ukunika ukusebenza kwemimiselo yalo Mthetho."*

*Icandelo 17(1) le-PAIA- Kwi-PAIA, iqumrhu ngalinye likarhulumente kufuneka, ngokuxhomekeke kumthetho olawula ukuqeshwa kwabasebenzi bequmrhu likarhulumente elichaphazelekayo, lichonge inani elinjalo labantu njengamasekela-gosa olwazi njengoko kuyimfuneko ukwenza iqumrhu likarhulumente lifikeleleke kangangoko kunokwenzeka kubaceli beerekhodi zalo.*

*Icandelo 56(a) le-POPIA- Iqumrhu ngalinye likarhulumente nelabucala kufuneka lenze isibonelelo, ngendlela echazwe kwicandelo 17 loMthetho wokuKhuthaza ukuFikelela kuLwazi, kunye notshintsho oluyimfuneko, ukwenzela ukuchongwa kwabantu abaliqela abanjalo, ukuba bakhona, njengamasekela-gosa olwazi njengoko kufuneka enze imisebenzi noxanduva njengoko kuchaziwe kwicandelo 55(1) le-POPIA.*

*Icandelo 11(1) le-PAIA- Umfaki-sicelo makanikwe i-Access kwirekhodi yequmrhu loluntu ukuba loo mfaki-sicelo uhambelana nazo zonke iimfuno zenkqubo kwi-PAIA ezinxulumene nesicelo sokuFikelela kuloo rekhodi kwaye Ukufikelela kuloo rekhodi akwaliwe ngokubhekiselele kuyo nayiphi na indawo yokwala okucingisiswe kwiSahluko 4 sale Nxalenye.*

*Icandelo 50(1) le-PAIA- Umfaki-sicelo makanikwe i-Access nakweyiphi na irekhodi yequmrhu labucala ukuba- loo rekhodi iyafuneka ukusebenzisa okanye ukukhusela nawaphi na amalungelo; loo mntu uhambelana neemfuno zenkqubo kwi-PAIA ezinxulumene nesicelo sokuFikelela kuloo rekhodi, kwaye ukufikelela kuloo rekhodi akwala ngokubhekiselele kuyo nayiphi na indawo yokwala okucingisiswe kwiSahluko 4 sale Candelo.*