

Umhlahlandlela
Wokobana
Uwusebenzisa
Njani Umthetho
Wezokukhutjhulwa
Kokufikelelwa
Kwelwazi Wesi-2
Waka-2000

ISINDEBELE

Iwebhsayithi: www.sahrc.org.za

I-imeyili: info@sahrc.org.za

I-Twitter: @SAHRCCommission

I-Facebook: SAhumanrightscommission

I-Youtube: SAHRC1

Imininingwana yezokuthintana yeKomitjhini yezamaLungelo woBuntu yeSewula Afrika

I-Ofisi eliKhulu Johannesburg

Umtato | 011 877 3600 • Ifeksi 011 403 0684

Pumalanga Kapa Port Elizabeth

Umtato 043 722 7828 • Ifeksi 043 722 7830

Freyistata Bloemfontein

Umtato 052 447 1133 • Ifeksi 051 447 1128

KwaZulu-Natal Durban

Umtato 031 304 7323/4/5 • Ifeksi 031 304 7323

Limpopo Polokwane

Umtato 015 2913500 • Ifeksi 051 291 3505

Mpumalanga Nelspruit

Umtato 013 752 8292 • Ifeksi 013 752 6890

Tlhagwini Kapa Upington

Umtato 054 332 3993/4 • Ifeksi 054 332 7750

Tlhagwini Tjhingalanga Rustenburg

Umtato: 014 592 0694 • Ifeksi 014 594 1089

Tjhingalanga Kapa Cape Town

Umtato 021 426 2277 • Ifeksi 021 426 2875

Ukuzwisisa kwakho umHlahlandlela we-PAIA

Isigaba 1

Isingeniso somHlahlandlela we-PAIA

Isigaba 2

Ulifumanaphi ilwazi olitlhogako

Isigaba 3

Usenza njani isibawo sokufikelela

Isigaba 4

Lapho ukufikelela ilwazi kungaliwa

Isigaba 5

Amareferensi amakhulu nemithombo
yelwazi eliragela phambili

AMATHEMU ANESIZO	6
IRHEMO LEENRHUNYEZO	8
ISIGABA 1	9
1.1. Umnqopho womHlahlandlela we-PAIA	10
1.2. Umlando we-PAIA	10
1.3. Umnqopho we-PAIA nokobana ingasetjenziswa njani	10
1.4. Indima yeKomitjhini yezamaLungelo woBuntu yeSewula Afrika	11
ISIGABA 2	12
2.1 Ukuthoma	13
2.2. UmHlahlandlela we-PAIA	13
2.3 lincwajana ze-PAIA	14
2.4 Ilwazi elitholakala ngokuzenzakalela eliphethwe yihlangano yombuso	18
2.5 Ilwazi elitholakala ngokuzenzakalela eliphethwe yihlangano yangeqadi	19

ISIGABA 3	20
3. Ngisenza njani isibawo se-PAIA?	21
3.1 Ngubani ongenza isibawo se-PAIA?	21
3.2 Khuyini iindleko zokwenza isibawo se-PAIA?	23
3.3 Ingabe isiPhathiswa seLwazi singangisiza ukwenza isibawo se-PAIA?	25
3.4 Ngiziphi iintatha zomthetho enginazo lokha nakwaliwa isibawo sami se-PAIA?	27
ISIGABA 4	31
4.1. Lokha ukufikelela ilwazi nakwaliwako	32
4.2. Amabanga akatelelweko ngokuphikisana namabanga wokuziquntela ekwaleni ukufikelela ilwazi	32
4.3. Amabanga wokwala ukufikelela ilwazi.....	33
4.4. Ukweqiwa kwekareko yomphakathi.....	36
ISIGABA 5	37
5.1. Amareferensi aqakathekileko	38
5.2. ImiThetjhwana ye-PAIA	38
5.3. Amatjhuguluko we-PAIA.....	39
5.4. Amatjhuguluko emiThetjhwani ye-PAIA	39
5.5. Eminye imithombo ye-PAIA enesizo	39

Amathemu anesizo

AMATHEMU	IHLATHULULO
Imbhadelo yokufikelela	<p>Le yimbhadelo ebhadelwa mbawi ehlanganweni yombuso namkha yangeqadi afuna kiyo ilwazi, ukubhadela iindleko zokuzuma nokukopa amarekhodi owafunako</p> <p><i>(Nawufuna ilwazi elinabileko ngokufikelela, qala isiGaba 3 salomHlahlandlela)</i></p>
Iforomo A	<p>Litholakala ekupheleni kwe-PAIA, kuwebhsayithi yeKomitjhini yezamaLungelo woBuntu yeSewula Afrika kanye nakumawebhsayithi ahlukeneko weenkhangungo zombuso. Iforomo leli lisetjenziselwa ukufikelela ilwazi eliphethwe yihlangano yombuso.</p> <p><i>(Nawufuna ilwazi elinabileko ngeForomo A kanye nangeembawo zokufikelela ilwazi eenhlanganweni zombuso qala isiGaba 3 salomHlahlandlela)</i></p>
Iforomo C	<p>Nalo litholakala ekupheleni kwe-PAIA, kuwebhsayithi yeKomitjhini yezamaLungelo woBuntu yeSewula Afrika kanye nakumawebhsayithi wamakhamphani wangeqadi ahlukeneko. Iforomo leli lisetjenziselwa ukufikelela ilwazi eliphethwe yihlangano yangeqadi..</p> <p><i>(Nawufuna ilwazi elinabileko ngeForomo C kanye neembawo zokufikelela ilwazi eenhlanganweni zangeqadi qala isiGaba 3 salomHlahlandlela)</i></p>
UmHlahlandlela	<p>Utjho lomHlahlandlela okhuluma nge-PAIA obuthelelwe bewakhutjha yiKomitjhini yezamaLungelo woBuntu yeSewula Afrika eqalelelwe esiGabeni 10 se-PAIA, ukusiza abantu ekusebenziseni nekuzwisiseni i-PAIA.</p>
IsiPhathiswa seLwazi neSekela lesiPhathiswa seLwazi	<p>IsiPhathiswa seLwazi (kwesinye isikhathi esibizwa nge-IO) mumuntu ogunyazwe sikhungo okukhulunywa ngaso ukuphatha iimbawo ze-PAIA. Ehlanganweni yombuso lo mumuntu oyihloko namkha osabambe njengehloko yehlangano. Kumasipala angaba mphathi kamasipala; emnyangweni wesitjhaba wombuso angaba mNqophisi Mazombe; ehlanganweni efana neKomitjhini yezamaLungelo woBuntu angaba ngu-CEO.</p> <p>ISekela lesiPhathiswa seLwazi (kwesinye isikhathi esibizwa nge-DIO) mumuntu okhethwe siPhathiswa seLwazi sehlangano yombuso ukusiza umbawo esibaweni sakhe sokufikelela ilwazi. I-PAIA ayiqaleleli iinhlangano zangeqadi ukukhetha iSekela lesiPhathiswa seLwazi; kodwana kuphakanyiswa yiKomitjhini yezamaLungelo woBuntu yeSewula Afrika bonyana zenze njalo ukwenzela ukuphumelelisa nobulula.</p> <p><i>(Nawufuna ilwazi elinabileko ngeendima zeemPhathiswa zeLwazi qala isiGaba 3 salomHlahlandlela)</i></p>

Ukudluliswa kweenqunto kwangaphakathi (IForomo B)	<p>Ababawikufuze basebenzise iForomo B le-PAIA ukudlulisela phambili isiqunto esenziwe mazinga wombuso wesitjhaba, iphrovinsi namkha umasipala mayelana nokufikelela ilwazi.</p> <p><i>(Nawufuna ilwazi elinabileko ngokudliselwa phambili kweenqunto kwangaphakathi qala isiGaba 3 salomHlahlandlela).</i></p>
Ihlanganisela yabantu ngokuya komthetho	<p>Yikhamphani namkha yihlangano evunywa mthetho njengento yinye namkha 'umuntu' onamalungelo nemisebenzi.</p>
UNgqongqotjhe	<p>Utjho uNgqongqotjhe mayelana noNgqongqotjhe wezoBulungiswa nemiSebenzi yokuLungiswa kokuziPhatha</p>
Umuntu wemvelo	<p>Mumuntu wamambala, ngokuphikisana nomuntu owakhiwa mthetho (qala ihlanganisela yabantu ngokuya komthetho ngehla).</p>
Ihlangano yangeqadi	<p>(Nayo okuthiwa yikhamphani yangeqadi, isikhungo). Lo mumuntu wemvelo namkha owakhiwe mthetho namkha libambiswano, othinteka namkha ekurhwebeni, ebhinzisini namkha emsebenzini begodu osebenza kuphela ngokuya kwesikhundla lesu.</p>
Ihlangano yombuso	<p>(Godu ebizwa ngesikhungo sombuso, umnyango). Lo mnyango omunye nomunye namkha isikhungo sombuso wesitjhaba, wephrovinsi namkha wezinga lombuso wekhaya. Godu ifaka esinye nesinye isikhungo esenza umsebenzi wombuso kwesinye nesinye isikhathi lapho irekhodi elifunwako lenziwe khona.</p>
Irekhodi	<p>Ngelinye nelinye ilwazi elirekhodiweko kungaqalwa umhlobo, kufaka isibonelo, imitlolo, amavidiyo, njll. Irekhodi elibawiwe ehlanganweni yombuso namkha yangeqadi lingatjho irekhodi eliphethwe yihlangano leyo kungaqalwa ukobana ingabe lenziwe yihlangano leyo namkha njani.</p>
Imbhadelo yokubawa	<p>Ziindleko ezizakubhadelwa ukwenza isibawo sokufikelela ilwazi. Nasiya esibaweni selwazi lehlango yombuso kunembhadelo ebekiweko eyi-R35; elwazini lehlango yangeqadi kunembhadelo eyi-R50.</p> <p><i>(Nawufuna ilwazi elinabileko ngeembhadelo zokubawa kanye nokubekelwa ngeqadi qala isiGaba 3 salomHlahlandlela).</i></p>
Umbawi	<p>Umbawi mumuntu wemvelo namkha mumuntu owakhiwe mthetho owenza isibawo sokufikelela ilwazi. Umbawi godu utjho umuntu owenzela omunye umuntu isibawo selwazi.</p>
Omunye wesithathu	<p>Lokhu kutjho umuntu wemvelo namkha umuntu owakhiwe mthetho ongasuye umbawi welwazi, noma ihlangano okwenziwa kiyo isibawo selwazi.</p>

Irhemo leenrhunyezo

Irhemo elilandelako leenrhunyezo litholakala kilomHlahlandlela kanye nakweminye imithombo ye-PAIA esetjenziswa ngokujayelekileko:

DIO Isekela lesiPhathiswa seLwazi

IO IsiPhathiswa seLwazi

I-ODAC I-Open Democracy Advice Centre

I-PAIA UmThetho wezokuKhutjhulwa kokuFikelelwa kweLwazi wesi-2 waka-2000

I-PPIA Yi-Protection of Personal Information Act 4 of 2013 (UmThetho wezokuVikelwa kweLwazi lomuNtu Ngokwakhe)

SAHA Yi-South African History Archives

SAHRC IKomitjhini yezamaLungelo woBuntu yeSewula Afrika

ISIGABA 1

Isingeniso

Isigaba lesi sifaka:

- 1.1 Umnqopho womHlahlandlela we-PAIA
- 1.2 Umlando we-PAIA
- 1.3 Umnqopho we-PAIA nokobana ingasetjenziswa njani
- 1.4 Indima yeKomitjhini yezamaLungelo woBuntu yeSewula Afrika

1.1. Umnqopho womHlahlandlela we-PAIA

LomHlahlandlela unikela ngelwazi mayelana nomThetho wezokuKhutjhulwa kokuFikelelwa kweLwazi wesi-2 waka-2000 (okuyi-Promotion of Access to Information Act (i-PAIA)). LomHlahlandlela we-PAIA uzakusiza abantu ekwenzeni iimbawo zelwazi ngaphasi kwe-PAIA, begodu unikela ngeembonelo zokobana i-PAIA isetjenziswe njani esikhathini esadlulako ukuragelisa phambili amalungelo wobuntu. Yenza lokhu ngokunikela:

- » Ngehlathululo ye-PAIA efitjhezana ezwisiseka lula
- » Ngokuhlahlela kokobana i-PAIA ingasetjenziswa njani ukuragelisa phambili amalungelo wobuntu
- » Ngerhemo lemihlobo yelwazi engabawiwa ngokusebenzisa i-PAIA
- » Ngomhlahlandlela wegadango ngegadango wokobana i-PAIA ungayisebenzisa njani ukwenza isibawo selwazi
- » Ngehlathululo efitjhezana ngeemfundo ezifundwe eembaweni zelwazi ezadlulako kanye nemilandu yekhotho ye-PAIA

1.2. Umlando we-PAIA

Lokha umThethosisekelo weSewula Afrika nawutlanywako esikhathini esalandela ukuwa kwebandlululo eminyakeni yabo-1990, iinhlango ezihlukeneko nabantu zabamba amajima wokufakwa kwelungelo lokufikelelwa kwelwazi. Kwakuthenjwa bonyana ukufakwa kwelungelo leli eVikelwenimalungelo - isAhluko 2 somThethosisekelo - kwakuzokuqinisekisa bona izenzo ezimbi ezifana nebandlululo bezingeze zisabuye zenzeke ngombana umbuso namakhamphani wangeqadi wawuzakuteleleka ukuthatha amagadango ngendlela enokuziphendulela neyokwenzela izinto tjhatjhalazi ngokunikela ngokufikelelwa kwelwazi, begodu ngalokho bewungeze wakghona ukusithela ngefihlo okungiyi eyadala ukobana kwenzeke ubujamo bokufihlwa kwezinto.

Ngo-1996 umThethosisekeloweRiphabhligiyeSewula Afrikawaka-1996 wathomaukusebenza. IsiGaba 32 safaka ilungelo lokufikelelwa kwelwazi eliphethwe kokubili, ziinhlango zombuso nezangeqadi. Lo, kilesosikhathi, kwakumthetho wokuthoma ephasini loke owanabisa ilungelo lokufikelelwa kwelwazi eliphethwe ziinhlango zangeqadi. IsiGaba 32 godu sabeka bonyana umthetho kufuze wenziwe bona usebenze nowawuzokwenza bonyana ilungelo lokufikelela ilwazi lisebenze ngokubeka ngokuzeleko indlela ilwazi elibuya eenhlanganweni zombuso nezangeqadi lingafikelelwa ngayo, begodu nangokunikela ngelwazi eliragela phambili ngamabanga wokobana ihlango yombuso neyangeqadi ingala ngawo ukunikela ngokufikelelwa kwelwazi

Ngo-2000 umThetho wezokuKhutjhulwa kokuFikelelwa kweLwazi (i-PAIA) ekugcineni wabamthetho, wazalisa isijamiso sesigaba 32 somThethosisekelo sokwenziwa umthetho kokufikelelwa kwelwazi.

1.3. Umnqopho we-PAIA nokobana ingasetjenziswa njani

Umnqopho we-PAIA kukhuphula ilungelo lokufikelela ilwazi, ukukhulisa isiko lokwenzela izinto emkhanyweni nokuziphendulela eSewula Afrika. Ukudlula lapho i-PAIA ihlose ukukhuthaza intando yenengi yokwenzela izinto tjhatjhalazi lapho abantu ababuya kiwo woke amahlangothi wepilo bahlonyiswa khona ngokuthintana nombuso kanye nokuzibandakanya eenquntweni ezithinta amaphilo wabo

Ilungelo lokufikelela ilwazi lilungelo elihlukileko ngombana likghonakalisa ukuphunelelwa kwamanye amalungelo wobuntu: le ngenye yeendlela eziqakathekileko i-PAIA engasetjenziswa ngazo

Ukunikelwa kweensiza zombuso

- » I-PAIA ingasetjenziswa ukuhlomisa abantu kanye nokwenza umbuso bona uziphendulele ekunikelweni kweensiza ezisisekelo ezifana nezindlu, amanzi nokuthuthwa kwesila ngamanzi.

Amalungelo ajayelekileko wabantu newezepolitiki

- » I-PAIA ingasetjenziselwa ukubuthelela ilwazi abantu abangalisebenzisa ukusebenzisa amalungelo wabo afana nelungelo lokuvowuda kanye nelungelo lokuhlanganyela nabanye.

Ibandlululo nokungalingani

- » I-PAIA ingasetjenziswa njengethulusi lokusekela lokulwisana nokubandlulula, elifana nokususela ebutjhabeni, ubulili, njll, eenhlanganweni ezihlukeneko zombuso nezangeqadi.

Kuqakathekile ukutjheja bona i-PAIA angeze yasetjenziselwa ukufumana amarekhodi ongawasebenzisa ngesikhathi seenkambiso zombango namkha zobulelesi ngemva kokuthoma kweenkambiso ezinjalo nayikuthi ukukhiqizwa namkha ukufikelelwa kwerekhodi ukwenzela wona lomnqopho kuqalelelwe mthetho (*qala isiGaba 7 somThetho*).

1.4. Indima yeKomitjhini yezamaLungelo woBuntu yeSewula Afrika

IKomitjhini yezamaLungelo woBuntu yeSewula Afrika igunyazwe ngaphasi kwe-PAIA:

- » Ukukhuphula ilungelo lokufikelela ilwazi
- » Ukwelusa ukufezakaliswa kwe-PAIA ziinhlangano zombuso nezangeqadi
- » Ukwenza iimphakamiso ngokuqiniswa komThetho
- » Ukubika njalo ngonyaka ePalamende

UmThetho wezokuVikelwa kweLwazi lomuntu Ngokwakhe

UmThetho wezokuVikelwa kweLwazi lomuntu Ngokwakhe wesi-4 waka-2013 (owaziwa nge-PPIA) utjhugulula i-PAIA ngeendlela ezinengi. Enye yeendlela ezikulu lomThetho otjhugulula ngazo i-PAIA iphathelele nendima ye-SAHRC. Ngaphasi kwe-PPIA, imisebenzi ye-SAHRC ngokuya kwe-PAIA izakudluliselwa kumLawuli weLwazi, okuyihlangano etjha ezijameleko ezakuhlonyelwa ukwelusa kokubili i-PPIA kanye ne-PAIA, kanye nokutjheja iinghonyayo eziphathelele nokufikelelwa kwelwazi kanye nokuvikelwa kwelwazi lomuntu.

Kodwana i-SAHRC izakugcina isibopho sayo sangokomThethosisekelo sokukhuphula, ukuvikela nokwelusa ilungelo lokufikelela ilwazi njengawo woke amalungelo atholakala eVikelwenimalungelo.

ISIGABA 2

Thola ulwazi oludingayo

Isigaba lesi sifaka ukobana:

2.1

Uyifumana kuphi imihlahlandlela elisizo kanye neencwajana ukukusiza ekwenzeni iimbawo zelwazi

2.2

Ungathinta bani nawufuna isizo

2.3

Ngikuphi okulindelwe eenhlanganweni zombuso nezangeqadi ukusiza abafuna ilwazi

2.4

Elinye ilwazi litholakala ngokuzenzakalela ngaphandle kobana umuntu enze isibawo esihlelekileko, isigaba lesi sizakunikela ngehlathululo efitjhazana yokobana ukufikelela kuphi lokhu

2.1 Ukuthoma

Umqopho we-PAIA kukhuphula ngokubonakalako umphakathi lapho abantu beSewula Afrika banokufikelela ngokunetlha ilwazi ukubakghonakalisa ukobana basebenzise ngokuzeleko begodu bavikele amalungelo wabo. Kodwana kwesinye isikhathi omunye umuntu kungenzeka angaba nesiqiniseko sokobana uthoma kuphi namkha sokobana angalifikelela njani ilwazi ngendlela etjhiwo yi-PAIA. I-PAIA ibonela phambili lomraro begodu igunyaza bona imihlahlandlela ethileko neencwajana zikhutjhe ukuze zicabe indlela eya phambili kubafunilwazi. Isigaba lesi sizakunikela ngehlathululo efitjhezana yalemihlahlandlela neencwajana, kanye neembopho zabakhuphi balemihlahlandlela neencwajana, begodu, okuqakatheke khulu, kukobana itholakala kuphi.

Ngokulindelweko, enye yamathulusi anamandla khulu umuntu angawasebenzisa ukufikelela ilwazi kukwenza isibawo selwazi esihlelekileko esenziwa ngokuya kwe-PAIA, lomhlahlandlela ozakusiza ukusenza. Kodwana khumbula, le akusi ngiyo yodwa indlela yokulandelela ilwazi. Elinye ilwazi litholakala ngokuzenzakalela ngaphandle kobana wenze isibawo esihlelekileko se-PAIA. Kobunye ubujamo, umthetho ufuna kokubili iinhlango zombuso nezangeqadi ukuveza elinye ilwazi tjhatjhalazi. Isigaba lesi godu sinikela ngehlathululo efitjhezana yokobana ilwazi leli ulithola kuphi.

I-PAIA kuhloswe ngayo bona ibe mthetho wokuhlomisa osiza amaSewula Afrika woke. Kuhloswe bona ibe mthetho okulula ukuwuzwisisa begodu woke umuntu angawasebenzisa. Umuntu akatlhogi igqwetha ukwenza isibawo selwazi ngokuya kwe-PAIA. Lomhlahlandlela ukhutjhe khona uzakusiza amaSewula Afrika abuya kiwo woke amahlangothi wepilo ukuphakamisa amalungelo wawo wokufikelela ilwazi athwelwe mthethosisekelo.

2.2 UmHlahlandlela we-PAIA

IsiGaba 10 se-PAIA sifuna bona iKomitjhini ibuthelele beyikhuphe umhlahlandlela okulula ukuwuzwisisa ukusiza ukufikelelwa kwamarekhodi nemitlolo kanye nokusetjenziswa kwelungelo lomuntu lokufikelela ilwazi. Kwesinye isikhathi lomhlahlandlela ubizwa ngo'mHlahlandlela wesiGaba 10'.

Ukunikela ngalo loke ilwazi ozalitlhoga ukufikelela amarekhodi. Godu ubeka imininingwana yezokuthintana yeminyango yombuso kanye neenkungo ezigcina amarekhodi wombuso, kanye nemininingwana yezokuthintana yamakhamphani ahlukeneko wangeqadi. IKomitjhini godu kufuneka bona ihlale igcina ebujameni banjese lomhlahlandlela ubuncani bakhona kanye eminyakeni emibili

2.2.1 Uwufumana kuphi lomhlahlandlela

Lomhlahlandlela utholakala ngawo woke amalimi wangokomthetho weSewula Afrika: isiNgisi, isiBhunu, isiNdebele, isiXhosa, isiZulu, iSepedi, iSesotho, iSetswana, isiSwati, iTshivenda neXitsonga. Amakhophi walomhlahlandlela angatholakala e-ofisini elikhulu kanye newamaphrovinsi weKomitjhini (imininingwana yezokuthintana ingafunyanwa ekupheleni kwalomhlahlandlela.) Ukungezelela, amakhophi we-elektroniki ayatholakala kuwebhsayithi yeKomitjhini (www.sahrc.org.za).

2.3 Incwajana ze-PAIA

Ukungezelela kumHlahlandlela wesiGaba 10 nge-PAIA ozakubuthelelwa yiKomitjhini, i-PAIA godu ifuna yoke ihlangano yombuso, kanye neenhlango zangeqadi ezinengi, bona zikhuphe incwajana ezakumumatha ilwazi lokobana uyisebenzisa njani i-PAIA ukufikelela amarekhodi wazo

2.3.1 Incwajana ze-PAIA zeenhlango zombuso

IsiGaba 14 se-PAIA sifuna bona zoke iinhlango zombuso zikhuphe incwajana ubuncani bakhona ngamalimi wangokomthetho amathathu ezakusiza abafunilwazi ukwenza iimbawo zelwazi ehlanganweni ethintekako. Ubuncani bakhona incwajana kufuze ibe nelwazi elinesizo elilandelako:

IFUNEKO	IHLATHULULO
Igunya	Isakhiwo nemisebenzi yehlangano yombuso.
Iminingwana yezokuthintana	I-adresi yeposo neyestrada, inomboro yomtato neyefeksi, begodu nayikhona, i-adresi ye-imeyili yesiphathiswa selwazi sehlangano yombuso, kanye neyesekele lesiphathiswa selwazi esinye nesinye sehlangano yombuso
UmHlahlandlela wesiGaba 10 we-PAIA	Ihlathululo yalomHlahlandlela ibuthelelwe yiKomitjhini yezamaLungelo woBuntu yeSewula Afrika nokobana uyifikelela njani.
Imihlobo yamarekhodi aphantsi	Ilwazi elaneleko lokukusiza ekukhokaliseni ukufikelela irekhodi eliphethwe yihlangano yombuso. Ihlangano yombuso kufuze ngalokho ihlathulule iihloko amarekhodi athwelwe ngazo, kanye nemihlobo amarekhodi aphantsi ngayo kwesinye nesinye isihloko.
Ilwazi elitholakala ngokuzenzakalela	Elinye ilwazi litholakala khonokho ngaphandle kobana umuntu alibawe ngokuya kwe-PAIA. Incwajana yehlangano yombuso kufuze itjengise ilwazi leli elitholakala khonokho.
Iinsiza zehlangano yombuso	Ihlathululo yeensiza ezitholakala kumalunga womphakathi ezibuya ehlanganweni yombuso nokuthi ufikelele njani iinsiza ezinjalo.
Ukuhlanganyela komphakathi	Ihlathululo yehlelo elinye nelinye namkha ukunikelwa komuntu wokubonisana, ukwenza izethulo namkha ukuhlanganyela namkha ukuba nomthelela ekwenziweni komthethomgomo; namkha ukusetjenziswa kwamandla namkha ukwenziwa kwemisebenzi yihlangano yombuso
Ukulungiswa kwemitjhapho	Igadango ongalithatha nayikuthi isiphathiswa selwazi sehlangano yombuso asifuni ukunikela ngokufikelela ilwazi

2.3.2 Lapho ungafumana khona incwajana yehlangano yombuso

Zoke iinhlango zombuso kufuze zenze incwajana itholakale lula kuwe. Ubuncani bakhona, kufuneka zenze njalo ngeendlela ezilandelako:

- » Ngokwenza bona kutholakale ikhophi kwelinye nelinye i-ofisi lehlango leyo yombuso ngesikhathi sokusebenza
- » Ngokweza itholakale incwajana kuwebhsayithi, nayikhona, yehlangano yombuso

Njengombana kutjiwo ngehla, umThetho wezokuVikelwa kweLwazi lomuNtu Ngokwakhe wesi-4 waka-2013 (i-PPIA) utjhugulula i-PAIA ngeendlela ezimbalwa. Enye yalezi ziphathelene neencwajana zesiGaba 14 zeenhlango zombuso. Ngaphasi kwe-PPIA iincwajana lezi kufuze zingasethulwa kuKomitjhini yezamaLungelo woBuntu yeSewula Afrika, kodwana kufuze zenziwe zitholakale kuphela kuwebhsayithi begodu zenziwe zitholakale komunye nomunye umuntu obawa ikhophi.

2.3.3 Iincwajana ze-PAIA zeenhlango zangeqadi

Iinhlango zangeqadi godu kufuneka zibuthelele incwajana kungokuya kwesigaba 51 se-PAIA. Kwanjesi, akusizo zoke iinhlango zangeqadi okufuneka bona zikhambisane nesigaba lesi.¹ Ngalokho, ungafumana bona ihlango ofisa ukwenza kiyo isibawo selwazi ayinayo na incwajana engakunikela yona. Lokhu akutjho bona ihlango ayilawulwa yi-PAIA ngokujayelekileko. Usengasenza isibawo selwazi nanyana kunjalo ehlanganweni le begodu kusafuneka bona isebenze isibawo sakho ngokuya komthetho. Ikambiso yokwenza isibawo selwazi ngokuya kwe-PAIA ihlala ifana, nanyana ihlango ebawiwako itjhiywa ngaphandle ekubutheleleni incwajana.

NGIZIPHI IINHLANGANO ZANGEQADI OKUNGAKAFANELI BONA ZIKHUPHE INCWAJANA YELWAZI?

Indlela i-PAIA etlolwe ngayo itjho bona ZOKE iinhlango zangeqadi kufuze zibuthelele incwajana. Kodwana uNgqongqotjhe angatjhiya ngaphandle ezinye iinhlango zangeqadi namkha amahlangothi weenhlango ekuthini akhuphe incwajana. Kwanjesi, uNgqongqotjhe utjhiye ngaphandle ZOKE iinhlango zangeqadi ekubutheleleni iincwajana esikhathini esiminyaka emihlanu, ukuthoma ngomhlaka 1 Janabari 2016 NGAPHANDLE kwalokha ihlango nayiwela ngaphasi kwamahlangothi atjhiwo ngenzasi.

¹ Lokhu kutjhuguluke ngomhlaka 31 Disemba 2015 lapho zoke iinhlango zangeqadi kuzakulindelwa bona zibe sele zinencwajana ngokuya kwesigaba 51 se-PAIA.

linhlangano zangeqadi ezilandelako kufuze zibuthelele incwajana ye-PAIA nayikuthi ziqatjhe abasebenzi abangaphezulu kwabama-50 emabubulweni alandelako namkha nazinenzuzo yonyaka edlula leyo ebekwe ngenzasi:

IBUBULO	INZUZO YONYAKA
ZokuLima	R2 iingidi
ZokuMayina neGwari	R7 iingidi
ZokwEziwa kwePahla	R10 iingidi
ZeGezi, iRhasi naManzi	R10 iingidi
ZokwAkha	R5 iingidi
ZokuThengisa nokuRhweba ngeenKoloyi nemiSebenzi yokuLungisa	R15 iingidi
ZamaHoliseyila, abaSebenzeli bezokuThengisa kanye nemiSebenzi eKhambelanako	R25 iingidi
ZokuPheka, ukuHlalisa kanye namanye amaRhwebo	R5 iingidi
ZokuBeka nokuThintana	R10 iingidi
ZemiSebenzi yezeeMali neBhizinisi	R10 iingidi
ZemiSebenzi yomPhakathi, eKhethekileko neQalene noMuntu	R5 iingidi

UNgqongqotjhe godu ubeke bona woke amakhamphani angakahlathululwa njenga'makhamphani wangeqadi' ngaphasi kwesigaba 1 somThetho wezamaKhamphani wama-71 waka-2008 kufuneka bona abuthelele incwajana yesiGaba 51.

2.3.4 Uyifumana kuphi incwajana yehlangano yangeqadi

Zoke iinhlangano zangeqadi okufuneka zibuthelele incwajana kufuze zenze bona incwajana leyo itholakala lula kuwe. Ubuncani bakhona, kufuneka zenze njalo ngeendlela ezilandelako:

- » Ngokwenza bona kutholakale ikhophi ezakuhlolwa kwelinye nelinye i-ofisi lehlangano leyo yangeqadi ngesikhathi sokusebenza. Ihlangano yangeqadi akukafaneli bona ikubhadelise ukuzoyihlola;
- » Ngokwenza bona incwajana itholakala kuwebhsayithi yabo.

2.3.5 Ukhambisana njani nayikuthi uyihlangano yangeqadi

Kunelwazi elinesizo lokuhlala iimphathiswa zelwazi zamakhamphani wangeqadi afuna ukukhambisana nesiGaba 51 se-PAIA kuwebhsayithi yeKomitjhini yezamaLungelo woBuntu yeSewula Afrika (www.sahrc.org.za). Lokhu kufaka ithempleyithi ongalikhupha iimphathiswa zelwazi ezingalisebenzisa njengesibonelo.

Ngokuya kwesigaba 51, ihloko yehlangano yangeqadi kufuze:

- » Ilethe ebujameni banjesi woke amatjhuguluko wencwajana njalonjalo;
- » Yenze ukuba uxwebhu lufumaneke ngokwendlela ekufunwa ngayo nguMthetho kwii-ofisi zenkampani nakwiwebhusayithi yayo;
- » Kufuze ifake iforomo lesibawo (iForomo C le-PAIA) encwajaneni begodu yenze amakhophi weforomo lesibawo atholakale kuwebhsayithi nakiyo yoke imakhiwo yekhamphani.

Ubuncani bakhona incwajana kufuze ibe nelwazi elilandelako:

IFUNeko	IHLATHULULO
Imininingwana yezokuthintana	I-adresi yeposo neyestrada, umtato nenomboro yefeksi begodu nayikhona, i-adresi ye-imeyili yesiphathiswa selwazi sehlangano yangeqadi.
Ilwazi elitholakala ngokuzenzakalela	Elinye ilwazi litholakala khonokho ngaphandle kobana umuntu alibawe ngokuya kwe-PAIA. Incwajana yekhamphani yangeqadi kufuze itjengise ilwazi leli elitholakala khonokho
Amarekhodi atholakala ngokubawiwa	Incwajana yesiGaba 51 kufuze itjho amahlangothi wamarekhodi atholakala ngokubawiwa.
Ikambiso ye-PAIA	Itjho ikambiso ye-PAIA ezakulandelwa ukufikelela ilwazi ekhamphanini yangeqadi (iForomo C).
Ilwazi leKhamphani	Kufaka imininingwana yehloko yekhamphani namkha u-CEO wekhamphani (njengombana ngokuya kwe-PAIA isiPhathiswa selwazi sekhamphani yangeqadi ngokuvamileko kungiyi ihloko namkha u-CEO).
Iimbhadelo	Yitjho iimbhadelo zokufikelela ezisebenza ngokuya kwe-PAIA (qala isiGaba 3 ukufumana ilwazi elinabileko).
Ukulungiswa kwemitjhapho	Ngiziphi iintatha ezikhona kubabawo nayikuthi isibawo sabo selwazi saliwe?
Imininingwana eragela phambili	Eminye neminye imininingwana eragela phambili ephathelene neembawo zokufikelela amarekhodi.

2.4 Ilwazi elitholakala ngokuzenzakalela eliphethwe yiHlangano Yombuso

Akusi ngilo loke ilwazi elifuna isibawo esihlelekileko ukuze lifikelelwe. Iinhlangano zombuso ezihlukeneko ngokuya kwemithetho ehlukene kufuneka zenze ilwazi elithileko litholakale emphakathini. Iinkhungo ezinengi zizakuveza ilwazi ngokuzithandela ukwenzela izinto tjhatjhalazi, ukuziphendulela nobulula emphakathini. Nakuzakukhuthulwa ukuveza ilwazi ngokuzithandela kanye nokukghonakalisa ukufikelelwa khudlwana kwelwazi leli, isiGaba 51 se-PAIA sifuna zoke iinhlangano zombuso zikhuphe irhemo, elaziwa nge'saziso sesiGaba 15' namkha 'ngesaziso sokuveza ngokuzithandela' lalo loke ilwazi eliphathelene nehlangothi elitholakala kuye woke umuntu ngokuzenzakalela.

Isiphathiswa selwazi sehlangothi yombuso kufuneka senze isaziso sokuveza ngokuzithandela sehlangothi yombuso begodu sisenze sitholakale ema-ofisini wehlangothi yombuso begodu sisikhuphe kuGazede yombuso. Ukuveza ngokuzithandela kufuze kulethwe ebuJamani banjani njalo ngonyaka.

Isaziso sokuveza ngokuzithandela sinamahlangothi wamarekhodi kanye nehlathululo yamarekhodi lawo atholakala ngokuzenzakalela:

- » Ukwenzela ukuhlola ngokuya komunye nomunye umthetho ngaphandle kwe-PAIA;
- » Ukwenzela ukuthenga namkha ukukopa ukusuka ehlanganweni yombuso; kanye
- » Nokusuka ehlanganweni yombuso simahla

Isaziso sokuveza ngokuzithandela kufuze sihlathulule ukobana uwafikelela njani amarekhodi avezwa ngokuzithandela kanye natholakala ngokuzenzakalela. Akusebenzi ukwenza isibawo esihlelekileko samarekhodi athileko nayikuthi amarekhodi lawo afanako sele avezwe ngokuzithandela begodu atholakala ngokuzenzakalela. Esikhathini esinengi, imbhadelo iyafuneka khona isibawo esihlelekileko sizakusetyenzwa begodu lokhu kungathatha amalanga ama-30. Lokhu kungabalekelwa nayikuthi ufuna ukuqala isaziso sokuveza ngokuzithandela begodu ufanise ukobana ingabe irekhodi olifunako litholakala ngokuzenzakalela namkha njani.

Nanyana lokhu kukatelelekile ehlanganweni yombuso ukukhupha isaziso sokuveza ngokuzithandela, lokhu akusi kuku'zithandela' kwehlangothi yombuso. Isaziso sibizwa 'isaziso sokuveza ngokuzithandela' ngombana sinikela ngesaziso salo loke ilwazi elivezwe ngokuzithandela, ingasi ngombana kuya ngokuqunta kwesiphathiswa selwazi ukobana liyakhuthulwa namkha njani irhemo.

2.5 Ilwazi elitholakala ngokuzenzakalela eliphethwe yihlangano yangeqadi namkha yikhamphani

Ngokufana neenhlangotho zombuso, iihlangano zangeqadi zingaba nelwazi ongalifikelela ngaphandle kokwenza isibawo esihlelekileko. Ngaphambi kokwenza isibawo esihlelekileko selwazi ngokuya kwe-PAIA okuzokwenzeka sifune imbhadelo kanye nesikhathi sokulinda samalanga ama-30, funisisa ukobana ingabe ilwazi leli alikabi ukuvezwa ngokuzenzakalela ngaphandle kokwenza isibawo esihlelekileko na

Ihloko yehlangano yangeqadi, ngokuzithandela nangeenkhati ezithileko, ingenza irhemo lelwazi elitholakala ngokuzenzakalela ehlanganweni yangeqadi ngaphandle kobana wenze isibawo esihlelekileko. Irhemo leli libizwa 'ngesaziso sesigaba 52' namkha 'isaziso sokuveza ngokuzithandela'.

Ngokungafaniko neenhlangotho zombuso lapho iimphathiswa zelwazi , kufuze zikhuphe isaziso sokuveza ngokuzithandela, isiphathiswa selwazi sehlangano yangeqadi asikakateleleki ukwenza njalo. Ngokuya kwe-PAIA "ngokuzithandela" singakhupha irhemo elinjalo. Lo mumehluko omkhulu phakathi kwesaziso sesigaba 52 seenhlangotho zangeqadi kanye nesaziso sesigaba 15 seenhlangotho zombuso

Isaziso sokuveza ngokuzithandela sehlangano yangeqadi sinamahlangothi wamarekhodi kanye nehlathululo wamarekhodi lawo atholakala ngokuzenzakalela:

- » Ukwenzela ukuhlola ngokuya komunye nomunye umthetho ngaphandle kwe-PAIA;
- » Ukwenzela ukuthenga namkha ukukopa ukusuka ehlanganweni yombuso; kanye
- » Nokusuka ehlanganweni yombuso simahla.

Isaziso sokuveza ngokuzithandela kufuze godu sihlathulule ukobana uwafikelela njani amarekhodi avezwe ngokuzithandela begodu natholakala ngokuzenzakalela.