

UKUFIKELELA KUMQULU WENGXELO WE-e-GOVERNEMENT

(Apha eyaziwa ngokuba yi-“eGov”)



UMQULU NGOKWAMASOLOTYA ESIGABASE-14 ESINGOKUKHUTHAZA UKUFIKELELA KWINGXELO NGOKOMTHETHWANA WENGXELEO YE-14, 2000 (UMTHETHWANA WE-2 WAMA-2000)

OLUNGISWE NGOKWAMASOLOTYA ESIGABA SE- 14 NGOKUKHUTHAZA UMTHETHWANA WE-14 NGOKUFIKELELA KWINGXELO (UMTHETHWANA WAMA-2000)

Lo mqulu uyafumaneka ngesiXhosa, isiZulu, isiBhulu neBraille.



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1. INJONGO YALO MQULU

Isigaba sama 32(1)(a) soMgaqosiseko weRiphabhliki yaseMzantsi Afrika, sango1996 sithi *wonke umntu unelungelo lokufikelela nokufumana ingxelo egcinwe ngamaziko karhulumente /okanye nayiphi na inkcazelo egcinwe ngumntu, enokufuneka xa iza kusetyenziswa okanye ukhuseleko lwawo nawaphi na amalungelo.*

Umthethwana we-2, ka2000, Okhuthaza Ukufikela Nokufunyanwa Kwengxelo (nochazwe apha njenge “PAIA”) **umiselwe ulawulo lwesizwe**, oluphunyezziweyo ukuze ukwazi ukusebenza ngokukuko kwelungelo elingentla lomgaqosiseko ngokufikelelwa nokufunyanwa kwengxelo.

IPAIA inika bonke abemi boMzantsi Afrika ilungelo lokufikelela nokufumana **aMaxwebhu** agcinwe nguRhulumente, kumaziko karhulumente kunye/okanye namaqumrhu abucala.

IPAIA izama ukuphumeza ezi njongo zilandelayo:

- Ukuqinisekisa ukuba uRhulumente uthatha inxaxheba ekukhuthazeni inkcubeko yokusetyenziswa kwamalungelo oluntu nomthetho woluntu;
- Ukukhuthaza ukuba phandle nokumisela iindlela zokusebenza ngokuvolontiya nangokunyanzeleka okanye ngokunyanzelisa iinkqubo ezenza kubekho indlela elula yokufikelela kwiinkcukacha nokufumana ingxelo ngokukhawulezileyo nengabizi xabiso liphezulu; ize
- Ukukhuthaza inkcazelo ephandle, ukunika ingxelo ngendlela yokusebenza nokulawula ngendlela eyiyo kumaqumrhu abucala, ngokuxhobisa nokufundisa wonke umntu aqonde amalungelo abo angqamene ne**PAIA** ukuze bakwazi ukusebenzisa amalungelo abo ngokungqamene namaqumrhu oluntu namaqumrhu azimeleyo, baqonde umsebenzi nendlela yokusebenza kwamaqumrhu azimeleyo ukuze ahlole ahluze ngokukuko abe nenxaxheba ekuthatheni izigqibo ezichaphazela amalungelo amaqumrhu azimeleyo.

Nangona kunjalo iPAIA, iqaphela ukuba ilungelo lokufikelela kwengxelo ixhomekeke kwimida ecacisekayo neqondakalayo okulandela oku, izama ukungqamanisa ilungelo elingumgaqosiseko **loMceli** ngxelo kunye nelungelo **leGosa leNgcaciso 'lokwala ukufikelel anokufumana ingxelo pghantso kwayo nayiphi na imiqathango ekhankanywe kwiCandelo 2**, kwiSahluko se-4 kwi**PAIA**, elinemiqathango ecacisiweyi ukwenza lula isikhokelo esishwankathelwe phantsi **kweSihlomelo D** esinamathiselweyo.



Isigaba se-14 **sePAIA** sibeka uxanduva kumaqumrhu oluntu ingakumbi kumaqumrhu azimeleyo ewonke ngokumandla **kwiGosa leNgcaciso** lequmrhu loluntu elihlanganiswe, okungenani ngeelwimi ezintathu ezisemthethweni eMzantsi Afrika, **Umqulu wePAIA** oqulethe, *inter alia*,

- Ingcaciso yobume bayo nemisebenzi;
- Inkcukacha **zeGosa leNgcaciso**;
- Ingcaciso **yeSikhokelo seKhomishoni yaMalungelo Oluntu eMzantsi Afrika** ekwalathiswa kuso kwisigaba se-10 **sePAIA** nendlela yokufikelela kwingxelo okanye ukufumana ikopi ngoko ke;
- Inkcukacha ezaneleyo nge**Sicelo** sokufikelela nokufumana **Uxwebhu** lwequmrhu;
- Ingcaciso yeenkalo ezigcinwe **Yimiqulu**;
- amanqanaba **Zomqulu agcinwe kwisihloko ngasinye**;
- inothisi yakutsha nje, ngokwemiba yesigaba sika-15 (2), ukuba ikhona, mayela namanqanaba **emiqulu** afumaneka naphi na ngaphandle kokwenza **Isicelo sokufikelela nokufumana loo Maxwebhu** ngokwalo Mthethwana;
- ingcaciso yeenkonzo enikwa amalungu oluntu kwiqumrhu nendlela yokufikelela nokufumana iinkonzo ezo;
- ingcaciso yamacebo afumanekayo ngokomthethwana okanye ukungasebenzi kwequmrhu; kunye
- nenye ingxelo njengoko imiselwe,

kumqulu ochazwe apha njengi “Mqulu we**PAIA** ”.

Ngokuvumelana ne**PAIA**, iSebe le-e-Government eGauteng (apha elichazwe njenge“e-Gov”) ngoko ke phakathi kwezinye izinto linikela ngeziqulatho **zoMqulu wePAIA**:

- iinkcukacha zemisebenzi engundoqo neenkonzo ezinikwa uluntu;
- ubume bombutho we-e-Gov;
- uluhlu lwaMaxwebhu onke agcinwe yi-e-Gov;
- iinkcukacha **zeGosa leNgcaciso le-eGov**.

Injongo **yoMqulu wePAIA** kukunikezela iinkqubo ezifunekayo nekufuneka zilandelwe ngumntu ngamnye, okanye umntu ome egameni lomnye umntu, onokuthanda ukufaka isicelo sokufikelela nokufumana ingxelo acinga ukuba unelungelo lokuyifumana nendlela yokufaka eso sicelo, ngoko ke eqinisekisa ukuba zonke izicelo zokufikelela nokufumana ingxelo zithathelwe iinyawo ngendlela eyiyo nangexesha elililo ngokungqamene nokukhuthazwa nokusebenza kweenjongo zomoya we**PAIA**.



2. IINKCAZELO

KuloMqulu wePAIA, amagama athetha ngesini esinye aza kuquka nezinye izini ezibini, kwaye esinye sizakubhekisa kwisininzi, ngaphandle kokuba sithetha into enye kwimeko esisetyenziswa kuyo.

Kulo Mqulu wePAIA, naliphi na igama okanye intetho enetsingiselo ephantsi kwePAIA iza kuthetha into enye nentsingiselo leyo, ngaphandle kokuba imeko ekhisetyenziswa kuyo ithetha enye into –

- **I-eGov ligama elithetha i-e-Government yePhondo leGauteng;**
- **IGPG ligama elithetha uRhulumente Wephondo iGauteng;**
- **Guide/Isikhokelo sithetha incwadi ebhalwe yapapashwa yiKomishoni Yamalungelo Abantu eMzantsi Afrika ngokwamasolotya esigaba se-10 sePAIA ngeenjongo zokunceda umntu onomnqweno wokusebenzisa ilungelo naliphi na ilungelo ngokwamasolotya ePAIA;**
- **Information Officer/Igosa leNgcaciso** lithetha umsebenzi ochazwe ngokupheleleyo phantsi komhlathana we-4 ngezantsi;
- **PAIA Manual/Ixwebhu lePAIA ligama elithetha ukuba ixwebhu lahlanganiswa ngokwesolotya lesigaba se-14 sePAIA;**
- **Personal Requester/Ubuqu Bomfakisicelo** ligama elithetha umntu owenza Isicelo sokufumana nokufikelela **Kumaxwebhu** aqulethe Ingxelo **Ngomntu Ofaka Isicelo;**
- **Personnel/Umsebenzi igama** elithetha nabani na osebenzela umntu, okanye onikezela ngeenkono, kuluntu okanye egameni le-eGov nofumana okanye omele kukufumana intlawulo, kuquka bonke abasebenzi, abasisigxina nabethutyana, nabasebenza ngamaxesha athile okanye abanezivumelwano zengqesho;
- **IRecord/ Ixwebhu** ligama elichaza ingxelo ebhaliweyo, ngaphandle kwefom okanye uhlobo naluphi na uhlobo oluphantsi kwe-e-Gov, nokuba yakhiwe yi-e-Gov okanye ayakhiwanga yiyo;
- **IRequest/Isicelo** sithetha isicelo sokufikelela nokufumana **Amaxwebhu e-e-Gov;**
- **IRequester/Umfaki Sicelo** ligama elichaza umntu ofaka Isicelo sokufikelela kuMaxwebhu e-e-Gov iquka nabani na omele omnye okane lowo ufaka **Isicelo;** ize
- **I-SAARC** ithetha Ikomishoni Yamalungelo Abantu eMzantsi Afrika.



3. MAYELA NE e-GOV

3.1 Indima nemisebenzi

Olona xanduva lwe-e-Gov kuku:

- thatha amanyathelo kukuzisa izinto zalamaxesha empucuko kurhulumente waseGauteng ngokukhupha iGauteng Broadband Network engqamene neenkondo ze-e-Gov kubemi bePhondo laseGauteng ngokubanzi;
- dala izimo ezifanelekileyo ze-ICT ukulungelelanisa nokukhuthaza ukusetyenziswa kweenkonzo ezifumanekayo ze-e-Services kwiphondo laseGauteng.

Ngokuhambelana noxanduva oluchazwe ngentla, ie-Gov iza kwenza le misebenzi yexesha elifutshane ilandelayo ibe yimisebenzi yexesha eliphakathi:

- ubume, ukwakha, indlela yokusebenza, ukugcina nokuxhasa iGBN Network;
- ubume, ukwakha, ukugcina nokuxhasa iinkondo ezixhasa ii-e-Services kwiGPG ePhondo leGauteng;
- ubume nokuphuyezwa kobuchule beenkonzo ezintsha;
- ukufukama nokunika umtsalane kubuchule noshishino;
- ukunyusa ulwazi nokusebenziseka kweenkonzo zikarhulumente kwiGPG nephondo leGauteng;
- uphuhlise wlezakhono nokudalwa kwamathuba emisebenzi kwi-ICT.

3.2 Umbono

Umbono we-eGov “*SisithiliSesixeko seGauteng Eqhakamsheleneyo enika amandla obuchwephesha ukunikezela ngeenkondo kubemi bayo*”

3.3 Ummiselo

Ummiselo we-eGov kukuqonda injongo yorhulumente ohlangene, nkalo zonke:

- unikezelo ngobuchwephesha obungqameneyo, amabakala nolawulo;
- Ukudala amathuba okusebenza ngokubambisana phakathi kwabathathi nxaxheba abangundoqo;
- ukuququzelelwa kotshintsho nokwenziwa ntsha konikezelo weGCR .



3.4 Izinto ezilixabiso)

Ukuxhasa lo mbono ungentla, ummiselo, indima ezinokuyidlala nemisebenzi, i-eGov igqibe ukuba izakuzama ukusebenzisa ize isekele kwiinkalo zokusebenza, izinto ezilixabiso eliphezulu nezisembindini kuyo:

Ukuphuma izandla: ukunyusa njalo, ngandlela ethile ukukhuthaza nokuphucula unikezelo lweenkonzo ;

Ukukhula: ukucinga banzi ngokuyila izinto ezintsha nokukhangela amathuba amatsha;

Ukuba phandle: ukubeka abathengi embindini wophuhliso nokuphucula amaqanaba aphezulu eenkonzo zoluntu;

Ixabiso leMali: ukunikezela ngeenkonzo ngexabiso elifikelekayo kubemi bePhondo leGauteng.

3.5 Izimiselo Ezilicebo (izimiselo ezilicebo-izimiselo eziyimiphumela)

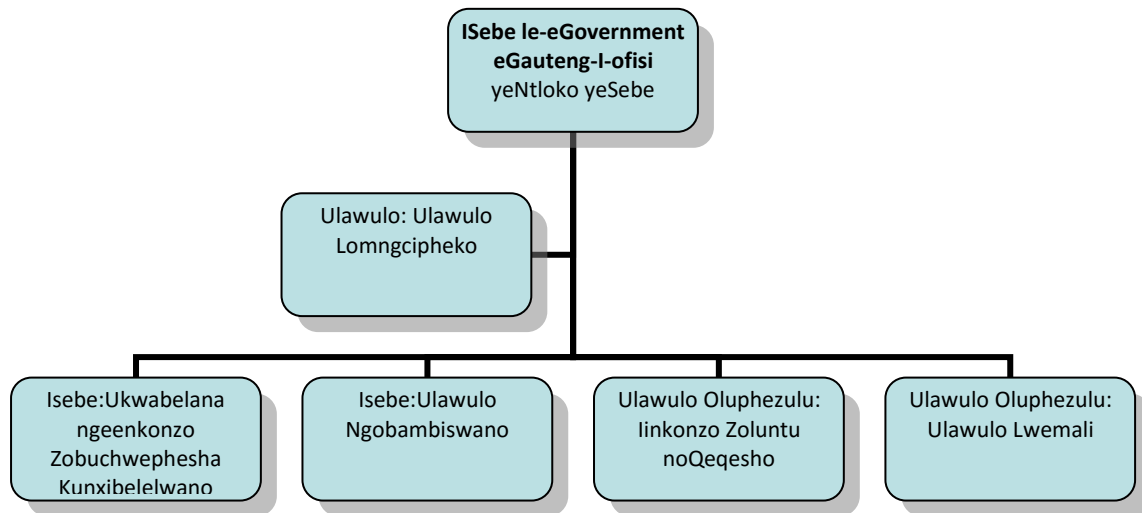
Izimiselo ezilicebo ze-eGov zezi:

- ukuqinisekisa ulawulo olusebenza kakuhle kunye nokuphatha ngendlela eyiyo isebe le –e-Gov;
- ukwakha iziseko zokusebenza kwe-ICT ukwakha unxibelelwano kurhulumente weGCR;
- ukudala iqonga elivumela inxaso eyiyo neenkonzo zamasolotya eGCR, ukuphuhlisa nokunikezela Ngeenkonzo ze-e-Gov;
- ukumisela ubume bolawulo lwe-e-Gov weGCR ukusebenza ngemiba etshisa ibunzi, imigaqonkqubo, amaqanaba nemiqathango;
- ukukhuthaza ukuseteyniziswa kweenkonzo ze-e-eGov ngaBemi, Ushishino Namasolotya kaRhulumente WePhondo leGauteng;
- ukukhawulezisa uphuhliso kuqoqoqsho lwe-ICT ngokuququzelela ukufukama, ukuyila kunye nokukhuthaza ubudlelwane beenkampani zabucala ukuze kuphuhliswe ukusebenza kweenkonzo ze-e-Gov.

3.6 Ubume be-eGov

3.6.1 Ubume bolawulo

Ukuzaliseka kwenjongo echazwe ngentla, i-e-Gov ime ngohlobo oluboniswe ngezantsi:





3.6.2 Iiyunithi zoshishino lwe-e-Gov

i-e-Gov yenziwe zeziyunithi zoshishino zilandelayo:

- i. Ulawulo Oluphezulu: Ulawulo Lomngcipheko;
- ii. Isebe: Ukwabelana Ngeenkonzelo Zengxelo Nonxibelelwano Ngobuchwephesha;
- iii. Isebe: Ulawulo Ngobambiswano;
- iv. Ulawulo Oluphezulu: Iinkonzo Zoluntu neQeqesho;
- v. Ulawulo Oluphezulu: Ulawulo Lwemali.

3.6.3 Ulawulo:Ulawulo Lomngcipheko

Injongo Yolawulo: Ulawulo Lomngcipheko luphethe ukulawula umngcipheko wangaphakathi kwi-eGov

Imisebenzi Yolawulo, *inter alia*, eziquka:

- ukuphuhlisa nokusetyenziswa iinkqubo nemimiselo yolawulo lomngcipheko;
- ukuphuhlisa nokusetyenziswa Isicwangciso Sokuqhubeka noShishino (BCP) neSicwangciso Sokulungisa emva kweNtlekele;
- ukuqinisekisa ukuba imingcipheko iyabikwa;
- ukubeka iliso nokuphuhlisa izicwangciso zokusebenza ngokunciphisa umngcipheko kubalawuli beeyunithi.

3.6.4 Isebe: Ukwabelana Kweenkonzo ze-ICT

Injongo yeSebe: Ukwabelana Kweenkonzo Zobuchwephesha be-ICTukunika inkxaso kunxibelelwano lweenkonzo zengxelo kumaSebe eGPG.

Imisebenzi yeSebe Lokwabelana ngeenkonzelo ze-ICT, *inter alia*, ziquka:

- ukunikezela ngenkqubo epheleleyo nembaxa neendlela esebenza ngokuxhasa iGPG;
- ukunikezela ngesicwangciso esipheleleyo neendlela zokulawula iindlela zokusebenza ngeenkonzelo zobuchwephesha;
- ukuzisa inguqu kushishino lweGPG ngokufuna amacebo asebenza kakuhle kwiiphatheni zokusebenza ngoncedo lwe-IT, nokwakha kwakhona iindlela -zonikezelwano ngolawulo lweendlela nenkqubo ukuze zibe ziinkonzelo zoluntu ezilungiselelwe lamaxesha.



Isebe: Ukwabelana Ngeenkonzko Zokwabelana nge-ICT luqulethe ezi zigaba zilandelayo:

- Ulawulo Oluphezulu: lindlela zokusebenza;
- Ulawulo Oluphezulu: liziseko Zokusebenza kwi-ICT;
- Ulawulo Oluphezulu: Ulungiselelo Loshishino.

3.6.5 Isebe: Ulawulo Ngobambiswano

Injongo yokuLawula Ngobambiswano kukwakha imigaqonkqubo neenkqubo ezinxulumene noMthethwana Wolawulo Lwemali Yoluntu, 1 of 1999 (PFMA) kunye neminye imigqaliselo engomthetho; nokuqinisekisa ukuba ukunyanzeliswa kwale migaqonkqubo neenkqubo.

Imisebenzi Yesebe iquka, *inter alia*, iquka:

- ukuququzelela nokulawulo izixhobo zokusebenza ngolawulo lweenkonzo;
- unikezelo ngeenkonzko zonxibelelwano;
- ukuba negalelo ekuphakamiseni indlela yokusebenza ngokunikezela ngezixhobo kunye nenkxaso kubaphathi abaphezulu emsebenzini wabo wokuza namacebo okusebenza, kunye nokusebenza ngokusondeleleneyo kwiinkalo ezingundoqo kushishino ukuqinisekisa ukuba abathengi bayaneliseka kwaye inkonzo yolawulo kumanqanaba onke iyaphumelela.

Isebe Lolawulo Ngobambiswano lunezi zigaba zilandelayo:

- Ulawulo Oluphezulu: Izixhobo Zokusebenza noQeqesho;
- Ulawulo Lokusebenza: linkonzo Zonxibelelwano;
- Ulawulo Oluphezulu: Amacebo Olawulo.

3.6.6 Ulawulo Oluphezulu: Izixhobo Zokusebenza noQeqesho

Injongo Yolawulo Oluphezulu: Izixhobo Zokusebenza noQeqesho lunalo msebenzi

- ukunikezela ngeenkonzko zezixhobo zokusebenza nnoqeqesho lwabasebenzi bamasebe eGPG;
- Ukulawula nokuququzelela izicwangciso zezixhobo zokusebenza noqeqesho kunye nophuhliso lobume;
- Ukunikezela ngeenkqubo zempilo yabasebenzi, ukuhlala uphilile neenkqubo zonxibelelwano; kunye
- nokunikezela ngeemfuno zolungiselelo neenkonzko zokuhamba.



Imisebenzi yoLawulo Oluphezulu: Izixhobo Zokusebenza noQeqesho, *inter alia*, iquka:

- Ulawulo lwengxelo yeHR neenkonzelo zophuhliso lomgaqonkqubo kwiGPG;
- iinkonzelo zokwenzakala emsebenzini;
- ulawulo lwemeko yezixhobo zokusebenza kula masebe alandelayo kummandla weGPG: Ezempilo, Uphuhliso Loluntu, Ezothutho, Imidlalo, Amasiko Nenkcubeko, GDID, GDED, e-Gov, DLGH noKhuseleko, iGDE, Ezolimo, iOOP neNgxowamali kaZwelonke; kunye
- nolawulo lwendlela yokuhlulula abasebenzi kwiGPG ngokubanzi.

Ulawulo Oluphezulu: **Icandelo LeziXhobo Zokusebenza noQeqesho lunezizigaba zilandelayo:**

- Ulawulo Oluphezulu: Isicuku Soalwulo lweHR 1;
- Ulawulo Oluphezulu: Isicuku Soalwulo lweHR 2;
- Ulawulo Oluphezulu: iinkonzelo zokuhlulula; Ulawulo Oluphezulu: Ulawulo Lwamatyala;
- Ulawulo-oluphakathi: Ulawulo Lwengxelo yeHR Noququzelelo loMgaqonkqubo; kunye ne
- Candelo: Ukwenzakala Emsebenzini.

3.6.7 Ualwulo Oluphezulu: Ulawulo Lwemali

Injongo Yolawulo Oluphezulu: Ualwulo Lwemali lunikezela ngolawulo lwemali.

Imisebenzi Yolawulo Oluphezulu Kulawulo Lwemali, *inter alia*, luquka ukunikezela ngezinkonzelo zilandelayo:

- iinkonzelo ezilawulo uphicotho lwamanani;
- iinkonzelo zolawulo lwemali;
- ulawulo lweenkonzo lwesixokelelwano esinikezela ngeenkonzelo.

Ulawulo Oluphezulu: Ulawulo Lwemali luquka ezi zigaba zilandelayo:

- Ulawulo Oluphezulu: Ulawulo Lophicothomanani;
- Ulawulo Oluphezulu: Uphicothomanani eMali; kunye
- Ulawulo Oluphezulu: Unikezelo Ngezixhobo Zokusebenza.



4. IGOSA LENGCACISO NESEKELA-GOSA LENGCACISO LE-e-Gov

4.1 Igosa Lengcaciso Mnu. Boy Ngobeni

Ngokwamasolotya ePAIA, Intloko yeCandelo (HOD) **IiGosa Lengcaciso** nge-e-Gov.

linkcukacha zonxibelelwano neHOD zezi zilandelayo:

Igama: Mnu. Boy Ngobeni
Idilesi: 75 Fox Street, Imbumba House, Marshalltown, 2107
Idilesi Yeposi: Private Bag x112, Marshalltown. 2107
Inombolo Yefoni: (011) 689 8984
Imeyile: boy.ngobeni@gauteng.gov.za
Webhsayithi: <http://www.egov.gpg.gov.za/>

4.2 Isekela leGosa lezeNgxelo:Nkszn. Mahlodi Mashita

IHOD igunyazise ngokuthunywa ngulowo ubhalwe ngezantsi ukuba abambeke njengeSekela leGosa Lengcaciso ukuze kuqinisekise ukuba iimfuno zePAIA ziqhutywa **ngokoMthethwana**:

Indawo: linkonzo zoMthetho
Igama: Nkszn. Mahlodi Mashita
Idilesi: 75 Fox Street, Imbumba House, Marshalltown, 2107
Idilesi yeposi: Private Bag x112, Marshalltown. 2107
Inombolo yefoni: (011) 689 8692
Imeyile: mahlodi.mashita@gauteng.gov.za



5. INGXELO NEMIQULU ENEENKCUKACHA EZIGCINWE KWI e-GOV

5.1 linkalo zokufunda nezigaba zamawebhu eeNkcukacha ezigcinwe ngokwamasoloty e-e-Gov ngokwamabakala eSigaba se-14(1)(d) sePAIA

I-eGov-yohlule ngokwezigaba zeeNkcukacha ezigcinwe kwi-e-Gov ngokwemisebenzi ehambelana nazo kunye neenkonzo ze-eGov kunye/okanye ngokwenkalo yesihloko:

A Umgaqonkqubo, ngokoMthetho neeNothisi Zolawulo, kunye neenkqubo zangaphakathi

- a. Imigaqonkqubo yangaphakathi, Amacebo, Ukuthunywa
- b. Ukongamela Umgaqonkqubo noPhuhliso Lokulawula Ulwazi
- c. Amaxwebhu linkcukacha Esizwe ahlanganiswe ngokoMthetho, kuquka:

limeko Ezifikelekayo ZoMthethwana weNgqesho, wama-75 ka1997
Umthethwana Womgaqonkqubo weRiphabhliki yaseMzantsi Afrika we-108 ka1996
Umthethwana Ngembuyekazo Yokwenzakala Emsebenzini neZifo neMpilo we-130 ka1993
Umthethwana Okhusela Ulwazi lwababhali wama-98 ka1978
Umthethwana Olawula lindlekele wama-57 ka2002
Umthethwana Wonxibelelwano Ngombane noNanino wama-25 ka2002
Umthethwana Wolingano Emsebenzini, wama- 55 ka1998
Umthethwana Wengeniso yeRhafu, wama-45 ka1967
Umthethwana Wokungakwazi Ukuthenga wama-24 ka1936
Umthethwana Olawula Ipenshini Yabasebenzi, wama-21 ka1996
Umthethwana Wokucibiyela Imithetho Elawula lincwadi namaphepha, wama-38 ka1997
Umthethwana Wobudlelwane Esemsebenzini wama-66 ka1995
Umthethwana kaZwelonke Wolawulo Lokusingqongileyo noMgangatho Womoya wama-39 ka2004
Umthethwana kaZwelonke Olawula Okusingqongileyo we107 ka1998
Umthethwana kaZwelonke Wolawulo Lwenkunkuma kuZwelonke 59 ka2008
Umthethwana Wezempilo Kuzwelonke, wama-61 ka2003 wama-
Umthethwana Wokuphila kakuhle noKhuseleko Emsebenzini wama-85 ka1993
Umthethwana Wokukhuthaza Ulawulo Lomthetho we-3 ka2000
Umthethwana Womgaqonkqubo Wokunikezela Ngeenkonzo Okhethelileyo we-5 ka 2000
Umthethwana Othintela Ulwaphulo Mthetho Obuququzelelweyo, we-121 ka1998
Umthethwana Othintela noLwisana Nezenzo Zorhwaphuilizo, we-12 ka 2004
Ukukhuthazwa Kolingano noMthethwana WoKuthintelwa Kokuphathwa Kakubi we-4 ka2000
Umthethwana Okhusela Ukunikezelwa kwengxelo/nkcukacha wama-26 ka 2000



Umthethwana Wolawulo Yemali Yoluntu, wo-1 ka1999
Umthethwana Wenkonzo Zoluntu, we-103 ka1994
Umthethwana Wemiqathango ngokuNgenelela kuNxibelelwano Nokunikezelwa KweNgxelo
Enobudlelwane Ehambelanayo wama-70 ka-2002
Umthethwana Wophuhliso Lwezakhono wama-97 ka1998
Umthethwana Welevi Yophuhliso Lwezakhono we-9 ka1999
Umthethwana waseMzantsi Afrika Ogunyazisa Iziqinisekiso wama-58 ka1995
Umthethwana Wolawulo lwerhafu, wama- 28 ka2011
Umthethwana Olawula Imveliso Yecuba wama-83 ka1993
Umthethwana Ngezokurhwebelana we-194 ka1993
Umthethwana Ngegalelo Lemali Yabangaqeshwanga we-4 ka 2002
Umthethwana Nge-inshorensi Yabangasebenziyo ka-63 ka2001
Umthethwana Werhafu Yempahla, wama- 89 ka1991

B Usasazo

- a. Izitethimenti zoonondaba neentetho

C Ezemisebenzi, ngokoMthetho osebenza Ngezemisebenzi Neenothisi zikaRhulumente

- a. Ubudlelwane Emsebenzini, Uthethwano noLawulo Lokuziphatha Emsebenzini
b. Intlawulo Nokuhlelwa Komsebenzi (Imiba Yenqanaba Eliphezulu neMiba Jikelele)
c. Inzuzo yabasebenzi; Ulawulo lokungqonge Indawo Yokusebenza
d. Izicwangciso Ngezixhobo Zokusebenza noQeqesho, lindlela Zengqesho noLawulo Ngokusebenza
e. Uphuhliso Lwezixhobo Zokusebenza noQeqesho
f. Izivumelwano Zomsebenzi
g. Ulawulo Lwezixhobo Zokusebenza Noqeqesho
h. Ulawulo Lwezixhobo Zokusebenza Noqeqesho Ngendlela Zokusebenza
i. Izixhobo Zokusebenza Noqeqesho Lwangaqakathi noLawulo Lwefasilithi

D Ulawulo Lwemingcipheko, ngendlela esebenza NgokoMthetho Olawulayo neNothisi zikaRhulumente

- a. lindlela Zokusebenza ngemingcipheko
b. linkqubo nemiqathango ngolawulo lwemingcipheko
c. Imigaqonkqubo ngemingcipheko
d. lirejista ekubhalwa kuzo umngcipheko



E Ulawulo, olusebenza ngokoMthetho neeNothisi zikaRhulumente neenkqubo zangaphakathi

- a. Iindlela Zokuziphatha Emsebenzini nolawulo Lwentlanganisela
- b. Imigaqonkqubo yolawulo, iinkqubo nemiqulu ehambelanayo

F Iindlela Zengxelo ngokwendlela yoMthetho osebenzayo neeNothisi zikaRhulumente kunye neenkqubo zangaphakathi

- a. Iindlela Zokulawula Ingxelo noLawulo
- b. Ulawulo Lwabathathinxaxheba
- c. Ulawulo Lomngcipheko Lewngxelo Yobuchwephesha
- d. Ukuncediswa Kwengxelo Nobuchwephesha yinkqubo ye-e-Enablement
- e. Ulawulo Lweenkonzo Zengxelo noBuchwephesha

G Unikezelo Lweenkonzo ngokoMthetho osebenzayo neenothi zikaRhulumente, neenkqubo zangaphakathi

- a. Ulawulo Lweendlela Zokusebenza
- b. Iinkqubo Ezixhasa Ukunikezelwa Kweenkonzo
- c. Izikhalazo Nokulawula Iinkqubo Zotshintsho (Batho Pele)
- d. Iinkqubo Zokuthatha Inxaxheba Luluntu noKubonisana Ekuhlaleni

H Iinkonzo Zomthetho

- a. Ulawulo lwenkqubo Zamatyala
- b. Umthetho Osebenza Ngokuhambelana nemithetho kaRhulumente
- c. Ukubhalwa kwezivumelwano Zengqesho no/okanye Ukuhluzwa neenkonzo Zengcebo
- d. Izicelo zePAJA nePAIA

I Iinkonzo Zobambiswano

- a. Ulawulo Lwamacebo Okusebenza neNkxaso
- b. Unxibelelwano Ngobambiswano Nolawulo Lwengxelo Yobuchwephesha



J. linkonzo Zolawulo LweMali ngokoMthetho osebenzayo neeNothisi ZikaRhulumente neenkqubo zangaphakathi

- a. Imiqulu Eneenkukacha zemali kwiSebe
- b. Imibiko, lisetyhula neNgxelo
- c. Ulawulo Lwemali
- d. Ulawulo Lolwabiwomali
- e. Umgaqonkqubo WeMali
- f. Imali kaRhulumente wePhondo
- g. Imali kaRhulumente waseKhaya
- h. Ulawulo Lwemali Yempahla
- i. Iindlela Zokusetyenziswa Kwemali
- j. Ulawulo Lwemali yeMpahla Eshukumayo Nengashukumiyo

5.2 linkukacha zamaxwebhu afikeleleka kuluntu ngokweSigaba se-14(1)(e) sePAIA

Ngokwesigaba se-4(1)(e) soMthethwana we-eGov, unezigaba zilandelayo **amaxwebhu Eenkcukacha afumaneka lula, onokuthi uwafotokope, uwahlole ngaphandle kokuba ubani enze Isicelo sokufikelela ngokwamasolotya ePAIA.**

- a. Izicwangciso Zokusebenza Ngonyaka
- b. Imibiko Yonyaka
- c. Imithethwana, Imithetho Eshicilelwe liSebe
- d. Oolindexsha abashicilelwe ngendlel ze-e kuquka neencwadana namaphetshana
- e. Amaphepha ngemiba
- f. Ukukhula necebo loPhuhliso
- g. linkqubo zopapasho
- h. Imigaqonkqubo epapashiweyo nezalathiso ezinokufunyanwa luluntu
- i. Iintetho ezifumaneka kwi-intanethi nezinokufunyanwa luluntu
- j. lifomu zokufaka izicelo ezifumanek kwi-intanethi
- k. linkonzo Zothutho Zeziqinisekiso neZivumelwano
- l. Iintetho
- m. Izinikimaxabiso
- n. Imathiriyeli Eshicilelweyo Yokusasaza, kuquka amaphetshana ecandlea ngokwazisa inkonzo
- o. Oolindexsha abashicilelweyo
- p. Izicwangciso Ezilicebo
- q. lisetyhula ngezithuba zomsebenzi



La maxwebhu ayafumaneka kwiwebhsayithi ye-eGov: <http://www.egov.gpg.gov.za> Nceda ubhekise uze usebenzise le webhsayithi ngaphambi kokuba ungenise Izicelo njengoko kuya kuba lula ukufumana linkcukacha. Ukuba ingxelo ayifumaneki kwiwebhsayithi ye-eGov, ungaqhakamshelana neGosa Lengxelo neNgcaciso kwi-eGov ufumane iinkcukacha ezipheleleyo.

5.3 linkcukacha Ezikoovimba kuZwelonke

Apho linkcukacha sezifakwe KooVimba bakaZwelonke eMzantsi Afrika, iinkcukacha zakufunyanwa ngokuhambelana nemithetho esebenzayo ekuphicotheni ezi Nkcukacha ziphakathi kwezinye:

- Umthethwana Okhuthaza Ukufikelela Kwingxelo, we-2 ka2000;
- Umthethwana Okhusela Ingxelo, wama-84 ku1982; kunye
- Nomthethwana Woovimba kuZwelonke eMzantsi Afrika, wama-43 ka1996.

6. ISIKHOKELO SEKOMISHONI YAMALUNGELO ABANTU MALUNGA NENDLELA YOKUSEBENZISA UMTHETHWANA

Ikomishoni Yamalungelo Abantu eMzantsi Afrika (SAHRC) ihlanganise Isikhokelo sengokwesolotya le-10 lesikhokelo sePAIA, ngendlela zokusebenzisa iindlela zemeko esebenza ngayo iPAIA.

Isikhokelo sePAIA, namalungelo aphantsi kwaso nendlela yokufumana ingxelo iyafumaneka **KwiKomishoni Yamalungelo Abantu eMzantsi Afrika**.

Esi sikhokelo siyafumaneka ngeelwimi zonke eziseMthethweni eMzantsi Afrika kwiwebhsayithi yeSAHRCethi <http://www.sahrc.org.za>

Isikhokelo sikwafumaneka ukuze sihlolwe ngexesha lomsebenzi kwii-ofisi zeSAHRC kule dilesi ilandelayo:

Idilesi yePosi: The South African Human Rights Commission PAIA Unit, The Research and Documentation Department Private Bag x 2700, Houghton, 2041
Idilesi: PAIA Unit, The Research and Documentation Department 29 Princess of Wales Terrace, Parktown, Johannesburg
Iwebhsayithi: <http://www.sahrc.org.za/>
Imeyile: PAIA@sahrc.org.za



7. ISICELO SOKUFIKELELA KWINGXELO NGOKWAMSOLOTYA ESIGABA SE-13(1)(D) SEPAIA

7.1 Ilungelo lokufikelela Kwiinkcukacha Ozifunayo

Ngokwemiba yePAIA, wonke umntu unelungelo lokwenza **Isicelo** sokufikelela **Kwiinkcukacha** okanye kwiingxelo eziqulethwe phantsi **Kwenkcukacha ezigcinwe yi-eGov**, phantsi kwezimeko:

- 7.1.1 **Isicelo** eso, sigcinwe kwixwebhu **LeeNkcukacha** ezichazwe banzi phantsi kwesolotya 5.2 ngentla, yenziwa ngohlobo oluthile olufanelene nayo;
- 7.1.2 Intlawulo engummiselo ihlawulwa ngokuchazwe phantsi **KwiSihlomelo C**;
- 7.1.3 Ukufikelela **Kwisicelo Seenkcukacha** kuza kuba phantsi kweemeko zokubekelwa bucala njengoko kucaciswe Kwisahluko se-4 sePAIA, njengoko kuchazwe **KwiSihlomelo D**.

Isicelo sokufikelela **Kwiinkcukacha** singenziwa nangubani na ngokweminqweno neemfuno zakhe okanye ocelwe ukuba eme endaweni yomnye umntu ongathanda ukufikelela kuMaxwebhu athile **nongakwaziyo** ukufaka **Isicelo** ngokwakhe ngenxa yokukhubazeka.

7.2 Inkqubo Yokufaka ISicelo Seenkcukacha:

Nabani na oza kufuna **ukufaka** Isicelo sokufikelela kuMaxwebhu makalandele le nkqubo yokufaka **Isicelo**:

7.2.1 Makafumane Ifomu Yokufaka Isicelo sePAIA

Ukufumana ifomu yokwenza **Isicelo** sePAIA, eyenza isikhokelo

- (a) ingafunyanwa kwiMiqathango yePAIA;
- (b) kwiwebhsayithi yeSAHRC kwi www.sahrc.org.za;
- (c) ihlanganiswe namaxwebhu akwi**Sihlomelo A**.
- (d) kwaye iyafumaneka KwiSebe leZiko neYunithi nokuYila kumgangatho osezantsi.

7.2.2 Uzalise ifomu YeSicelo sePAIA

UmfakiSicelo ufaka isicelo ngokuzenzela okanye acele uncedo lomnye umntu ngokufumana ifomu yokufaka **Isicelo sePAIA**.



7.2.3 Intlawulo yemali ebekiweyo

Kukho iintlobo ezimbini **zentlawulo** ezihlawulwayo nerhafu ngokwamasolotya e**PAIA**, eyaziwa **ngentlawulo yokufakwa Yesicelo** ehlawulwayo phantsi kweemeko ezithile; nemali **yokufikelelwa**.

Nantsi intlawulomali ebekiweyo “

IMALI YOKUFAKA ISICELO	
Imali yokufaka Isicelo, ngaphandle kwesicelo somntu ngengxelo ebhekisele Ngemiqathango 7(2)	R35.00
Imali yokufaka Isicelo ngokucela ukufikelela Kwingxelo Yomntu ngokweMiqathango 7(2)	R0.00

Apho **Umfakisicelo** efuna ukufaka isicelo **samaXwebhu** aqulathe ingxelo yomntu ngamnye/ loo mntu /loo nto, ibe njalo ngohlobo lokuba umntu ngamnye akufuneki ukuba ahlawule imali **Yokufaka** (okwaziwa ngokuba “**Umfakisicelo Ozifakelayo**”).

Nabani na **ONGAFAKI SICELO NGENGXELO YOMNTU**, kufuneka abhatale **Imali Yokufaka Isicelo**, engama-**R35.00 (amashumi amathathu anesihlanu eerandi)**, ekufuneka ihlawulwe kwi-akhawunti ye-e-Gov ngaphambi kokufaka **Isicelo**.

linkcukacha ze-akhawunti ye-eGov zezi zilandelayo:

First National Bank
Department of e-Government
Cheque account
Account number 62305791073
Branch code 210 - 554
Swift code FIRNZ AJJ

Ngokwemiba yamasolotya e**PAIA**, apho i-e-Gov ichithe ixesha iphanda ilungisa **linkcukacha Zokufaka Isicelo**, ngoko ke iya kuba nelungelo lokuhlawulela **imali yokufikelela** ngokophando, ulungiselelo nokukhupha **linkcukacha Zokufaka Isicelo/lzicelo**, ezimiselwe phantsi **KweSihlomelo “C”** esihlonyelwe apha saze saphinda savezwa ngezantsi.

**INTLAWULOMALI YOKUFIKELELA- INTLAWULO YOKUVELISA**

Intlawulomali yokuvelisa ekuthethwe ngayo kumqathango 7(1) ime ngolu hlobo:

- | | |
|---|--------|
| a. Ikopi nganye Eliphepha le-A4 okanye eyinxalenye yalo mlinganiselo | R0.60 |
| b. Ikopi nganye eprintiweyo engumlinganiselo we-A4 okanye inxalenye egcinwe kwikhompyutha okanye nawuphi na umatshini apho unokufundeka khona | R0.40 |
| c. Ngekopi nganye efundeka kwikhompyutha | |
| 1. Idisk esisitifi | R5.00 |
| 2. Icewcwe leCD | R60.00 |
| d. Ikopi eprintiweyo yemifanekiso | |
| i. Ikopi nganye eliphepha le-A4 okanye eyinxalenye yalo mlinganiselo | R22.00 |
| ii. Ikopi nganye enemifanekiso | R60.00 |
| e. Ikopi eprintiweyo ebiqale ngokushicilelwa kuqala (ibisisandi/amazwi) | |
| i. Ikopi eyi-A4 okanye eyinxalenye yalomlinganiselo | R12.00 |
| ii. Ikopi yenkcukacha ebisisandi kuqala (ngamazwi kuqala) | R17.00 |

Intlawulo yokufikelela kwiinkcukacha ezicelwe nguMfaki Siculo nekuthethwe ngayo kuMqathango 7(3) iloluhlobo lulandelayo:

- | | | |
|--|--------|---------------|
| 1. (a) Ngekopi nganye eyi-A4 okanye ibe yinxalenye yalomlinganiselo | R0.60 | |
| (b) Ngekopi nganye eprintiweyo eyi-A4 okanye inxalenye yayo igcinwe kwikhompyutha okanye ngumatshini ngohlobo olufundekayo. | R0.40 | |
| (c) Ngekopi nganye ekuhlobo olufundekayo lwekhompyutha | | |
| i. Idiski estifi | R5.00 | |
| ii. Icewcwe leCD | R40.00 | |
| (d) Ukuprintwa kwefayile enemifanekiso | | |
| i. Ngekopi nganye eyi-A4 okanye inxalenye yalo mlinganiselo | R22.00 | |
| ii. Ngekopi nganye enemifanekiso | R60.00 | |
| (e) Ngekopi nganye eprintiweyo ebiqale ngokushicilelwa ibisisandi/amazwi | | |
| i. Ngekopi nganye nge-A4 okanye inxalenye yalo mlinganiselo | R12.00 | |
| ii. Ngekopi nganye ebiqale ngokuba sisandi/amazwi | R17.00 | |
| (f) Ukuphanda nokulungiselela ukuvula iinkcukacha, ngeyure nganye echithwe kuyo okanye eyinxalenye yaloo nto, ngaphandle kweyure yokuqala, efunekayo ukuphanda nokulungiselela | R15.00 | for each hour |
| 3. Ngeenjongo zesigaba 22(2) sePAIA, kwenzeka oku kulandelayo: | | |
| a. Ukudlula kwiyure ezintandathu ingekabhatalwanga idiphozithi | | |
| b. Kufuneka isithathu semali yokufikelela kwiinkcukacha ibe yidiphozithi ehlawulwa nguMfakiSiculo ngaphambili | | |

3. Imali yokuposa ihlawulwa xa ikopi Yeenkcukacha ziza kuposelwa UmfakiSiculo



Apho i-e-Gov kufuneka ichithe ixesha iphanda ilungisa linkcukacha Eziceliweyo, i-e-Gov iza kumcebisa **UmfakiSicelo** nge-akhawunti yebhanki esetyenziswa yi-e-Gov amakuyifake kuyo imali ngokuyidiphazitha kwi-akhawunti leyo.

Qaphela ukuba xa i-eGov ithe yachitha ixesha iphanda, ilungiselela ize ikhuphe **linkcukacha zoMfakiSicelo** ziza kudlula iiyure ezintandathu (6), **UmfakiSicelo** kuza kufuneka ahlawule **idiphazithi** ku-eGov ngaphambi kokuba zikhutshwe **linkcukacha** zinikwe **uMfakiSicelo**.

Isixa sediphazithi **siza kulingana nesithathu seNtlawulo Yokufikelela Kwinkcukacha** ehlawulwa **nguMfakiSicelo**, sixamali eso siza kubhatalwa **nguMfakiSicelo** kwi-akhawunti ye e-Gov ngaphambi kokuba i-eGov iqale ukwenza amalungiselelo **Eenkukacha Eziceliweyo**.

Apho **UmfakiSicelo Efaka Isicelo** sekopi **Yeenkcukacha** iposelwa **UmfakiSicelo, UmfakiSicelo** uyayihlawulela imali yokuposa, mali leyo idityaniswe nentlawulo yokufaka isicelo

Le mali ibhalwe ngentla xa ifuneka ingabhatalwa kwi-eGov kwi-akhawunti elandelayo:

linkcukacha zebhanki ye-e-Gov zezi zilandelayo:

First National Bank
Department of e-Government
Cheque account
Account number 62305791073
Branch code 210 - 554
Swift code FIRNZ AJJ

7.2.4 Faka Izicelo kwi-e-Gov

Isicelo sengxelo kufuneka sifakwe singeniswe **kwiGosa leNgcaciso okanye Isekela-Gosa** kwidilesi echazwe kumhlathi we-4.

Kufuneka **Umfakisicelo** achaze ukuba ufuna ukuzifumana ziloluphi uhlobo **ezi Nkcukacha**.

Ukuba ubani ufaka isicelo sokufikelela kwiinkcukacha zikuhlobo oluthile, kufuneka ke **Umfakisicelo** azifumane iinkcukacha ngohlobo azicele zilulo, ukumamela uhlobo azifuna zilulo kungaphazamisana nokusebenza kwe-ofiisi ye-e-Gov, okanye yenze umonakalo **kwezo Nkcukacha** okanye naluphi na uhlobo lwelungelo lokubhala elingelilo ele-e-Gov.



Ukuba ngenxa yezizathu ezithile ezenza kungabi lula ukusebenza, umfakisicelo usenokungazifumani iinkcukacha ngohlobo azicele ngalo, kodwa azifumane zilolunye uhlobo, ngoko ke intlawulo kufuneka ibalwe ngokwendlela Isicelo ebesicelwe ngayo kuqala ngokwezibonelelo zama- 29(3) ne (4) yePAIA.

Ukuba, Umfakisicelo uyongeza kwimpendulo ye**Sicelo** ebhaliweyo kwiiNkcukacha **Umfakisicelo** kufuneka axelelwe ngesigqibo nokuba sisoluphi na uhlobo, umzekelo, ngefowuni, kufuneka oku kucaciswe kuye.

7.2.5 Isicelo esifakwa egameni lomnye umntu

Ukuba **Isicelo** senziwa egameni lomnye umntu, kufuneka umntu ofaka **Isicelo** eso afake ubungqina bokuba usenza ngabuni **Isicelo** eso, isizathu soko kufuneka sanelise **Igosa leNgxelo neNgcaciso okanye IsekelaGosa leNgxelo neNgcaciso**.

7.2.6 Isicelo esifakwa ngumntu okhubazekileyo

Ukuba ke **Umfakisicelo** akakwazi ukufunda nokubhala, okanye unohlobo oluthile lokhubazeko olumthintelayo ukuba angakwazi ukuzalisa ifomu, angasifaka **Isicelo** sakhe ngomlomo. **Igosa leNgxelo okanye IsekelaGosa lengxelo nengcaciso** (okanye lowo amcelileyo) angazizalisa iifomu egameni **Lomfakisicelo** aze anike **Umfakisicelo** ikopi ezalisiweyo.

7.2.7 Ukudluliswa Kwezicelo

Igosa leNgxelo neNgcaciso le-e-Gov linelungelo lokukhuphela **Isicelo seNkcukacha** kwelinye iqumrhu loluntu phantsi kwezimeko zilandelayo:

- Xa **linkcukacha** zibambana nelinye iqumrhu loluntu;
- Umba osentloko kwi**Nkcukacha** usondele kakhulu nemisebenzi yelinye iqumrhu loluntu;
- **linkcukacha** zamiselwa elinye iqumrhu loluntu, okanye lafunyanwa lelinye iqumrhu loluntu kuqala; okanye
- **linkcukacha** iqulethe ingxelo ephathelene nentengo ethi ihambelana nemiba yezoqoqosho kunye nemeko yezemali okanye imisebenzi yemali okanye elinye iqumrhu loluntu.

Kwezi meko zichazwe ngaphambili **IGosa leNgxelo neNgcaciso okanye iGosa leNgxelo neNgcaciso** (okanye lowo uthunywe lilo) kufuneka likhuphele **Isicelo** kwelinye iqumrhu loluntu kwamsinya kangangoko anako, kodwa kungabikho **ngemva kweentsuku ezili-14** emva kokufumana **Isicelo**.

Ukuba iqumrhu loluntu okanye **Igosa leNgxelo neNgcaciso**, linamandla negunya kulowo wenze **Isicelo** kwaye ulungele ukuncedwa Ngeenkukacha ukunceda **Igosa leNgxelo neNgcaciso** okanye elinye iqumrhu loluntu elisebenza **ngeSicelo**, **linkcukacha** okanye ikopi yeeNkcukacha iza kuthunyelwa **kwiGosa leNgxelo neNgcaciso**.



Xa **Isicelo sokufikelela kumaxwebhu Eenkcukacha** okanye ingxelo ekhutshelwe kwelinye iqumrhu loluntu, **Igosa leNgxelo neNgcaciso** nto leyo yenza ukuba xa kugqitywa ukukhutshelwa kumele kwaziswe **Umfakisicelo**:

- ngeenkcukacha zequmrhu loluntu ekukhutshelwe kulo **Isicelo** eso;
- Izizathu zokuba zikhutshelwe kulo; kunye
- Nexesha ekuqhutywe ngalo **Isicelo**.

7.2.8 Ukunika imvume okanye ukwala isicelo

Kufuneka **Umfakisicelo** anikwe imvume yokufikelela **Kumaxwebhu Eenkcukacha Aceliweyo** akuba **Umfakisicelo** ehlangabezane nazo zonke izinto ezifunwa kwinkqubo **yePAIA** ehambelana **neSicelo** sokufikelela **Kumaxwebhu Eenkcukacha**; akanakwalelela ukufikelela **Kwiinkcukacha** kuba akukho zizathu zokwenza oko xa iimfuneko zikulungele oko kuphantsi kwe**PAIA**.

Akuzokuvunyelwa Ukufikelela Kwiinkcukacha kude kube kuhlawulwe **intlawulomali efunekayo kuqala**



8. EMINYE IMITHETHO

8.1 Ukukhuthazwa koMthethwana Olwula EzoMthetho noBULugnisa, 3 ka- 2000 (PAJA)

Kwiimeko zolawulo lwamanyathelo ezinto eziphathekayo ziba nefuthe elibi kumalungelo okanye kwinto elindelekileyo ngokusemthethweni kumalungelo oluntu, ngoko ke imimiselo yenkqubo encomekayo kulawulo lwenyathelo elimiselwe kwizibonelelo Zokukhuthazwa koMthethwana Wolawulo LwezeMthetho wama-2000 (Umthethwana. 3 ka- 2000), ingakumbi kwizigaba ze-4 ne-5 kwakuhanjelwana nazo.

8.2 Umthethwana Wokhuseleko Lwengxelo Ngomntu 2013 (POPIA)

8.2.1 Injongo yePOPIA

Umthethwana Wokhuseleko Lwengxelo Engomntu, we-4 ka- 2013, (“**POPIA**”) omisela nolawula inkqubo, equka ukuqokelelwa, ukusebenzisa, nokukhutshelwa kwengxelo yomntu nngamnye. Ngokwemiba ye**POPIA**, ingxelo engomntu (**Umntu Onoxanduva**) unoxanduva ngokusemthethweni, ngokusebenzisa, ngokukhuphela nokutshabalalisa (**inkqubo**) enye (**Umba Weenkukacha**) ingxelo engomntu (**Ingxelo Engomntu**) ngokusemthethweni, ngokufanalekileyo nendlela eluxanduva ngokuhambelana nezibonelelo kunye neemeko ezisibhozo (8) zokuqhuba ezimiselwe phantsi kwe**POPIA**.

8.2.2 Iziathu Zeenkqubo Yengxelo Engomntu ye-e-Gov

I-eGov iyaqhuba ngokuthi ngamaxesha athile icokise **Ingxelo Ngomntu**, egcinwe **Kumxholo Weenkukacha**.

Ooku kucokisw kweenkukacha kuyafuneka ukuvumela i-Gov ukuba yenze oku kuladenlayo:

- (i) Ukumisela iinjongo namacebo;
- (ii) ukuhambelana nemiqathango nemimiselo yomthetho eyahlukeneyo, kuqinisekiswa ukungasuki kuleyo iphangaleleyo kuluhlu Omhlathi we-5 ngentla;
- (iii) ukuthatha amanyathelo aqakumbela ukusebenza kwesivumelwano esiphakathi kwe-e-Gov **Nemiba Yeenkukacha**;
- (iv) ukumisela iindlela zokhuseleko ukukhusela **linkukacha Zemiba** nemiba esemthethweni ye-eGov okanye evumelekayo equka ukuvavanya nokuhlola imingcipheko yokusebenza nemingcipheko yeenkukacha nobume bomntu ngamnye profayile;
- (v) ukufumana Ingxelo Engomntu ngemiba Yemiba Yeenkukacha, njengoko kusenokufuneka ngokomthetho okanye ukukhusela **Imiba Yeenkukacha** zomntu ngamnye, kuBamiseli boMthetho, ii-arhente zonyanzeliso lomthetho, ezifana neSAPS, iqumrhu elijongene namatyala abantu, ukunikezelwa kwamatyala nobudlelwane amatyala;



- (vi) ukunikezela **Ngengxelo Engomntu** mayela **Nemiba Yeenkcukacha**, njengoko zisenokufuneka ngokomthetho okanye ukukhusela abo bachaphazelekayo okanye **ukuba semthethweni Kweenkcukacha Zemiba yezizathu zabaMiselimthetho**, ii-arhente zokunyanzelisa umthetho, ezifana neSAPS, iqumrhu elijongene namatyala abantu, ukunikezela ngamatyala kunye nabanxulumene namatyala;
- (vii) ngeenjongo zokunxulumana **noMba Weenkcukacha** anokujongana nemibuzo emayela **neeNkcukacha Ngomba enemibuzo neZicelo**;
- (viii) ngeenjongo zokubonelela **Ngomba Weenkcukacha** ixesha nexesha nengxelo ephathelene ne-eGov, amagosa ayo, abalawuli bayo, abasebenzi, iinkonzo nempahla kunye nemiba ezivelelayo nje ehambelana nengxelo;
- iimfuno ze-eGovu kusukela imiba **Imiba Yeenkcukacha** ne/okanye iimfuno ezisemthethweni ze-eGov- okanye iimfuno zomnye umntu ofanelwe kukufumana nokunikwa loo Ngxelo Engomntu;
- (ix) ngeenjongo zokunikezela, ukugcina, nokuphucula iimveliso neenkondo ze ze-Gov, nokubeka iliso kuze kuhlalutywe iindlela ezahlukeneyo nemisebenzi eqhuba ngesantya ehambelana nayo;
- (x) ngeenjongo zokusebenza imisebenzi yangaphakathi, equka ulawulo ngabalawuli, abasebenzi, iinkqubo zokuphila kakuhle, indlela yokusebenza imisebenzi yonke yeHR ne-IR, amaziko okufowuna, iminxeba evulelwe ukufowuna kwabathengi kunye neminye imibuzo, kuqwalaselwa yonke imiba yemali kuquka uhlahlolwabiwomali, ukwenza izazisi maxabiso, ukuququzelela nokuhlawula, nokuhambisa impahla, kuthunyelwe iirisithi, nokunikezela ngenkxaso yezemali noqoqosho ngokubanzi apho ifuneka khona, ithe yacelwa okanye yafuneka khona;
- (xi) ngeenjongo zokuthintela ubuqhophololo nokuxhatshazwa kwenkqubo ze-e-Gov, iindlela zokumisela iinkqubo neendlela zokuyisebenza, kuquka nendlela ekunokuqhutywa ngayo uphando ngaphakathi nangaphandle kuze kumiselwe imibuzo neendibano zokumamela amatyala nezikhalazo.

8.2.3 Ukulondoloza ukugcina nokutshabalalisa ingxelo

I-e-Gov iza kuqinisekisa ukuba **Ingxelo Engomntu neMiba engqamene nayo** igcinwa ngezixhobo zombane kuvimba weenkcukacha, othi ngenxa yezizathu zendlela yokusebenza, zifikeleleke kwabo bakwi-eGov naba neemfuno zokwazi izinto ezisisiseko kushishino, kugcinwe apho kufanelekileyo ezinye **linkcukacha ngomba wenNgxelo Engomntu** zingagcinwa ziprintiwe. Yonke **ingxelo Yomntu** elolu hlobo iza kugcinwa /ibekwe ngokukhuselekileyo. Kulo mba i-eGov iza kuqinisekisa ukuba yenza uphicothoncwadi qho mayela nemiba yokhuseleko **Lwemiba Yeenkcukacha Ezingomntu**. Zakuba zingasafuneki **linkcukacha Ezingengxelo Ngomntu** ngenxa yokuba injongo yokugcinwa kwengxelo **Engomntu** iphelelwe lixesha, uhlobo olunjalo **Lwengxelo Engomntu** luyakugcinwa ngokukhuselekileyo kuvimba wemiqulu ixesha elimisiweyo okanye ixesha elide ukuba zisenokufunwa yi-eGov. I-e-Gov emva koko, iza kuqinisekisa ukuba **Ingxelo Engomntu eloluhlobo** itshatyalaliswa ngokupheleleyo.



8.3. Ukufikelela kwabanye nokunikezela ngaphaya kwemida

I-e-Gov kusenokufuneka ukuba ikhuphe **Imiba yengxelo Engomntu** kwabanye abantu, kuquka amanye amalungu oburhulumente, amanye amasebe kunye nabaxhamli, imveliso okanye umntu ongomnye kwabanikezela ngeenkonzelo, abalawuli nababeki beliso kunye/okanye namagosa karhulumente, abaniki beenkonzo abaphesheya kolwandle kunye nee-arhente, kodwa ukukhutshwa kwazo kuyakusoloko kuxhomekeke kwisivumelwano esiza kuqunjelwa phakathi kwe-e-Gov nalowo imkhuphela **linkcukacha Zomba Wengxelo eNgomntu**, esinyanzelisa oza kufumana **Ingxelo eNgomntu** ihambelane nokufihlwa kweencukacha nemfihlo nokhuseleko lwemiba yokhuseleko.

Apho **Ingxelo Engomntu** neencukacha ezikhutshiweyo kwelo lizwe likwimida engapahndle yelo loMzantsi Afrika, **linkcukacha Zomba Wengxelo eNgomntu** wiza kukhutshelwa kuloo mazwe aneencukacha ezifanayo ezineencukacha ezilawulwa yimithetho yabucala okanye indawo apho oza kuzifumana ezincukacha **Zengxelo Engomntu** ngokunyanzeliswa sisivumelwano esinezinyanzeliso ezingekho ngaphantsi kwezo zimiselwe yiPOPIA.



9. AMAQHINGA OKULUNGISA XA ISICELO SINGAHAMBELANI NEPAIA- (ISIGABA 14(1)(H))

9.1 Isibheno sangaphakathi

Xa **Umfakisiselo** engonwabanga sisigqibo esenziwe **liGosa leNgxelo neNgcaciso okanye IsekelaGosa leNgxelo neNgcaciso, Umfakisiselo unelungelo lokufaka isibheno sangaphakathi.**

Isibheno sangaphakathi siquka umntu osesikhundlelni okanye osegunyeni eliphezulu, owaziwa **ngokuba negunya eliphezulu, ozakuphicotha isigqibo seGosa leNgxelo nenNgcaciso okanye Isekela leGosa leNgxelo neNgcaciso** uze uthathe isigqibo esenza ucinge banzi ngokuba ingaba wenze isigqibo esi okanye esingesiso.

Ukuba osegunyeni eliphezulu uyasivumela isigqibo **seGosa leNgxelo neNgcaciso okanye iSekelaGosa leNgxelo neNgcaciso**, ngoko ke isibheno sangaphakathi siyaliwa size isigqibo sokuqala esimayelana **neSicelo sePAIA siyaqinisekiswa.**

Ukuba umntu okwigunya eliphezulu lolawulo akasivumeli isigqibo **seGosa leNgxelo neNgcaciso okanye IsekelaGosa leNgxelo neNgcaciso**, ngoko ke isibheno siyaphunyezwa kuze kuguqulwe isigqibo **seSicelo sePAIA.**

Ukuba isibheno sangaphakathi sibandakanya omnye umntu, i-eGov inoxanduva lokwazisa bonke abanye abantu abachaphazelekayo..

Abanye abantu nabo bayavunyelwa ukwenza izibheno zangaphakathi belandela izigqibo **zeGosa leNgxelo neNgcaciso okanye Isekela leGosa leNgxelo neNgcaciso**

Umfakisiselo usenokufaka Isibheno Sangaphakathi elandela izigqibo ze-**Gosa leNgxelo neNgcaciso okanye IsekelaGosa leNgxelo neNgcaciso:**

- Ukwalela nasiphi na **Isicelo sokufikelela kwiiNkcukacha;**
- intlawulomali yokufikelela ibe luhlobo lwerhafu okanye
- **Isicelo sokongezelela ixesha** ukuze kusetyenzwe ngeSicelo.
- Umfakisiselo **akonelisekanga** sisigqibo sokongezelela ixesha ngeentsuku ezingama-30 ukuze i-e-Gov iphendule kwesi sicelo.
- umfakisiselo akonelisekanga luhlobo ezikhutshwe ngayo iinkcukacha kwaye azifani nezo azicelileyo
- ukuba uhlobo olwacelwayo, nomfakisiselo ukholelwa ukuba ibingazokuba ngumthwalo kwi-e-Gov ukunikezela ngeenkcukacha ngohlobo ezicelwe ngayo.



9.2 linkqubo, Amaxesha noHlobo

Kufuneka isibheno sifakwe ngokusebenza ifom emiselweyo neqhotyoshelwe kule Manyuwali **yePAIA** njenge **“Sihlomelo B”**.

Kufuneka isibheno senzelve kuledilesi, inombolo yefeksi okanye i-dilesi ye-imeyile uyithumele **kwiGosa leNgxelo neNgcaciso okanye IsekelaGosa leNgxelo neNgcaciso**.

Umntu ofaka isibheno (apha ke waziwa ngokuba “ngumbheni”) kufuneka

- afake iinkcukacha ezaneleyo kwifom yesibheno nezizathu zesibheno sangaphakathi;
- indlela afuna ukwaziswa ngayo ngesigqibo esimayela nesibheno; kwaye
- uhlawule *imali-ntlawulo yesibheno (ukuba kuyimfuneko) ngokwentlawulo yesihlomelo.

* okwangoku akukho ntlawulomali.

Umfakisibheno /**Umfakisicelo** kufuneka afake isibheno sangaphakathi kwintsuku ezingama-60 zokufumana ukuba walelwe ukufikelela kwiinkcukacha **ngokwesicelo sePAIA** sokuqala.

Kufuneka uFomB angeniswe **liGosa Lengxelo neNgcaiso/IsekelaGosa leNgxelo neNgcaciso** elalithe lasala **Isicelo** ekuqaleni, aze asidlulisele kumntu okwigunya eliphezulu.

Ukuba isibheno sifuna ukuba kukhutshwe isazio kumntu ongomnye (ok.kkt. xa ingxelo iqulethe Ingxelo Engomntu emayela nomnye umntu, kunye nengxelo eyimfihlo, nengxelo engqale ngoshishino nemali, ingxelo engophando ngomntu ongomnye), ngoko ke kufuneka isaziso ngesibheno sikhutshwe kwiintsuku ezingama-30 sinikwe umntu ongomnye esifakwa egameni lakhe.

Kufuneka umfakisicelo angenise isibheno sangaphakathi **IkwiGosa leNgxelo nengcaciso/isekelagosa leNgxelo neNgcaciso** yequmrhu loluntu elifanelekileyo ngeposi, ngefeksi okanye i-imeyile.

Kufuneka isibheno sangaphakathi siquke umba wesibheno sangaphakathi, izizathu zokuxhasa isibheno size siquke nayipha na ingxelo ehambelanayo eyaziwa ngulowo owenza isibheno.

Ukuba umfakisicelo angathanda ukwaziswa ngesigqibo esimayela nesibheno sangaphakathi ngendlela eyahlukileyo kufuneka ayichaze loo nto.

Umfakisicelo ofaka isibheno sangaphakathi kufuneka ahlawule imalintlawulo **eyintlawulomali emiselweyo**. Isigqibo esimayela nesibheno singabekelwa bucala silityaziswe ide ide ihlawulwe imalintlawulo efunekayo.

*okwangoku, akukho ntlawulomali.



I-e-Gov iyakuvumela ukuba umfakisibheno asifake emva kwexesha isibheno sakhe selidlulile ixesha elimisiweyo ukuba unezizathu eziphathekayo ngokufakwa kwsibheno selidlulile ixesha kunye nesizathu esibangele loo nto.

Xa kufakwe isibheno sangaphakathi emva kokuba zidlulile iintsuku ezingama-60, kufuneka **Igosa leNgxelo neNgcaciso okanye igosa leNgxelo neNgcaciso** lisamkele isibheno ukuba kukho isizathu esiphathekayo ngokufakwa kwaso selidlulile ixesha. Xa **Igosa leNgxelo neNgcaciso okanye IsekelaGosa leNgxelo neNgcaciso** lingakwamkeli ukufakwa kwesibheno sangaphakathi ngenxa yexesha esifakwe ngalo, kufuneka azise ofaka isibheno ukuba isibheno sakhe sifakwe emva kwexesha kwaye akuvulekanga ukuba kuqhutye naso.

9.3 Intlawulomali yesibheno

Kufuneka umfakisebheno ahlawule imali emiselweyo ***intlawulomali yesibheno** (ukuba ikhona). Isigqibo ngeSibheno Sangaphakathi singalityaziswa okanye sibekelwe ecaleni kude kuhlawulwe imalintlawulo (*okwangoku akukho ntlawulomali).

9.4 Umntu Ongomnye Obandakanyekayo

Ukuba i-e-Gov icinga ngokufaka Isibheno Sangaphakathi esimayela nokwalelwa **Isicelo sokufikelela kwiiNkcukacha** esihambelana nmntu ongomnye esinonto yokwenza nokuwuphatha bucala lo mba okanye iiNkcukacha zakwaSARS, ze-e-Gov kufuneka zazise umntu ongomnye obandakanyekayo ngeziphuno zesibheno **kwiintsuku ezingama-30** emva kokufumana isibheno nekhawuleza kakhulu kangangoko.

I-e-Gov iza kunika umntu ongomnye obandakanyekayo inkcazelo yeziqulatho ngesibheno, iinkcukacha zomfakisibheno aze acacise ukuba ingab i-e-Gov inombono wokuba ikhutshwe ingxelo inikezelwe kuluntu okanye ingakhutshwa

Umntu ongomnye ngoko ke **uneentsuku ezinagama-21** zokubhala phantsi anike **uMfakisicelo**, izizathu zokuba kutheni engazokunikwa ingxelo okanye anikwe imvume yokufikelela **Kwiinkcukacha**.

9.5 Isaziso ngesigqibo

Emva kokufumana isibheno kufuneka **IGosa leNgxelo neNgcaciso okanye Isekela leNgxelo neNgcaciso** kufuneka lifake izizathu ngesigqibo salo **kwiintsuku zomsebenzi ezili-10** kunye neenkcukacha zomntu ongomnye obandakanyekayo, ukub aukhona.

I-e-Gov ingaqinisekisa isizathu sokuqala okanye yenze esinye isizathu. Oku kungenziwa kwiintsuku ezinagama-30 emva kwesibheno sangaphakathi okanye **kwiintsuku zomsebenzi ezi-5** emva kokufumana ingxelo ebhaliweyo mayela nesibheno. Kufuneka isaziso sinikwe umfakisibheno, umntu ongomnye obandakanyekayo kunye **noMfakisicelo**, ichaza izizathu zesigqibo.



Isaziso

- masicacise izizathu ezifanelekileyo ngesigqibo, kuquka izibonelelo zoMthethwana osetyenzisiweyo;
- sikhuphe kwezo zathu yonke into ekunokubhekiswa kuyo kwiziqukatho zee**Nkcukacha**;
- sichaze ukuba obhenayo, okanye umntu ongomnye, okanye **Umfakisicelo**, ngokwemeko yesibheno, angafaka isibheno enkundleni ngesigqibo esithathiweyo ngesibheno sangaphakathi kwiintsuku ezingama-60;
- ukuba isaziso ngomntu ongomnye sifuneka kwiintsuku ezingama-30, emva kokukhutshwa kwenothisi, kunye nenkqubo yokungenisa isicelo ngesibheno .

Ukuba i-e-Gov ayikwazi ukukhupha isaziso kwisibheno sangaphakathi kulowo ubhenayo ngexesha elimisiweyo, kuye kuthathwe ngokuba i-e-Gov isichithile eso sibheno sangaphakathi ngokwenjongo zoMthethwana.

9.6 Ukubhenela enkundleni

Ukuba isibheno sangaphakathi asiphumelelanga, okanye i-Gov yalile ukwamkela isisibheno sangaphakathi ngenxa yokuba sifakwe emva kwexesha, okanye ukuba **Umfakisicelo** okanye umntu ongomnye (umbheni) uphakathi kabuhlungu nangalaphi na uhlobo ngenxa yesigqibo esenziwe yi-e-Gov, loo mntu angabhalela inkundla afake isicelo ukuze kunyenyiswe imiqobo kwiintsuku ezili-180 emva kokufumana isigqibo ngesibheno.

Umfakisicelo okanye umntu ongomnye angafaka isicelo kwiNkundla Ephakamileyo QHA (okanye kwinkundla yomgangatho ofanayo) ukuze **Umfakisicelo** afumane ukunyenyiswa kwemiqobo okufanelekileyo okanye umntu ongomnye ekufakwa isibheno egameni lakhe xa sekwenziwe konke kwinkqubo yeSibheno saNgaphakathi kwaye ufumene isaziso ngesigqibo okanye inothisi ekhutshiweyo mayela nemeko esenokuba njalo

Akukho **Nkcukacha** ziza kugcinwa okanye eziza kubanjwa zisuka enkundleni.

linkqubo zenkundla kufuneka ziphathwe ngesidima nomoya ophantsi, kwaye inkundla ingaqinisekisa, ilungise ize okanye ibekele bucala izigqibo zesibheno sangaphandle okanye kukhutshwe isithinteli.



ISIHLOMELO A

IFOM A

ISICELO SOKUFIKELEA KWIINKCUKACHA YEQUMRHU LOLUNTU

(Isigaba se-18(1) soMthethwana Okhuthazwa kokufikelela Kwingxelo, ka-2000)

(Umthethwana No.2 ka-2000)

(Umqathango we-6)

YEYOKUSETYENZISWA LISEBE

Inombolo ejongwayo: _____

Isicelo sifunyenwe ngu: _____ (Isikhundla kuRhulumente, igama nefani yeGosa Lengcaciso/IsekelaGosa leNgcaciso) ngomhla we _____ (umhla), e _____ (indawo).

Intlawulo yezicelo (ukuba ikhona): R _____

Idiphozithi (ukuba khona): R _____

Intlawulo Yokufikelela kwisicelo: R _____

ISAYINWE LIGOSA LENGCACISO/LISEKELAGOSA LENGCACISOR



a. IINKCUKACHA ZEQUMRHU LOLUNTU

Igosa Lengxelo nengcaciso/IsekelaGosa Lengxelo Nengcaciso:

b. IINKCUKACHA ZOMNTU OFAKA ISICELO SOKUFIKELELA KWIINKCUKACHA

<p>a. Kufuneka iinkcukacha zomntu ofaka Isicelo sokufikelela Kwimiqulu yeenkcukacha zibhalwe ngezantsi.</p> <p>b. Idilesi okanye inombolo yefeksi kwiRiphabhlikhi apho kuthunyelwa khona/kusiwa khona ingxelo</p> <p>c. Kufuneka isiqinisekiso sokuba ngubani ofaka Isicelo kwaye ufanelekile, ukuba sikhona, kufuneka siqhotyoshelwe.</p>
--

Amagama Apheleleyo neFani: _____

Inombolo Yesazisi: _____

Idilesi Yeposi: _____

Inombolo yefeksi: _____

Inombolo Yefowuni: _____

Idilesi ye-imeyile: _____

Igunya lokwenza Isicelo, xa sisenziwa egameni llomnye umntu:

c. IINKCUKACHA ZOMNTU OWENZA ISICELO EGAMENI LOMNYE UMNTU

<p>Kufuneka esi sigaba sizaliswe UKUBA ofaka Isicelo usifaka egameni lomnye umntu</p>

Amagama Apheleleyo neFani: _____

Inombolo yeSazisi: _____



d. AMAXWEBHU EENKCUKACHA

- a. Nikezela ngaMaxwebhu apheleleyo EeNkcukacha Eziceliweyo nekufunwa ukufikelelwa kuzo kuquka inombolo ejongwayo ukuba uyayazi, ukuqinisekisa ukuba linkcukacha ziyafumaneka.
- b. Ukuba indawo enikezelweyo ayimanga kakuhle nceda uqhube nokwahlula ipotfolio ukuze incanyathiselwe kule fom. Kufuneka uMfakisicelo asayine zonke iinkcukacha ezongezelweyo

1. Inkcazelo ngaMaxwebhu okanye linkcukacha ezihambelanayo:

2. Inombolo ejongwayo, ukuba ikhona:

3. Eminye imiba efumanekayo emayela neNkcukacha:

e. INTLAWULO

- a. Isicelo sokufikelela Kwiinkcukacha, ngaphandle KwamaXwebhu aquletke ingxelo engawe, iza kuqhutywa emva kokuba kufakwe intlawulo Yesicelo.
- b. Uyakwaziswa ngemali efunekayo eyintlawulo yokufaka Isicelo.
- c. Intlawulo yokufikelela Kwiinkcukacha kuxhomekeka kwifom efunekayo yokufaka isicelo kunye nexesha elifanelekileyo ukuphanda nokulungisa linkcukacha.
- d. Ukuba kufanelekile ukuba ungalawuli intlawulo ngesicelo sakho, nceda ubeke isizathu sakho.



Isizathu sokukhutshwa kuluhlu lwabantu abafanale kukuhlawulela izicelo

Ukuba awukwazi ukufunda ngenxa yokukhubazeka, ukuhlaziya okanye ukumamela uhlobo linkcukacha ofikelela ngazo olunikezelwe kumba-1 ukuya kowe-4 ngezantsi, nceda uchaze ukukhubazeka kwakho uze uphawule ukuba zize zingoluphi uhlobo lweNkcukacha olufunekayo.

Uhlobo lokukhubazeka:	Uhlobo LweXwebhu lweNkcukcha olufunekayo:

Phawula ibhokisi efanelekileyo ngo-X.

IINOWUTHSI

- a. Ukuhambelana neSicelo sokufikelela ngohlobo olubekiweyo kwifom lusenokuxhomekeka kwifom ezifumaneka kuyo liNkcukacha.
- b. Ukufumana uhlobo lweSicelo oluceliweyo kusenokungavunyelwa ngenxa yeemeko ethile. Kwimeko enjalo, uza kuxelelwa ukuba Isicelo usifumene kodwa sikhutshwe silolunye uhlobo.
- c. Intlawulo ehlawulweyo ukufikelela kwiiNkcukacha, ukuba zikhona, zakuchazwa ngantlanye luhlobo lwendlela yokufikelela kwisicelo eso.



1. Ukuba linkcukacha zikuhlobo olubhaliweyo okanye oluprintiweyo:		
Ikopi yeNkcukacha*	Ukuhlolwa kweNkcukacha	
2. Ukuba Amaxwebhu EeNkcukacha aqulathe amagama agciniweyo okanye ingxelo enokushicilelwa ibe sisandi:		
Hlaziya le mifanekiso	likopi zemifanekiso*	likopi zemifanekiso*
3. Ukuba Amaxwebhu aqulethe linkcukacha zamagama okanye ingxelo enokuveliswa ibe sisandi:		
Mamela isandi (ikhasethi)	Ikopi ebhaliweyo yesandi(umqulu obhaliweyo okanye oprintiweyo)	
4. Ukuba iinkcukacha ezigcinwe yikhompyutha okanye ngezixhobo zombane okanye umatshini okuhlobo olufundekayo		
Ikopi eprintiweyo yeeNkcukacha*	Ikopi yengxelo eprintiweyo ephuma kwiiNkcukacha*	Kopa uhlobo lwekhompyutha olufundekayo* (idiski yestifi okanye iCD)

*Ukuba ufake Isicelo seeNkcukacha okanye ikopi zeeNkcukacha (ngentla), ingaba ufuna ikopi eprintiweyo ithunyelwe kuwe?	EWE	HAYI
Imali yokuposa		

Qaphela ukuba linkcukacha azifumaneki kulwimi olukhethayo, ungazifumana linkcukacha ngolwimi onqwenela ukuba zifumaneke kulo
Ufuna linkcukacha zibhalwe ngoluphi ulwimi? _____



f. ISAZISO NGESIGQIBO ESIMAYELA NESIGQIBO SOKUFIKELELA KWISICELO

Uyakubhalelwa ngesaziso sesigqibo seSicelo sakho ukuba sivunyiwe/asivunywanga. Ukuba unqwenela ukwaziswa ngendlela engenye, nceda wazise lendlela ufuna sithunyelwe ngayo unike neenkukacha ezihambelna neSicelo.

Ukhetha ukwaziswa njani ngesigqibo seSicelo sokufikelela kwiiNkcukacha?

Isayinwe e: _____ ngalo _____ mhla _____ 20_____

ISANDLA SOMFAKISICELO/
IGA,MA LALOWO OFAKELWA ISICELO



**ISIHLOMELO B
UHLOBO LWEFOMB
ISAZISO NGESIBHENO SANGAPHAKATHI**

(Isigaba sama-75 Omthethwana Okhuthaza Ukufikelela Kwingxelo, 2000 (Umthethwana onguNombolo. 2 ka 2000))

(Umqathango 8)

**CHAZA INOMBOLO YAKHO
EMAYIJONGWE**

a. IINKCUKACHA ZEQUMRHU LOLUNTU

Igosa leNgxelo neNgcaciso/Igosa leNgxelo neNgcaciso: _____

b. IINKCUKACHA ZOMFAKISICELO/UMNTU ONGOMNYE OFAKA ISIBHENO SANGAPHAKATHI

- linkcukacha zomntu owenza Isibheno Sangaphakathi kufuneka anike ezi zinto zingezantsi.
- Isiqinisekiso ngegunya nesizathu sokufaka isibheno, ukuba siyafuneka, kufuneka sincanyathiselwe.
- Ukuba ke lowo wenza isibheno ngumntu ongomnye ingenguye lowo obefake isicelo kuqala, iinkcukacha zomntu ofaka Isicelo kufuneka anikwe uC ngezantsi.

Amagama Apheleleyo neFani: _____

Inombolo yesazisi: _____

Idilesi yeposi: _____

Inombolo yefeksi: _____

Inombolo yefowuni: _____

Idileyi ye-imeyile: _____

Amandla egunya lesibheno Sangaphakathi egameni lomnye abhaliwe:



c. IINKCUKACHA ZOMFAKISICELO

Kufuneka esi sigaba sizaliswe UKUBA omnye umntu wenza liscelo Sangaphakathi (ngaphandle koMfakisicelo)

Amagama Apheleleyo neFani: _____

Inombolo yeSazisi: _____

Idilesi Yesposi: _____

Inombolo yefeksi: _____

Inombolo yefowuni: _____

Idilesi ye-Imeyile: _____

Igunya nesizathu Sokufaka Isibheno Ngaphakathi egameni lomnye umntu:



d. ISIGQIBO SOKUFAKWA KWESIBHENO SANGAPHAKATHI

Phawula isigqibo nesizathu esibangela kwenziwe Isibheni Sangaphakathi ngoX kwibhokisi efanelekeileyo:

Ukungavunyelwa kokufikelela kwiSicelo sakho

Isigaba sama-22 soMthethwana omayela nesigqibo ngentlawulo emiselweyo ngokwemiba yoMthethwana

Isigaba sama 26(1) soMthethwana omayela nesigqibo sokwandiswa kwexesha emakusetyenzwe kulo isicelo

Isigaba sama-29(3) soMthethwana wokufikelela kuhlobo Isicelo esifunwe ngalo nguMfakisicelo

Isigqibo sokunika uMfakisicelo imvume yokufikelela kwiinkcukacha

e. IMIHLABA YOKWENZA IZIBHENO

Ukuba indawo yokubhala iinkcukacha ayaneli, nceda uqhube kwiphepha elisecaleni ulincamathisele kulefom uze usayine onke amaphepha ongezelelweyo.

Chaza imihlaba ekusekelwe kuyo Isibheni Sangaphakathi:

Chaza nayiphi na ingxelo esenokuhambelana nesibheni ocinga ukusifaka:



ISAZISO NGESIGQIBO SESIBHENO

Uyakwaziswa ngokubhalelwa ngesigqibo Sesibheni Sangaphakathi. Ukuba unqwenela ukwaziswa ngolunye uhlobo, nceda uchaze uhlobo ofuna ukwaziswa ngalo uze ufake neenkukacha ezibalulekileyo nezifunekayo ukwenza oko kuhambelana neSicelo.

Chaza Uhlobo Olufunayo: _____

linkukacha zohlobo olo: _____

Isayinwe e: _____ ngalo _____ mhla we _____ 20_____

ISANDLA SOWENZA ISIBHENO



OKUSETYENZISWA LISEBE

IXWEBHU ELISEMTHETHWENI LESIBHENO SANGAPHAKATHI:

Isibheno sifunyenwe _____ (umhla), ngu _____ (isikhundla kuburhulumente, igama nefani yeGosa leNgxelo neNgcaciso/IsekelaGosa leNgxelo neNgcaciso).

Isigqibo sesibheno esihamba nezizathu zeGosa leNgxelo/nengcaciso/IsekelaGosa leNgxelo nengcaciso ,nalapho sisebenza khona, iinkcukacha zalowo kwenziwa isibheno ngaye, noneenkukacha ezihambelana naye, nezifakwe kwigosa leNgxelo neNgcaciso /IsekelaGosa leNgxelo nengcaciso nge/ngo/ngama _____ (umhla) okanye igunya elifanelekileyo.

IMIPHUMELA YESIBHENO:

ISIGQIBO ESIQINISEKISIWEYO SEGOSA LENGXELO NENGCACISO/ISEKELAGOSA LENGXELO NENGCACISO/ ISIGQIBO ESITSHA NESIBENZE ENDAWENI YESINYE/ ISIGQIBO ESITSHA:

UMHLA: _____

IGUNYA ELIFANELEKILEYO: _____



ISIHLOMELO C
IFOM C
ISHEDYULE YENTLAWULOMALI EMISELWEYO

IMALI YESICELO

Imali eyintlawulo yesicelo ihlawulwa nguMfakisicelo, ngaphandle kwaloo Mfakisicelo ekubhekiswa R35.00 kuye kuMmqathango wam 7(2)

IKOPI YEMANYUWALI

Intlawulomali yekopi yemanyuwali njengoko ithiwe thaca kuMqathango 5(c) wekopi nganye ekwiphepha elingumlinganiselo we-A4 R0.60

INTLAWULOMALI YOKUFIKELELA- INTLAWULOMALI YOKUPAPASHA

Intlawulomali yokuppasha ekubhekiswa ngayo kuMqathango 7(1) zime ngolu hlobo:

- | | | |
|-----|--|--------|
| a. | Ikopi nganye ekwiphepha elingumlinganiselo we-A4 | R0.60 |
| b. | Ikopi nganye eprintiweyo ekwiphepha elingumlinganiselo we-A4 okanye inxalenye yalo mlinganiselo ogcinwe kwikhompyutha okanye umatshini wombane okuhlobo olufundekayo | R0.40 |
| c. | Ikopi nganye ekuhlobo lwekhomputya olufundekayo | |
| 1. | Idiski yestifi | R5.00 |
| 2. | ICD | R60.00 |
| d. | Imifanekiso yekopi eprintiweyo | |
| i. | Kwiphepha elingumlinganiselo ongu-A4 | R22.00 |
| ii. | Ikopi yomfanekiso oprintiweyo | R60.00 |
| e. | Ikopi eprintiweyo yoShicilelo lwesandi | |
| i. | Kwiphepha elingumlinganiselo we-A4 | R12.00 |
| ii. | Ikopi nganye eprintiweyo yoShicilelo lwesandi | R17.00 |



INTLAWULOMALI YOKUFIKELELA- INTLAWULOMALI YOKUPAPASHA

Intlawulomali yokufikelela ehlawulwa nguMfakisicelo ekubhekiswa kuyo kuMqathango 7(3) ziloluhlobo:

- | | |
|--|--------|
| 1. (a) Kwikopi nganye engumlinganiselo we-A4 | R0.60 |
| (b) Kwikopi nganye eprintwe kwiphepha elingumlinganiselo we-A4 ogcinwe kwikhompyutha okanye umatshini wombane oluhlobo olufundekayo. | R0.40 |
| (c) kwikopi nganye ekuhlobo lombane ofundekayo | |
| i. Kwidiski esistifi | R5.00 |
| ii. ICD | R40.00 |
| (d) Ikopi yemifanekiso eprintiweyo | |
| i. Kwiphepha elingumlinganiselo we-A4- | R22.00 |
| ii. Kwikopi nganye yemifanekiso | R60.00 |
| (e) Kwikopi nganye eprintiweyo yoShicilelo lwesandi | |
| i. kwiphepha elingumlinganiselo we-A4 | R12.00 |
| ii. Kwikopi yoShicilelo lwesandi | R17.00 |
| (f) Ukuphanda nolungiselela linkcukacha eziza kukhutshwa, kwiyure nganye, ngaphandle kweyure yokuqala, ixesha elaneleyo ukuqhuba uphando nolungiselelo | R15.00 |
1. Ngokweenjongo zesigaba sama 22(2) sePAIA, kwasetyenziswa oku kulandelayo:
- Iiyure ezintandathu lixesha elinokuthi lidluliswe ngaphambi kokufka mali yediphozithi
 - Isithathu sentlawulomali yokufikelela ihlawulwa njengediphozithi nguMfakisicelo
3. Imali yokuposa ihlawulwa xa kopi yeeNkcukacha kufuneka iposelwe kuMfakisicelo

Ilink yentlawulomali: <https://www.sahrc.org.za/home/21/files/PAIA%20Notice%20on%20fees.pdf>



ISIHLOMELO D

Imihlaba yokwala ukufikelela kwingxelo

Le mihlaba yenziwe yaba luluhlu oluphantsi kweSahluko-4 sePAIA esiSigaba se-2 sePAIA

Ukhuseleko lokufihlwa komntu ongomnye

Igosa leNgxelo neNgcaciso kwiqumrhu loluntu okanye iqumrhu elizimeleyo usenokungasivumeli isicelo sokufikelela kwingxelo engomntu kuquka, umntu ongasekhoyo.

IPAIA ichaza ukuba ukuze kukhuselwe ilungelo lokugcina imfihlelo yomntu onganye engumntu ophilayo, kufuneka igosa leNgxelo neNgcaciso lihlalutye livavanye ukuba isivumele na okanye ingasivumeli isicelo sokukhupha ingxelo ecelwe ngumfakisicelo 'lisebenzisa imfihlelo yokugcina ingxelo engomntu' (jonga amasolotya izigaba ama-34 nama-63 ePAIA).

isigaba soku-1 sePAIA sinikezela inkcazelo ebanzi ngaloo nto yaziwa ngokuba "yingxelo engomntu". Iquka ingxelo ehambelana nesini, ukumitha, nenkolelo, kwkaunye nembalelwano engomntu, iNcindi Yofuzo (DNA), imizila yeminwe, kunye nalapho igama lomntu livela kumaxwebhu eenkcukacha.

Kufuneka Igosa leNgxelo neNgcaciso liqwalasele ukuba ngaba ingxelo engomntu iwela kula mabakala alandelayo apho ingxelo ikhutshwa khona:

- Ingxelo engomntu ngamnye onike imvume ngokuba kukhutshwe le ngxelo;
- Ingxelo engomntu eyenziwe yafumaneka kuluntu;
- ingxelo engomntu ngomntwana ongaphantsi kweminyaka eli-18 apho ukukhutshwa kwengxelo enjalo ihambelane neemfuno neminqweno yomntwana
- ukuba ihambelana neemfuno zomntwana, nezomfakisicelo (oko kukuthi. Umzali okanye umgcini womntwana);
- Ingxelo engomntu ongasekhoyo apho umfakisicelo esisizalwane saloo mntu ungumfakisicelo, okanye ovunyelweyo nokunikwe igunya (isivumelwano esibhaliweyo) sisizalwane;
- Ingxelo engomntu ongasekhoyo onexesha elingaphezulu kweminyaka engama-20 waswelekayo;
- Ingxelo engomntu oligosa okanye owayeligosa elisemthethweni wequmrhu loluntu oknaye iqumrhu elizimeleyo apho
- ingxelo ihambelana nezikhundla njengegosa leloqumrhu.

IPAIA ifuna Aamgosa eNgxelo neNgcaciso akwiziko leiNkonzo zeRhafu neNgeniso eMzantsi Afrika (SARS) awayikhuphi ingxelo yerhafu engomntu kunye ngxelo ngemali, ngaphandle kokuba umfakisicelo ucela ukufikelela kwingxelo yakhe.



Ukhuseleko lwengxelo yemali kumntu ongomnye

Kufuneka Amagosa eNgxelo neNgcaciso ngamaqumrhu oluntu nawabucala kufuneka angasivumeli isicelo sokufikelela kwengxelo ukuba ukukhupha ingxelo kuza kulimaza ezezimali okanye iimeko neemfuno zemali kushishino.

Uluhlu lwePAIA ludwelise ingxelo yezemali, engenakukhutshwa liGosa leNgxelo neNgcaciso:

- limfihlo zoRhwebo;
- Ezemali, ushishino noqoqosho, inzululwazi, uphando okanye ingxelo ngobugcisa nobuchwephesha ngontu ongomnye, ukuba ikhutshiwe,
- Ingabangela umntu ongomnye ingxaki;
- Ingxelo efunekayo yayikhutshwe iyimfihlo ngumntu ongomnye.

Nangona kukho umgaqo wokukhusela ingxelo yekhampani, ophangaleleyo, kufuneka nequmrhu loluntu lusebenze ngolo hlobo. Ngoko ke kukho amaxesha apho ingxelo engemali, ushishino noqoqosho lwenkampani lusenokukhutshwa.

Ukukhutshelwa ecaleni kwePAIA; linkcukacha zomntu ongomnye eziqulathe ingxelo ehambelana nokhuseleko loluntu okanye imingcipheko yokusingqongileyo, kufuneka ikhutshwe nokuba ukukhutshwa kwaloo ngxelo kuza kudala ingxaki kumntu ongomnye. Lo mba uvela njengengxelo engumdla neyimfuneko kuluntu.

Ukhuseleko lwengxelo eyimfihlelo

IPAIA ichaza ukuba kufuneka Igosa leNgxelo lingasivumi isicelo sokufikelela kwiinkcukacha ukuba iinkcukacha ziza kudala ukungquzulana nemiba yokwaphula imithetho ejongene nokuziphatha emsebenzini nokutyhila imfihlelo ekufanele inikwe umntu ongomnye ngokwemiba yesivumelwano.

Ukhuseleko lomntu ngamnye kunye nezinto anazo

Eli candelo lichaza ukuba kufuneka Igosa leNgxelo neNgcaciso ukufikelela kwinkcukacha ukuba eziza kukhutshwa zisenokudala ukungakhuseleki komntu okanye izinto anazo. Eli solotyela linelungelo yokufihlwa kweenkcukacha njengoko icingela ubomi bomntu kunye nezinto zakhe.



Ukhuseleko lwengxelo kwiinkqubo zomthetho

Injongo yeli soloty kukukhusela ingxelo efuneka emthethweni nakwiinkqubo zokunyanzelisa iinkqubo zomthetho. Eli soloty liqonda ukuba eminye imithetho emiselweyo nelawula izigaba ezithile zengxelo. Kweli soloty, Umthetho wama-51 ka1977 ojongene neeNkqubo zoLwaphulomthetho iququzelelwa ngokusetyenziswa komthetho olawula iinkcukacha ezihambelana neenkqubo zebheyile nezinye iinkqubo zokunyanzeliswa komthetho. Oku kukwasebenza kwiinkcukacha zexabiso elikhethekileyo lokupapasha nokuvelisa iinkcukacha ezingafumaneki nakubani na ngaphandle komntu onelungelo nengunya lokufikelela kwezoo nkcukacha. Umzekelo, naziphi na iinkcukacha ezingomba wobudlelwane phakathi kwegqwetha nomntu elimmeleyo zikhuselwe phantsi kwesoloty lama-40 kwiPAIA.

Nangona iPAIA ikuvuma kokubakho komthetho okuhambelana nolawulo nokukhutshwa kwengxelo neenkukacha, apho umthethosisekelo uba ngumqobo kwilungelo lokufikelela kwengxelo kwaye ungquzulana nemiqathango yokuba phandle nokunika ingxelo nengcaciso ngokwenzekayo, iPAIA iyakuwunyasha loo mthetho.

Ukhuseleko lweNngxelo yoPhando

Kufuneka Igosa leNngxelo neNgcaciso lequmrhu loluntu lingasivumeli isicelo sokufikelela kwiinkcukacha ezihambelana nophando oluza kuthi luqhutywe liqumrhu loluntu okanye umntu ongomnye. Oku kwalelwa ukufikelela kwiinkcukacha nengxelo iimeko zokukhutshwa kweenkcukacha eziza kuveza uphando lomntu ongomnye okanye iqumrhu loluntu, umntu ngamnye okanye iziko lokuqhuba uphando ngomnye umntu, okanye iqumrhu loluntu, umntu okanye iziko eliqhuba uphando okanye umba osisihloko uza kuzisa imeko embi (bona amasoloty ama-43 nama-69 ePAIA).

Ingxelo engqamene nokwaliwa kwesicelo sokufikelela kwiinkcukacha

Izigaba ezilandelayo zihambelana nengxelo echaza imihlaba nokudala ukuba Igosa leNngxelo neNgcaciso lisale isicelo sokufikelela kwengxelo ngaphandle kokuba banganika izizathu ezivakalayo ngengxelo kwaye iwela kwezi zigaba zilandelayo kwaye ukukhutshwa kwayo akuzokulunceda nganto uluntu ngokwezi zigaba zilandelayo (ukufumana ingxelo ethe vetshe kwisoloty lweemfuno zoluntu bona isigaba se- 4.4 ngezantsi).

Ukhuseleko lomzantsi Afrika, uzinzo nebudlelwane namazwe angaphandle

Isigaba sama-41 sePAIA sifuna Igosa leNngxelo neNgcaciso licinge ngokuba lisenze na isicelo okanye likhuphe ingxelo ehambelana nokhuseleko eMzantsi Afrika. Igosa leNngxelo neNgcaciso lingala ukuphumeza isicelo ukuba linganika ubungqina bokuba ingxelo enokukhutshwa iza kuchaphazela ukhuseleko laseMzantsi Afrika.



Iimfuno zoqoqosho, zemali kunye noshishino eMzantsi Afrika

Isigaba sama-42 sePAIA sifuna ukhuseleko lwengxelo lequmrhu loluntu ukuba ukukhutshwa kweenkcukacha kuza kulimaza ezoshishino kwiRiphabhliki. Lo Mhlaba wokwalelwa uxhomekeke ekuthandeni nakwintsingiselo yeGosa leNgxelo neNgcaciso ekufuneka lithathele ingqalelo umba wamaqumrhu oluntu aphantsi koMgaqosiseko waseMzantsi Afrika ukuba linike inkcazelo kuluntu, phantsi kwale miba ke apho ukufikelela kwiinkcukacha kusenokwaliwa. Ngaphaya koko, gosa leNgxelo leNgcaciso kufuneka libonise ukuba ukukhutshwa kwengxelo ekuthethwa ngayo iza kudala ingxaki ilimaze iimfuno zemali noshishino eMzantsi Afrika.

Iindlela yokusebenza kwamaqumrhu oluntu

Isigaba sama-44 sePAIA sinika Amagosa Engxelo neNgcaciso akuzikhethela ngokwawo ukwala ukufikelelwa kwiinkcukacha ukuba iza kulimaza indlela yokusebenza kwequmrhu loluntu. Isigaba sama-44 sibanzi kwaye sisenokuquka oku:

- Imizuzu yentlanganiso;
- Amaxwebhu eenkcukacha aqulethe iingcebiso okanye iimbono;
- Amaxwebhu eenkcukacha okufakana imilomo namanye amaqumrhu;
- Amaxwebhu eenkcukacha aphaathelene nokwakhiwa kwemigaqonkqubo okanye iziphakamiso.

“Izicelo ezingenaxabiso okanye ezingenamsebenzi okanye ezithatha izixhobo zokusebenza kwezinye iindawo nemeko zize zijoliswe kuzo ngapahndle kwezi athu ezibambekayo”

Igosa leNgxelo neNgcaciso lisenokusala isicelo sokufikelela kwengxelo ukuba iimbono zakhe ngokuqhutywa kwesicelo kuza kuchitha ixesha ngaphandle kwesizathu esibalulekileyo kwaye sichithe izixhobo zokusebenza. Ukongeza, Igosa leNgxelo neNgcaciso lisenokusala isicelo sokufikelela kwiinkcukacha ukuba isicelo esenziweyo asibaluleki kwaye siza kudala umsindo okanye sivuselele ububi sivuse umnye.

Ukunyashwa kweMfuno Zoluntu

Lonke ukhuseleko ngokoluhlu lweenkcukacha ezidweliswe ziyanyashwa ukuba ukukhutshwa kwengxelo ngenxa yeemfuno zoluntu. Ngolu hlobo uvavanyo lweemfuno zabantu lunyasha yonke imihlaba yokwalelwa ukufikelela kwengxelo.

Kufuneka uvavanyo olulandelayo lusetyenziswe Ligosa leNgxelo neNgcaciso kuluntu okanye iqumrhu labucala ngaphambi kokwala ukufikelela kwiinkcukacha zengxelo ewela phantsi kwezigaba ezidweliswe ngentla zokungavunyelwa kokukhutshwa kwengxelo nokufikelela kwiinkcukacha. Ukuba kuhlangatyezwe nezi meko, ingxelo ke ngoko kuyanzeleka ikhutshwe phantsi kwemihlaba yeemfuno zoluntu. .



Ingaba ingxelo ibonisa ukuphazanyiswa komthetho okumandla?

OKANYE

Ingaba iinkcukacha ekubhekiswa kuzo ziqulethe ingxelo ehambelana nokuphekwa emngciphekweni kokhuseleko loluntu okanye okusingqongileyo?

KWAYE

Ingaba iimfuno zoluntu ngokukhutshwa kwengxelo kunamandla kunomonakalo nokwenzeka?



IZIZATHU ZOKWALELWA KWEQUMRHU LOLUNTU- OKUCATSHULWE KUMTHETHWANA

Ukhuseleko lwengxelo olunyanzelisa nolugunyazisa ushishino nezemali egameni lomnye umntu

Kufuneka igosa lengxelo nengcaciso kwiqumrhu loluntu lisale isicelo sokufikelela kwiinkcukacha ukuba ziqulethe oku:

limfihlo zomnye umntu kwezorhwebo;

- Ezemali, ezemali noqoqosho, ezenzululwazi okanye ingxelo yobugcisa nobuchwephesha ngaphandle kwemfihlelo zomnye umntu kurhwebo apho ukukhutshwa kweenkcukacha ngoko ke kungadala ingxaki kwiimfuno nemiqweni yezemali noqoqosho kwiimfuno zemali zomnye umntu;
- Ingxelo enikezelwa ngomnye umntu iyimfihlelo, enokuthi xa inokukhutshwa ibeke omnye umntu kwimeko enokumbeka engozini ngokwesivumelwano okanye olunye uthetha-thethwano okanye ubandlululo lomnye umntu kukhuphiswano loshishino nezemali.

Nangona kunjalo, iinkcukacha zisenokungaliwa nangona ziqulethe ingxelo lolu hlobo:

- Eseyifumaneka kuluntu;
- Ingomntu wesithathu obhale phantsi isivumelwano sokuba kutyhilwe okanye kukhutshwe iinkcukacha zinikwe umfakisicelo;
- Nangazi phi na iziphumo zemveliso okanye ukuvavanywa kwendawo esingqongileyo (ingezizo iziphumo ezivele tanci okanye uphando oluqhutywe kuba kuphuhliswa iindlela zokuvavanya) okanye olunye uphando oluqhutywayo okanye oluqhutywa egameni lomnye umntu;
- Apho ukukhutshwa kweenkcukacha kungaveza kutyhile ukhuseleko loluntu okanye umngcipheko wendawo engqonge uluntu

Ukhuseleko olunyanzelisa ingxelo eyimfihlelo kunye nokhuseleko lwengxelo eyimfihlelo engomnye umntu

- Kufuneka igosa lengxelo nengcaciso lisale isicelo sokufikelela kwengxelo yeenkcukacha zeloqumrhu, ukuba ukukhutshwa nokutyhilwa kwayo kuza kuphazamisana nemfihlelo ekufunika inikwe umntu ongomnye ngokwemiba yezivumelwano.
- Igosa lengxelo nengcaciso kwiqumrhu loluntu lisenokungasivumeli isicelo sokufikelela kwiinkcukacha zequmrhu ukuba iinkcukacha ukuba ziqulethe ingxelo enikezelwe phantsi kwemfihlelo yomnye umntu ukuba ikhutshiwe zinokubandlulula ukukhutshwa kwixesha elizayo nengxelo ifanayo okanye kumthombo ofanayo kwaye ifunwa luluntu kwaye nengxelo leyo iyaqhuba ngokunikezelwa.



Nangona kunjalo, iinkcukacha zisenokungalelwa nangona ziqulethe le ngxelo:

- Seyifumaneka kuluntu;
- Ingomntu ongomnye ochaphazelekayo kwaye lo mntu ungomnye sevumile waze wayibhala phantsi into yokuba ityhilelwe inikwe umfakisisicelo

Ukhuseleko Olunyanzelisiweyo lwabantu abathile nokhuseleko lwempahla/lwezinto

Igosalengxelo nengcaciso lequmrhu loluntu kufuneka lisale isicelo sokufikelela kwiinkcukacha zeloqumrhu lithile, ukuba ukukhutshwa kwazo kungenzeka ukuba kubeke engozini ubomi oknaye ukhuseleko lomntu othile. Igosa lengxelo nengcaciso kwiqumrhu loluntu lisenokusala isicelo sokufikelela kwiinkcukacha zelo qumrhu, ukuba ukukhutshwa kwazo kuza kubandlulula ngohlobo oluthile okanye lulimaze:

- Ukhuseleko lwesakhiwo, ubume okanye indlela yokwenza izinto kuquka ikhompyutha okanye indlela yokunxulumana, uhlobo lwesithuthi okanye naluphi na uhlobo lwempahla;
- Igosa lengxelo nengcaciso kumqumrhu loluntu lusenokwala isicelo sokufikelela kwiinkcukacha zequmrhu loluntu, ukub aukukhutshwa kwezonkcukacha kuza kubandlulula ngohlobo oluthile okanye luphazamise iindlela, iisistim, izicwangciso okanye iinkqubo zokukhusela::
- Ubani ophantsi kwenkqubo yokhuseleko bungqina;
- Ukhuseleko loluntu, okanye inxalenye yoluntu;
- Ukhuseleko lwesakhiwo, ubume okanye indlela yethile yokwenza into kuquka neendlela zonxibelelwano ngekhompyutha, into esetyenziswa njengenqwelo okanye olunye uhlobo lweempahla.

Ukhuseleko olungunyazisiweyo lwamadokethi amapolisa akwiinkqubo zebheyile, ukhuseleko lokunyanzeliswa komthetho kunye neenkqubo ezisemthethweni

Igosa lengxelo nengcaciso lequmrhu loluntu lingasal isicelo sokufikelela kwiinkcukacha zoluntu, ukuba ukufikelela kwezonkcukacha kuthintelwe ngokwemiba yesigaba sesolotyama 60(14) Omthethwana Ojongene Neenkqubo Zolwaphulomthetho onguNombolo wama-51 ka1977.

Igosa lengxelo nengcaciso linemihlaba yokukhetha ukwala ngokwemiba yamasolotyama 39(1)(b) yePAIA.

Ukhuseleko lweenkcukacha olungunyazisiweyo kwiinkqubo zomthetho

Igosa lengxelo nengcaciso lequmrhu loluntu kufuneka lisale isicelo lokufikelela kwiinkcukacha zequmrhu loluntu ukuba iinkcukacha zikhethelwe ukupapashwa nokuveliswa kwiinkqubo zomthetho, ngaphandle kokuba ilungelo elikhethekileyo lisusiwe.



Ukhuseleko lobudlelwane beRiphabhliki kwihlabathi

Igosa lengxelo nengcaciso yequmrhu loluntu lingasala isicelo sokufikelela kwiinkcukacha zelo qumrhu, ukuba ukutyhilwa nokuvezwa kwayo kungenzeka kucinizelela ngendlela ithile:

- Ukhuseleko lweRiphabhliki;
- Uzinzo lweRiphabhliki;
- Ubudlelwane beRiphabhliki namazwe ehlabathi.

Igosa lengxelo nengcaciso lequmrhu loluntu lingasala isicelo sokufikelela kwiinkcukacha zelo qumrhu ukuba iinkcukacha ezo ziza kutyhila okanye ziveze ukuba:

Zikhutshwe ngendlela eyimfihlo okanye elinye ilizwe okanye umbutho wamazwe ehlabathi;

Zikhutshwe egameni leRiphabhliki kwelinye ilizwe okanye umbutho wamazwe ehlabathi ngokwamasolotya emiba yombutho ngokulungiselelwa okanye ngezivumelwano zamazwe ehlabathi ngesizwe okanye umbutho, efuna ingxelo eziza kuginwa zilihlebo;

Kufuneka zigcinwe ziyimfihlo ngesivumelwano samazwe ehlabathi okanye izivumelwano zomthetho olawula ubuzwe phantsi kwezigaba ze-231 okanye 232 woMgaqosiseko.

Imiba yezoqoqosho nobume bemali kwiRiphabhliki nemisebenzi yezoqoqosho kumaqumrhu oluntu

Igosa lengxelo nengcaciso lequmrhu loluntu lisenokusala isicelo sokufikelela kwiinkcukacha zequmrhu loluntu, ukuba ukutyhilwa nokuvezwa kwezinkcukacha kusenokonakalisa imeko yezoqoqosho okanye ubume bemali kwiRiphabhliki, okanye ukuba nako kukarhulumente ukulawula ezoqoqosho kwiRiphabhliki ngendlela eyiyo ngokweemfuno neminqweno yeRiphabhliki.

Igosa lengxelo nengcaciso lequmrhu loluntu lingasala isicelo sokufikelela kwiinkcukacha ukuba iqumrhu ukuba iinkcukacha:

- Ziqulethe iimfihlo zeLizwe okanye iqumrhu loluntu;
- Iqulethe ingxelo yemali, yentengo, yobunzululwazi okanye ingxelo yobuchwephesha kunye nesityhilelo esinokuthi sibangele ingxaki kumaziko entengo nemali yeLizwe okanye yequmrhu elithile;
- Iqulethe ingxelo, enokuthi xa inokukhutshwa, ibeke iqumrhu loluntu engxakini kwizivumelwano okanye uthethwano, okanye icinezele iqumrhu loluntu kukhuphiswano lwezentengo;
- Yinqubo yekhompuyutha njengoko ichazwe KuMthethwana weCopyright, Nombolo. wama-98 ka1978, yeLizwe okanye yequmrhu Loluntu, ngaphandle kokuba ifuneka ngenxa yemiba yokufaka isicelo ngokwamasolotya ePAIA.



Igosa lengxelo nengcaciso lisenokwala ukuphumeza isicelo sokufikelela kwiinkcukacha zequmrhu elo ukuba iinkcukacha ziqulethe ingxelo eziphumo zinokuba nje:

- linkcukacha sezifunyanwa luluntu;
- Zingequmrhu loluntu okanye abanini bazo liqumrhu loluntu, ngaphandle kwequmrhu loluntu zezalowo kuthunyelwe kuye isicelo, kwaye esi sicelo sivunyelwe ngokubhalela ukutyhilwa nokuvezwa kngumfakisicelo;
- Mayela neziphumo zophando okanye ukuvavanywa kwezinto nendawo engqonge iziphumo okanye oluphando (kuquka iziphumo eziphume ngaphambi kovavanyo lwatanci okanye uphando oluqhutywe ngokuthi kuphuhliswe iindlela zokuqhuba uphando) luqhutywa ngumntu okanye luqhutywa egameni lomnye umntu okanye iqumrhu loluntu, nokusasazwa okunokutyhila kuveze umngcipheko wokhuseleko loluntu olumandla okanye umngcipheko wendawo/izinto ezingqonge iziphumo zophando.

Kuye kunyanzeleke ukuba ingxelo yophando ikhuselwe ingakumbi xa ichaphazela omnye umntu okanye elinye iqumrhu loluntu

Igosa lengxelo nengcaciso lequmrhu loluntu kumele lingasivumeli isicelo selo qumrhu ukuba iinkcukacha ziphethe ingxelo okanye oluza kuqhutywa egameni lomnye umntu kwaye le ngxelo iza kusasazwa, ingakumbi ukuba isenokudala ingxaki ngokulandelayo:

- Ukuba iza kuveza ungenelelo lomntu ongomnye, ukuba umntu oqhuba uphando okanye oza kuqhuba uphando uza kuluqhuba egameni lomnye umntu okanye elinye iqumrhu, okanye ngumba wophando oza kuba neziphumo ezingancumisyo nezingekho zihle kwaphela.
- Igosa lengxelo nengcaciso loluntu lisenokwala lingasiphumezi isicelo sakho sokufikelela kwiinkcukacha yelo qumrhu okanye zalo mntu ukuba iinkcukacha ziqulethe ingxelo ngophando oluqhutywayo egameni lequmrhu elo ingakumbi ukuba ingxelo iza kusasazwa, mhlawumbi ngokwenza oku:
- Ukutyhila iqumrhu loluntu, umntu oxakeke kukuqhuba uphando okanye osebenza endaweni yequmrhu oluntu okanye undoqo wesihloko somba wophando ngenxa yokuba nzima bokufikelela kuyo.



Ukusetyenziswa kwamaqumrhu oluntu

Igosa lezengcaciso okanye okanye iqumrhu loluntu lisenokwala ukuba ufumane iinkcukacha zequmrhu loluntu ziqulethe umbono, ingcebiso, umbiko okanye isindululo esifunyanwa okanye esilungiselelweyo; okanye ingxelo ngofakano-milomo, ingxoxo okanye ukuthathwa kwezigqibo, kuquka imizuzu yeentlanganiso, ngokweenjongo zokuncedisa ukwakiwa umgaqonkqubo okanye ukuthathwa kwesigqibo kusetyenziswa Amandla okanye indlela yokwenza umsebenzi ngokwemiba yamasolotya omthetho wequmrhu loluntu.

Igosa lengcaciso lequmrhu loluntu lisenokusala isicelo sokufikelela kwiinkcukacha zelo qumrhu, ukuba ukunikezelwa kweenkcukacha kungenzeka ukuba kubhidise ukusebenza kwenkqubo yequmrhu loluntu okanye ukusebenzisana kwenkqubo zamaqumrhu oluntu, ngokuthintela unxibelelwano lombono, ingcebiso, ingxelo okanye isindululo; okanye ukuqhuba ufakano milomo, ingxoxo kunye nokwenza izigqibo; okanye ukuba ukufikelela kwiinkcukacha nokukhutshwa kweenkcukacha nomgaqonkqubo ngaphambi kwexesha okanye umgaqonkqubo oxoxisayo uza kubhidisa impumelelo yalo mgaqonkqubo

Igosa lengcaciso loluntu lisenokusala isicelo sokufikelela kumqulu wequmrhu loluntu, ukuba:

- Inye yezinto elindelekileyo ngokusasazwa nokutyhilwa kwamaxwebhu, kukuchaphazela kakubi indlela eyiyo yokusebenza kovavanyo, ukuhlola, okanye inkqubo yokucwaninga okanye indlela esetyenziswa ngayo liqumrhu loluntu;
- Uxwebhu luphethe imathiriyeli yokuhlela, nokuba umntu okunikeleyo uyabonakala kwixwebhu elo, kwaye ukusasazwa nokutyhilwa kwemathiriyeli kungaphula isithembiso esichaziweyo nesibonakalayo esenzelwe lo mntu unikezela ngemathiriyeli, esichaza ukuba igama lakhe ligcinwe liyimfihlo okanye
- Uxwebhu oluphethe imisebenzi esaqhubayo okanye yethutyana yegosa lengcaciso lequmrhu loluntu

Izicelo ezibonakala zingenamsebenzi nezinxaxhileyo, okanye ukujikwa kwezixhobo zokusebenza zenze o nye umsebenzi ngendlela eyiyo nefanelekileyo

Igosa lengcaciso lequmrhu loluntu alisivumi isicelo sokufikelela kumaxwebhu elo qumrhu loluntu, ukuba isicelo esingenaxabiso okanye esinenjongo yokuphatha kakubi, okanye umsebenzi obandakanya ukuqhutywa komsebenzi wokuphunyezwa kwesicelo kakuhle nangendlela ekujikwe ngayo izixhobo zokusebenza kwiqumrhu loluntu.

Ukusasazwa okunyanzeliswe ngumnqweno woluntu

Ngaphandle kwemiqathango yokwala edweliswe ngentla, igosa lengcaciso lomqurhu loluntu kufuneka linike imvume yesicelo sokufikelela kumaxwebhu oluntu, ukutyhilwa nokunikezelwa kwengxelo ngoko ke iveze ubungqina bayo:

Ukwaphula umthetho, okanye ukuhambelana nomthetho; okanye ukhuseleko loluntu okanye umngcipheko wendawo nezinto ezisingqongileyo; kunye nomnqweno woluntu ukuchaza nokunikezela ngamaxwebhu, iyawodlula umonakalo ochazwe kwimiqathango yokwalela ukufikelela kwimiqulu.

Isiphelo