

**Umhlahlandlela  
Wokuthi  
Ungasetshenziswa  
Kanjani Umthetho  
2 Ka-2000  
Wokukhuthaza  
Ukuthola Ulwazi**

**ISIZULU**

**ISIZULU**

**UMHLAHLANDLELA WOKUTHI UNGASETSHENZISWA KANJANI UMTHETHO 2 KA-2000  
WOKUKHUTHAZA UKUTHOLA ULWAZI**

**I-website: [www.sahrc.org.za](http://www.sahrc.org.za)**

**I-imeyile: [info@sahrc.org.za](mailto:info@sahrc.org.za)**

**I-Twitter: [@SAHRCCommission](https://twitter.com/SAHRCCommission)**

**I-Facebook: [SAhumanrightscommission](https://www.facebook.com/SAhumanrightscommission)**

**I-Youtube: [SAHRC1](https://www.youtube.com/SAHRC1)**

**Umhlahlandlela Wokuthi Ungasetshenziswa  
Kanjani UMthetho 2 ka-2000 Wokukhuthaza  
Ukuthola Ulwazi**

**Ihhovisi Eliyinhloko Johannesburg**

Ucingo 011 877 3600 • Ifeksi 011 403 0684

**Eastern Cape Port Elizabeth**

Ucingo 043 722 7828 • Ifeksi 043 722 7830

**Free State Bloemfontein**

Ucingo 052 447 1133 • Ifeksi 051 447 1128

**KwaZulu-Natal Durban**

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

**Limpopo Polokwane**

Ucingo 015 2913500 • Ifeksi 051 291 3505

**Mpumalanga Nelspruit**

Ucingo 013 752 8292 • Ifeksi 013 752 6890

**Northern Cape Upington**

Ucingo 054 332 3993/4 • Ifeksi 054 332 7750

**North West Rustenburg**

Ucingo: 014 592 0694 • Ifeksi: 014 594 1089

**Western Cape Cape Town**

Ucingo 021 426 2277 • Ifeksi 021 426 2875

# Lokho okuqukethwe uMhlahlandlela we-PAIA

## INgxenye 1

Isethulo soMhlahlandlela we-PAIA

## INgxenye 2

Uqalaphi ukufuna ukuze uthole ulwazi oludingayo

## INgxenye 3

Indlela yokwenza isicelo sokuthola ulwazi

## INgxenye 4

Kunini lapho ukuthola ulwazi kunganqatshwa/kungase kunqatshwe khona

## INgxenye 5

Izikhombo (references) eziyinhloko nemithombo yokuthola ulwazi olwengeziwe

AMAGAMA AWUSIZO .....	6
UHLU LWEZIFUSHANISO .....	8
INGXENYE 1 .....	9
1.1 Injongo yalo Mhlahlandlela we-PAIA .....	10
1.2 Injongo yalo Mhlahlandlela we-PAIA .....	10
1.3 Umlando we-PAIA .....	10
1.4 Indima yeKhomishane Yamalungelo Abantu BaseNingizimu Afrika .....	11
INGXENYE 2 .....	12
2.1 Ukuqala .....	13
2.2. UMhlahlandlela We-PAIA .....	13
2.3 Izincwadi Ze-PAIA .....	14
2.4 Ulwazi olutholakala kalula olukuyinhlango yomphakathi .....	18
2.5 Ulwazi olutholakala kalula olusenkampanini noma enhlanganweni ezimele .....	19

<b>INGXENYE 3</b> .....	<b>20</b>
3. Ngisifaka kanjani isicelo se-PAIA? .....	20
3.1 Ubani ongafaka isicelo se-PAIA? .....	21
3.2 Kuyizindleko ezingakanani ukufaka isicelo se-PAIA? .....	23
3.3 Ingabe iSikhulu Sezolwazi singangisiza ukuba ngifake isicelo se-PAIA? .....	25
3.4 Yiziphi izinyathelo ezingokomthetho engingazithatha uma isicelo sami se-PAIA sinqatshwa? .....	27

<b>INGXENYE 4</b> .....	<b>31</b>
4.1. Kunini lapho uKuthola Ulwazi kungase kunqatshwe khona .....	32
4.2. Kunini lapho uKuthola Ulwazi kungase kunqatshwe khona .....	32
4.3. Izizathu eziwumyalo lapho ziqhathaniswa nezizathu eziyisiNqumo sokubona komuntu ngokunqabela ukuthola ulwazi .....	33
4.4. Izinto Ezingezenzuzo Yomphakathi Kuza Zona Kuqala .....	36

<b>INGXENYE 5</b> .....	<b>37</b>
5.1. Izikhombo eziyinhloko .....	38
5.2. Imithetho ye-PAIA .....	38
5.3. Izichibiyelo ze-PAIA .....	39
5.4. Izichibiyelo zeMithetho ye-PAIA .....	39
5.5. Eminye imithombo ye-PAIA ewusizo .....	39

# Amagama awusizo

## AMAGAMA

## INCAZELO

Imali ekhokhwayo ukuze uthole

Lena yimali okumelwe ikhokhwe umuntu ofake isicelo enhlanganweni yomphakathi noma ezimele afuna kuyo ulwazi, ukuze kukhokhelwe izindleko zokuthola nokwenza amakhophi amarekhodi owafunayo.

*(Ukuze uthole ulwazi olwengeziwe ngezimali ezikhokhwayo ukuze kutholwe okuthile, bheka iNgxenye 3 yalo Mhlahlandlela).*

I-Form A

Litholakala ekupheleni kwe-PAIA, ku-website yeKhomishane Yamalungelo Abantu BaseNingizimu Afrika, kanye nakuma-website ezinye izinhlangano ezihlukahlukene. Leli fomu lisetshenziselwa ukucela ukuthola ulwazi olusenhlanganweni yomphakathi.

*(Ukuze uthole imininingwane eyengeziwe nge-Form A kanye nezicelo zokuthola ulwazi ezinhlanganweni zomphakathi, bheka iNgxenye 3 yalo Mhlahlandlela).*

I-Form C

Litholakala ekupheleni kwe-PAIA, ku-website yeKhomishane Yamalungelo Abantu BaseNingizimu Afrika, kanye nakuma-website ezinye izinkampani ezizimele ezihlukahlukene. Leli fomu lisetshenziselwa ukucela ukuthola ulwazi olusenhlanganweni ezimele.

*(Ukuze uthole imininingwane eyengeziwe nge-Form C kanye nezicelo zokuthola ulwazi ezinhlanganweni ezizimele, bheka iNgxenye 3 yalo Mhlahlandlela).*

UMhlahlandlela

Ubhekisela kulo Mhlahlandlela omayelana ne-PAIA owenziwe futhi washicilelwa yiKhomishane Yamalungelo Abantu BaseNingizimu Afrika njengoba kuchazwe eSigabeni 10 se-PAIA, ukuze kusizwe abantu ekusebenziseni nasekuqondeni i-PAIA.

ISikhulu Sezolwazi kanye nePhini LeSikhulu Sezolwazi (Information Officer and Deputy Information Officer)

ISikhulu Sezolwazi (ngezinye izikhathi esibizwa ngokuthi yi-IO) umuntu ogunyazwe yinhlangano ethintekayo ukuba asingane izicelo ze-PAIA. Enhlanganweni yomphakathi, lona ngumuntu oyinhloko yenhlangano noma obambe inhloko yenhlangano. Kumasipala, kuzoba umphathi kamasipala; emnyangweni kazwelonke kuzoba uMqondisi Jikelele (Director General); enhlanganweni enjengeKhomishane Yamalungelo Abantu BaseNingizimu Afrika kuzoba u-CEO.

IPhini LeSikhulu Sezolwazi (Deputy Information Officer) (ngezinye izikhathi esibizwa ngokuthi yi-DIO) umuntu omiswe yiSikhulu Sezolwazi (Information Officer) senhlangano yomphakathi ukuba asize lowo ofake isicelo esicelweni sakhe sokuthola ulwazi.

I-PAIA ayikuphoqelesi ukuthi izinhlangano ezizimele zimise iPhini LeSikhulu Sezolwazi; kodwa iKhomishane Yamalungelo Abantu BaseNingizimu Afrika itusa ukuba zikwenze lokho ukuze kusebenzeke kahle futhi izinto zibe lula.

*(Ukuze uthole imininingwane eyengeziwe ngemisebenzi yeZikhulu Sezolwazi, bheka iNgxenye 3 yalo Mhlahlandlela).*

Ukufaka Isikhalo Kwangaphakathi (i-Form B)	Abafake izicelo bangasebenzisa i-PAIA Form B ukufaka isikhalo ngesinqumo esenziwe kuphela yimikhakha kazwelonke, yesifunda noma kamasipala kahulumeni ngokuphathelene nokuthola ulwazi. <i>(Ukuze uthole imininingwane eyengeziwe ngokufaka izikhalo kwangaphakathi, bheka iNgxenye 3 yalo Mhlahlandtela).</i>
Umuntu wezomthetho	Inkampani noma indikimba eqashelwa ngumthetho njengenkampani eyodwa noma 'umuntu' enamalungelo nemisebenzi.
UNgqongqoshe	Ukubhekisela kuNgqongqoshe kuphathelene noNgqongqoshe Wezobulungiswa Nezokuhlunyelelisa Kwezimilo.
Umuntu wemvelo	Umuntu ongokoqobo, ngokungafani nomuntu ongokomthetho noma wezomthetho njengenhlangano (bheka elithi umuntu wezomthetho ngenhla).
Indikimba ezimele	Ebizwa nangokuthi inkampani ezimele, inhlangano, noma indikimba (body), lena ngumuntu wemvelo noma wezomthetho noma ukusebenzisana (partnership) obandakanyeka noma oye wabandakanyeka kunoma yiluphi uhwebo, ibhizinisi noma umsebenzi ofundelwe futhi enza leyonto kuphela.
Indikimba yomphakathi	Ebizwa nangokuthi inhlangano yomphakathi, umnyango, noma indikimba), lena yinoma yimuphi umnyango noma inhlangano yemikhakha kahulumeni kazwelonke, wesifunda nowendawo. Ihlanganisa nanoma iyiphi inhlangano eyenza umsebenzi wombuso ngesikhathi okwenziwe ngaso irekhodi.
Irekhodi	Yinoma yiluphi ulwazi olurekhodiwe kungakhathaliseki uhlobo oluyilo, kuhlanganise, ngokwesibonelo, amadokhumenti abhathiwe, izinto ezingamavidiyo njll. Irekhodi elicelwa enhlanganweni yomphakathi noma ezimele liyobhekisela kuyirekhodi elikuleyo nhlangano kungakhathaliseki ukuthi leyo nhlangano yiyo eyalenza noma cha.
Imali yesicelo	Izindleko okumelwe zikhokhwe ukuze kwenziwe isicelo sokuthola ulwazi. Mayelana nesicelo solwazi enhlanganweni yomphakathi kunemali ekhokhwayo emisiwe engu-R35; mayelana nesicelo solwazi enhlanganweni ezimele kunemali ekhokhwayo emisiwe engu-R50. <i>(Ukuze uthole imininingwane eyengeziwe ngezimali zesicelo kanye nabakhululekile ukuzikhokha, bheka iNgxenye 3 yalo Mhlahlandtela).</i>
Umuntu ofaka isicelo	Umuntu ofaka isicelo ngumuntu wemvelo noma wezomthetho ofaka isicelo sokuthola ulwazi. Elithi umuntu ofaka isicelo libhekisela nakumuntu ofaka isicelo solwazi egameni lomunye umuntu.
Omunye umuntu (Third party)	Lokhu kubhekisela kunoma yimuphi umuntu wemvelo noma wezomthetho okungeyena umuntu ofaka isicelo solwazi, futhi okungeyona inhlangano okwenziwa kuyo isicelo solwazi.

## Uhlu lwezifushaniso

Izifushaniso ezilandelayo zitholakala kulo Mhlahlandlela nakwamanye ama-PAIA avame ukusetshenziswa.

Imithombo:

---

<b>DIO</b>	Deputy Information Officer (IPhini LeSikhulu Sezolwazi)
<b>IO</b>	Information Officer (ISikhulu Sezolwazi)
<b>ODAC</b>	Open Democracy Advice Centre (Isikhungo Sezokweluleka SeDemokhrasi Ekhululekile)
<b>PAIA</b>	Promotion of Access to Information Act 2 of 2000 (UMthetho 2 ka-2000 Wokukhuthaza Ukuthola Ulwazi)
	Protection of Personal Information Act 4 of 2013
<b>PPIA SAHA</b>	South African History Archives (UMthetho 4 ka-2013 Wokuvikelwa Kolwazi Lomuntu Siqu - Izingolobane Zomlando WaseNingizimu Afrika)
<b>SAHRC</b>	South African Human Rights Commission (IKhomishane Yamalungelo Abantu BaseNingizimu Afrika)

---

# INGXENYE 1

## Isethulo

Le ngxenye ihlanganisa:

- 1.1 Injongo yoMhlahlandlela we-PAIA
- 1.2 Umlando we-PAIA
- 1.3 Injongo ye-PAIA kanye nokuthi ingasetshenziswa kanjani
- 1.4 Indima yeKhomishane Yamalungelo Abantu BaseNingizimu Afrika

## 1.1 Injongo yalo Mhlahlandlela we-PAIA

Lo Mhlahlandlela ukwazisa ngoMthetho (PAIA) 2 ka-2000 Wokuthuthukisa Ukuthola Ulwazi. UMhlahlandlela we-PAIA uzosiza abantu ukwenza izicelo zolwazi ngaphansi kwe-PAIA, futhi unikeze izibonelo zokuthi i-PAIA iye yasetshenziswa kanjani esikhathini esidlule ukuthuthukisa amalungelo abantu, ngokunikeza:

- » Uhlaka lwe-PAIA okulula ukuluqonda
- » Incazelo eningiliziwe yendlela i-PAIA engasetshenziswa ngayo ukuthuthukisa amanye amalungelo abantu
- » Uhlu lwezinhlobo zolwazi olungase lucelwe ngokusebenzisa i-PAIA
- » Umhlahlandlela wesinyathelo ngasinye wendlela yokusebenzisa i-PAIA ukuze ufake isicelo solwazi
- » Uhlaka lwezifundo ezifundwe ezicelweni zolwazi zesikhathi esidlule kanye namacala asenkantolo e-PAIA

## 1.2 Umlando we-PAIA

Lapho kuseziwa uhlaka loMthethosisekelo WaseNingizimu Afrika enkathini eyalandela ukuwa koBandlululo ngabo-1990, izinhlangano ezihlukahlukene nabantu ngabanye benza imikhankaso yokuba kufakwe nelungelo lokuthola ulwazi. Kwakuthenjwa ukuthi ukufakwa kwaleli lungelo kuMthethosivivinywa Wamalungelo - Isigaba 2 soMthethosisekelo - kuzoqinisekisa ukuthi izenzo zonya ezinjengoBandlululo zazingeke zilokothe ziphinde zenzeke ngoba umbuso nezinkampani ezizimele bazoba nesibopho sokwenza izinto ngendlela enokulandisa nedalula izinto obala ngokunikeza indlela yokuthola ulwazi, futhi ngalokho babengeke bakwazi ukucasha ngesithunzi zokuthi izinto ziyimfihlo.

Ngo-1996 uMthethosisekelo weRiphabhuliki yaseNingizimu Afrika waqala ukusebenza. ISigaba 32 sibonisa ilungelo lokuthola ulwazi olukukho kokubili izinhlangano zomphakathi kanye nezizimele. Ngaleso sikhathi, lokhu kwakuwuzezu lokuqala ngqa lomthetho emhlabeni wonke owawunikeza ilungelo lokuthola ulwazi mayelana nolwazi olusezinhlanganweni ezizimele. ISigaba 32 sasho nokuthi kumelwe kushaywe umthetho ozokwenza kusebenze ilungelo lokuthola ulwazi ngokuba uchaze kabanzi izindlela olungatholakala ngazo ulwazi olusezinhlanganweni zomphakathi kanye nezizimele, kanye nangokunikeza ulwazi olwengeziwe mayelana nezizathu inhlangano yomphakathi kanye nezimele engase yenqabe ngazo ukuba kutholwe ulwazi.

Ngo-2000, uMthetho Wokuthuthukisa Ukuthola Ulwazi (PAIA) ekugcineni waba umthetho waqala ukusebenza, ugcwalisa ilungiselelo lesigaba 32 soMthethosisekelo sokuthi kushaywe umthetho omayelana nokuthola ulwazi.

## 1.3 Injongo ye-PAIA kanye nokuthi ingasetshenziswa kanjani

Injongo ye-PAIA iwukuthuthukisa ilungelo lokuthola ulwazi, ukuphoqelela isiko lokwenza izinto obala kanye nokulandisa ngezinto eNingizimu Afrika. Ngaphezu kwalokho, i-PAIA ihloselwe ukukhuthaza idemokhrasi ekhululekile lapho abantu bazo zonke izizinda zokuphila benikwa khona amandla okuxoxisana nohulumeni futhi babambe iqhaza ezinqumweni ezithinta ukuphila kwabo.

Ilungelo lokuthola ulwazi liyilungelo eliyinqayizivele ngoba lenza kwenzeke ukufinyelela amanye amalungelo abantu: lena ngenye yezindlela ezibaluleke kakhulu engasetshenziswa ngazo i-PAIA.

### Ukuhlinzekwa kwamasevisi kahulumeni

- » I-PAIA ingasetshenziswa ukunika abantu amandla ngokuba nolwazi abangenza ngalo uhulumeni ukuba alandise ngokuhlinzeka kwakhe amasevisi ayizidingo-ngqangi njengezindlu, amanzi kanye nokukhucululwa kwendle.

### Amalungelo omphakathi nawezepolitiki

- » I-PAIA ingasetshenziswa ukuqoqa ulwazi olungase lusetshenziswe ngabantu ekusebenziseni amalungelo anjengelungelo lokuvota kanye nelungelo lokuba nenkululeko yokwenza imibuthano

### Ukubandlulula Nokulingana

- » I-PAIA ingasetshenzisa njengethuluzi lokusekela ukulwa nobandlululo, njengokubandlululwa ngenxa yohlanga, ubulili, njll, ezinhlanganweni ezihlukahlukene zomphakathi noma ezizimele.

Kubalulekile ukuphawula ukuthi i-PAIA ayinakusetshenziswa ukuthola amarekhodi azosetshenziswa phakathi nokuqulwa kwamacala angokomthetho omphakathi noma obugebengu, kuhlangukisa nangemva kokuqala kwalokho kuqulwa kwamacala, futhi uma ukwenziwa noma ukutholwa kwerekhodi kwayo le njongo kuvikelwe ngumthetho (*bheka iSigaba 7 soMthetho*).

## 1.4 Indima yeKhomishane Yamalungelo Abantu BaseNingizimu Afrika

IKhomishane Yamalungelo Abantu BaseNingizimu Afrika [South African Human Rights Commission (SAHRC)] igunyazwe ngaphansi kwe-PAIA ukuba:

- » Ikhuthaze ilungelo lokuthola ulwazi
- » Iqaphe ukusetshenziswa kwe-PAIA yizinhlango zomphakathi kanye nezizimele
- » Yenze izincomo zokwenza uMthetho uqine
- » Inikeze umbiko ePhalamende njalo ngonyaka

### UMthetho Wokuvikelwa Kwemininingwane Yomuntu Siqu

UMthetho 4 ka-2013 Wokuvikelwa Kwemininingwane Yomuntu Siqu [The Protection of Personal Information Act 4 of 2013 (PPIA)] uchibiyela i-PAIA ngezindlela eziningana. Enye yezindlela eziyinhloko lo Mthetho oshintsha ngayo i-PAIA iphathelele nendima ye-SAHRC. Ngaphansi kwe-PPIA imisebenzi ye-SAHRC ngokwe-PAIA izodluliselwa kuMqondisi Wezolwazi (Information Regulator), okuyinhlango entsha ezimele ezomiselwa ukuqapha kokubili i-PPIA ne-PAIA, kanye nokusingatha izikhalo eziphathelele nokuthola ulwazi kanye nokuvikelwa kwemininingwane yomuntu siqu.

Nokho, i-SAHRC isazoqhubeka nesibopho sayo soMthethosisekelo sokukhuthaza, ukuvikela nokuqapha ilungelo lokuthola ulwazi njengoba kunjalo ngawo wonke amanye amalungelo aqukethwe nguMthetho-sivivinywa Wamalungelo.

# INGXENYE 2

## Thola ulwazi oludingayo

Le ngxenye ihlanganisa:

- 2.1 Lapho ongathola khona imihlahlandlela nezincwadi okuwusizo kokukusiza ukuba ufake izingcingane zokuthola ulwazi
- 2.2 Abantu ongabathinta ukuba bakusize uma ungase udinge noma yiluphi usizo
- 2.3 Lokho izinhlangano zomphakathi kanye nezizimele okufuneka zikwenze ukuze zisize labo abafuna ulwazi
- 2.4 Ulwazi oluthile luyatholakala nje kalula ngaphandle kwesidingo sokuba ufake izingcingane esingokomthetho, le ngxenye izonikeza uhlobo lokuthi ungakutholaphi lokhu

## 1.1 Ukuqala

Injongo yoMthetho we-PAIA iwukukhuthaza ngentshiseko umphakathi lapho abantu baseNingizimu Afrika bekwazi ukuluthola ngokuphumelelayo ulwazi ukuze kubenze bakwazi ukuwasebenzisa ngokugcwele wonke amalungelo abo futhi bawavikele. Kodwa ngezinye izikhathi umuntu angase angaqiniseki ukuthi angaqalaphi noma ukuthi empeleni ungakwenza kanjani ukuthola ulwazi ngendlela echazwa yi-PAIA. I-PAIA iyibona kusengaphambili le nkinga futhi empeleni igunyaza ukuba imihlahlandlela ethile kanye nezincwadi kushicilelwe ukuze kuchaze kabanzi indlela yokukwenza kulabo abafuna ulwazi. Le ngxenye izonikeza uhloko lwale mihlahlandlela nezincwadi, imisebenzi yabashicileli bale mihlahlandlela nezincwadi, futhi, okubaluleke kakhulu, ukuthi ungayitholaphi.

Yiqiniso, elinye lamathuluzi anamandla kakhulu umuntu angalisebenzisa ukuthola ulwazi, liwukufaka isicelo esingokomthetho sokuthola ulwazi esenziwa ngokuvumelana noMthetho we-PAIA, lo mihlahlandlela ozokusiza ukuba usifake. Kodwa khumbula, lena akuyona ukuphela kwendlela ongafuna ngayo ukuthola ulwazi. Ulwazi oluthile luyatholakala kalula nje ngaphandle kwesidingo sokufaka isicelo esingokomthetho se-PAIA. Ezimweni ezithile, umthetho empeleni ufuna ukuba kokubili izinhlangotho zomphakathi kanye nezizimele zidalule ulwazi oluthile obala. Le ngxenye ihlinzeka nohloko lokuthi ungayitholaphi lolu lwazi.

UMthetho Wokukhuthaza Ukuthola Ulwazi uhloselwe ukuba ube ucezu olunika amandla lomthetho olusiza bonke abantu baseNingizimu Afrika. Uhloselwe ukuba ube umthetho okulula ukuwuqonda futhi ongase usetshenziswe yinoma ubani. Ngokwe-PAIA, umuntu akamdingi ummeli ukuze afake isicelo sokuthola ulwazi. Lo mihlahlandlela uye washicilelwa ukuze usize abantu baseNingizimu Afrika bazo zonke izizinda zokuphila ukuba basekele amalungelo abo aqukethwe umthethosisekelo.

## 2.2 UMhlahlandlela We-PAIA

ISigaba 10 se-PAIA sifuna ukuba iKhomishane yenze futhi ishicilele umhlahlandlela okulula ukuwuqonda ukuba usize ekutholeni amarekhodi nezincwadi kanye nokuba umuntu asebenzise ilungelo lakhe lokuthola ulwazi. Lo mihlahlandlela ngezinye izikhathi ubizwa ngokuthi yi-'Section 10 Guide'.

Ukunika lonke ulwazi oludingayo ukuze uthole noma yimaphi amarekhodi. Ubuye ube nohloko lwemininingwane lwabantu ongabathinta eminyangweni kahulumeni nezinhlangano ezigcina amarekhodi ombuso, kanye neminingwane yabantu ongabathinta ezinkampanini ezizimele ezihlukahlukene. Kufuneka nokuba iKhomishane ilokhu ilungisa imininingwane yalo mihlahlandlela okungenani kanye njalo eminyakeni emibili.

### 2.2.1 Ungawutholaphi lo mihlahlandlela

Lo mihlahlandlela utholakala ngazo zonke izilimi ezisemthethweni zaseNingizimu Afrika: IsiNgisi, isiBhunu, isiNdebele, isiXhosa, isiZulu, isiSipedi, isiSuthu, isiTswana, isiSwati, isiVenda nesiTsonga. Amakhophi alo mihlahlandlela angatholakala kuwo wonke amahhovisi ayinhloko nawezifunda eKhomishane (imininingwane yokuthinta la mahhovisi iyatholakala ekupheleni kwalo Mhlahlandlela). Ngaphezu kwalokho, amakhophi akuninethi ayatholakala ku-website yeKhomishane ([www.sahrc.org.za](http://www.sahrc.org.za)).

## 2.3 Izincwadi Ze-PAIA

Ngaphezu kokuba iKhomishane yenze i-Section 10 Guide echaza i-PAIA, i-PAIA ifuna ukuba inhlangotho ngayinye yomphakathi, kanye nezinhlangano eziningi ezizimele, zenze incwadi (manual) equkethe ulwazi oluchaza indlela yokusebenzisa i-PAIA ukuze uthole amarekhodi azo uqobo.

### 2.3.1 Izincwadi ze-PAIA zezinhlangano zomphakathi

ISigaba 14 se-PAIA sifuna ukuba zonke izinhlangano zomphakathi zishicilele incwadi (manual) okungenani ngezilimi ezintathu ezisemthethweni esiza abantu abafuna ulwazi ukuba benze izicelo zokuthola ulwazi kuleyo nhlangano ethintekayo. Okungenani, le ncwadi kumelwe iqukathe ulwazi oluwusizo olulandelayo:

IMFUNeko	INCAZELO
Umyalo (mandate)	Isimo nemisebenzi yenhlangotho yomphakathi.
Imininingwane yokuthintana	Ikheli laseposini kanye nelomgwaqo, inombolo yocingo neyefeksi futhi, uma ikhona, i-imeyili yeSikhulu sezolwazi senhlangotho yomphakathi, kanye neyephini ngalinye leSikhulu sezolwazi lenhlangotho yomphakathi.
I-Section 10 Guide ye-PAIA	Incazelo yalo Mhlahlandlela owenziwe yiKhomishane Yamalungelo Abantu BaseNingizimu Afrika kanye nendlela yokuwuthola.
Izigaba zamarekhodi agciniwe	Ulwazi olwanele lokusiza ekwenzeni kube lula ukuthola irekhodi elisenhlanganweni yomphakathi. Ngakho-ke inhlangotho yomphakathi kumelwe ichaze izihloko ewagcina ngazo amarekhodi, kanye nezigaba zamarekhodi asesihlokwani ngasinye.
Ulwazi olutholakala kalula	Olunye ulwazi lutholakala ngokushesha ngaphandle kokuba umuntu kudingeke afake isicelo sokuluthola ngokuvumelana ne-PAIA. Incwadi yenhlangotho yomphakathi kumelwe ilubonise lolu lwazi olutholakala ngokushesha.
Amasevisi enhlangano yomphakathi	Incazelo yamasevisi etholakalayo kumalungu omphakathi enhlanganweni yomphakathi, kanye nendlela yokuthola lawo masevisi.
Ukubamba iqhaza komphakathi	Incazelo yanoma yiliphi ilungiselelo lokuba umuntu abonane, ethule izinkulumo noma abambe iqhaza noma athonye ukwenziwa komgomo (policy); noma ukusetshenziswa kwamandla noma ukwenziwa kwemisebenzi yinhlangano yomphakathi.
Lokho ongakwenza	Isinyathelo ongase usithathe uma iSikhulu sezolwazi senhlangotho yomphakathi siqamba ukukuvumela ukuthola ulwazi.

## 2.3.2 Ungayitholaphi incwadi yenhlangano yomphakathi

Zonke izinhlangano zomphakathi kumelwe zenze ukuba uyithole kalula incwadi. Okungenani, kufuneka ukuba lokhu zikwenze ngezindlela ezilandelayo:

- Ngokwenza ukuba kutholakale ikhophi ehhovisi ngalinye laleyo nhlangano yomphakathi phakathi nesikhathi somsebenzi;
- » Ngokwenza ukuba kutholakale incwadi ku-website, uma ikhona, yenhlangano yomphakathi.

Njengoba kushiwo ngenhla, i-Protection of Personal Information Act 4 of 2013 (PIIA) (UMthetho 4 ka-2013 Wokuvikelwa Kwemininingwane Yomuntu Siqu) ichibiyela i-PAIA ngezindlela eziningi. Enye yazo imayelana nezincwadi ze-Section 14 yezinhlangano zomphakathi. Ngaphansi kwe-PIIA lezi zincwadi kumelwe zingabe zisathunyelwa kuKhomishane Yamalungelo Abantu BaseNingizimu Afrika, kodwa kumelwe zenziwe zitholakale ku-inthanethi futhi zenziwe zitholakale kunoma ubani ocela ikhophi.

## 2.3.3 Izincwadi ze-PAIA zezinhlangano ezizimele

Izinhlangano ezizimele nazo kufuneka zenze incwadi (manual). Lokhu kuvumelana nesigaba 51 se-PAIA. Njengamanje, akuzona zonke izinhlangano ezizimele empeleni okufuneka ukuba zenze ngokuvumelana nalesi sigaba.<sup>1</sup> Ngakho-ke, ungase uthole ukuthi inhlangano ofuna ukucela kuyo ulwazi ayinayo incwadi engakunika yona. Lokhu akusho ukuthi leyo nhlangano ayilawulwa yi-PAIA ngokuvamile. Usengasifaka isicelo sokuthola ulwazi kule nhlangano futhi nayo umthetho usafuna ukuba isinake isicelo sakho. Inqubo yokufaka isicelo sokuthola ulwazi ngokwe-PAIA isafana, ngisho noma inhlangano ecelwayo ikhululiwe ekwenzeki incwadi.

### YIZIPHI IZINHLANGANO EZIZIMELE OKUNGADINGEKILE UKUBA ZISHICILELE INCWADI YOLWAZI?

Indlela uMthetho obhatwe ngayo iwukuthi ufuna ukuba ZONKE izinhlangano ezizimele zenze incwadi. Nokho, leli lungiselelo elivamile lixhomekeke emandleni kaNgqongqoshe ukuba akhulule izinhlangano ezithile ezizimele noma izigaba zezinhlangano ekubeni zishicilele incwadi. Njengamanje, uNgqongqoshe ukhulule ZONKE izinhlangano ezizimele ekubeni kudingeke ukuba zenze izincwadi inkathi eyiminyaka emihlanu, kusukela ngomhla ka-1 Januwari 2016 NGAPHANDLE uma inhlangano iwela ngaphakathi kwezigaba ezichazwe ngezansi.

<sup>1</sup> Lokhu kwashintsha ngomhla ka-31 Disemba 2015; lapho zonke izinhlangano ezizimele kwakufanele ngabe zaba nencwadi ngokuvumelana nesigaba 51 se-PAIA.

Izinkampani ezizimele ezilandelayo kumelwe zenze incwadi ye-PAIA uma ziqashe abasebenzi abangaphezu kuka-50 ezimbonini ezilandelayo noma uma ngonyaka zenza imali engaphezu kwenani eliboniswe lapha:

IMBONI	IMALI EYENZA NGONYAKA
Ezolimo	R2 million (izigidi)
Izimayini Nezinkwali	R7 million
Imboni Eyenza izinto	R10 million
Ekagesi, Igesi kanye naManzi	R10 million
Ezokwakha	R5 million
Ezokuthengisa kanye neziHweba Ngezimoto kanye nezamaSevisi Okulungisa	R15 million
Ezokuhweba Ngama-Wholesale, Ama-Ejenti Ezokuthengisa Ezinkampani Zobumbano (Wholesale Trade, Commercial Agents and Allied Services)	R25 million
Ezokulungiselela Ukudla Indawo Yokuhlala kanye noLunye Uhwebo	R5 million
Ezokugcina Impahla Nezokuxhumana	R10 million
Ezezimali Namasevisi Amabhizinisi	R10 million
Ezomphakathi, namaSevisi Akhethekile Nawomuntu Siqu	R5 million

UNgqongqoshe washo nokuthi zonke izinkampani ezingachaziwe ngokuthi 'yizinkampani ezizimele' ngaphansi kwesigaba 1 soMthetho 71 weziNkampani ka-2008 kufuneka zenze i-Section 51 manual.

### 2.3.4 Ungayitholaphi incwadi yenhlangano ezimele

Zonke izinhlangano ezizimele okudingeka zenze incwadi kumelwe zenze le ncwadi ukwazi ukuyithola kalula. Okungenani, kufuneka ukuba lokhu zikwenze ngezindlela ezilandelayo:

- » Ngokwenza ukuba kutholakale ikhophi engase ihlolwe ehovisi ngalinye laleyo nhlangano ezimele phakathi nesikhathi somsebenzi. Inhlangano ezimele akumelwe ikhokhise imali ukuze kuhlolwe;
- » Ngokwenza ukuba incwadi itholakale ku-website yayo.

### 2.3.5 Uma uyinhlangano ezimele wenza kanjani ngokuvumelana nomthetho

Kunesiqondiso esiwusizo sezikhulu zezolwazi zezinkampani ezizimele ezifuna ukwenza ngokuvumelana neSigaba 51 se-PAIA ku-website yeKhomishane Yamalungelo Abantu BaseNingizimu Afrika ([www.sahrc.org.za](http://www.sahrc.org.za)). Lokhu kuhlanganisa nethempulethi engase idawunilodwe yizikhulu zezolwazi ezingayisebenzisa njengebalazwe eliziqondisayo.

Ngokuvumelana nesigaba 51, inhloko yenhlangano ezimele kumelwe:

- » Ilungise imininingwane yanoma yiziphi izinguquko ezingokoqobo encwadini njalo nje;
- » Yenze incwadi ukuba itholakale njengoba kufunwa nguMthetho emahhovisi enkampani kanye naku-website yayo;
- » Kumelwe ijobebele ifomu lesicelo (i-Form C ye-PAIA) encwadini futhi yenze ukuba amafomu ezicelo atholakale ku-website kanye nakuzo zonke izindawo zenkampani.

Incwadi kumelwe okungenani ibe nolwazi olulandelayo:

IMFUNeko	INCAZELO
Imininingwane yokuthintana	Ikheli laseposini kanye nelomgwaqo, inombolo yocingo neyefeksi futhi, uma ikhona, i-imeyili yeSikhulu sezolwazi senhlangano ezimele.
Ulwazi olutholakala kalula	Olunye ulwazi lutholakala ngokushesha ngaphandle kokuba umuntu kudingeke afake isicelo sokuluthola ngokuvumelana ne-PAIA. Incwadi yenhlangano ezimele kumelwe ilubonise lolu lwazi olutholakala ngokushesha.
Amarekhodi atholakala uma uwacela	I-Section 51 Manual kumelwe ibe nohlu lwezigaba ezitholakalayo uma zicelwa.
Inqubo ye-PAIA	Iveza inqubo ye-PAIA okumelwe ilandelwe ukuze ucele ukuthola ulwazi enkampanini ezimele (okungukuthi, i-Form C).
Imininingwane Yenkampani	Ihlanganisa imininingwane yenhloko yenkampani noma u-CEO wenkampani (njengoba ngokwe-PAIA iSikhulu Sezolwazi senkampani ezimele ngokuvamile ngu-CEO noma inhloko).
Izimali ezikhokhwayo	Zisho umuntu ofaka isicelo kanye nezimali ezikhokhwayo zokuthola ulwazi ezisebenzayo ngokwe-PAIA (bhaka iSigaba 3 ukuze uthole imininingwane eyengeziwe).
Lokho ongakwenza	Yimaphi amakhambi atholakalayo kubantu abafake izicelo uma izicelo zabo zokuthola ulwazi ziye zenqatshwa?
Imininingwane Eyengeziwe	Noma yimiphi imininingwane eyengeziwe ephathelene nezicelo zokuthola amarekhodi.

## 2.4 Ulwazi olutholakala kalula olukuyinhlangano yomphakathi

Njengoba kushiwo esethulweni sale ngxenye, akulona lonke ulwazi oludinga isicelo esingokomthetho ukuze lutholwe. Kunemithetho ehlukehlukehene efuna ukuba izinhlango ezihlukehlukehene zomphakathi zenze ukuba kutholakale ulwazi oluthile emphakathini. Ngisho nangale kwalokhu, izinhlango eziningi ziyodalula ulwazi olwengeziwe ngokuzithandela ngenxa nje yokuveza izinto obala, ukulandisa kanye nokwenza izinto zibe lula emphakathini. Ukuze kukhuthazwe ukudalulwa kolwazi ngokuzithandela kanye nokusiza ukuba lolu lwazi lutholakale nakakhulu, iNgxenye 15 ye-PAIA ifuna ukuba zonke izinhlango zomphakathi zishicilele uhlu, olwaziwa ngokuthi yi-‘Section 15 notice’ noma i-‘voluntary disclosure notice’, kulo lonke ulwazi oluphathelele naleyo nhlangano olutholwa kalula yiwo wonke umuntu.

ISikhulu sezolwazi senhlangano yomphakathi kudingeka senze isaziso sokudalulwa kwemininingwane ngokuzithandela senhlangano yomphakathi, futhi sisenze sitholakale emahhovisi enhlangano yomphakathi futhi sisishicilele ku-Government Gazette. Isaziso sokudalulwa kwemininingwane ngokuzithandela kumelwe sifakwe imininingwane emisha njalo ngonyaka.

Isaziso sokudalulwa kwemininingwane ngokuzithandela siqukethe izigaba zamarekhodi kanye nencazelo yalawo marekhodi atholakala kalula:

- » Ukuze kuhlolwe ngokuvumelana nanoma yimiphi imithetho ngaphandle kwe-PAIA;
- » Ukuze kuthengwe noma kwenziwe amakhophi enhlanganweni yomphakathi; futhi
- » Mahhala enhlanganweni yomphakathi.

Isaziso sokudalulwa kwemininingwane ngokuzithandela kumelwe sichaze indlela yokuthola amarekhodi adalulwa ngokuzithandela futhi atholakala kalula. Asikho isizathu sokufaka isicelo esingokomthetho mayelana namarekhodi athile uma wona lawo marekhodi esedaluliwe kakade ngokuzithandela futhi etholakala kalula. Ezimweni eziningi, kudingeka imali ukuze kusetshenzwe isicelo esingokomthetho futhi lokhu kungase kuthathe izinsuku ezifika ku-30. Lokhu kungase kugwenywe uma uqala ngokubheka isaziso sokudalulwa kwemininingwane ngokuzithandela futhi ubone ukuthi irekhodi olifunayo litholakala kalula yini noma cha.

Nakuba kunomyalo wokuba inhlangano yomphakathi ishicilele isaziso sokudalulwa kwemininingwane ngokuzithandela, akuyona into ‘eyenziwa ngokuzithandela’. Lesi saziso sibizwa ngokuthi ‘isaziso sokudalulwa kwemininingwanengokuzithandela’ ngobasinikezaisazisongalolonkeulwazioluyelwadalulwangokuzithandela, hhayi ngoba kuxhomeke esinqumweni seSikhulu sezolwazi ukuthi silushicilele yini uhlu loqobo noma cha.

## 2.5 Ulwazi olutholakala kalula olusenkampanini noma enhlanganweni ezimele

Kwenzeka okufanayo nakulesi sigaba solwazi olutholakala kalula njengoba kunjalo nasolwazini olusenhlanganweni yomphakathi okungadingeki ukuba kwenziwe isicelo esingokomthetho. Ngaphambi kokuba ufake isicelo esingokomthetho sokuthola ulwazi ngokuvumelana ne-PAIA cishe okuyobandakanya nemali ekhokhwayo kanye nenkathi yokulinda yezinsuku ezingu-30, kubalulekile ukuqinisekisa ukuthi lolu lwazi seludaluliwe yini kakade noma cha nokuthi ngalokho lutholakala kalula yini ngaphandle kwesidingo sokufaka isicelo esingokomthetho.

Inhloko yenhlango ezimele ingase, ngokuzithandela nangezikhathi ezithile, yenze uhlu lolwazi olutholakala kalula enhlanganweni ezimele olungadingi ukuba ufake isicelo esingokomthetho. Lolu hlu lubizwa ngokuthi yi- 'section 52 notice' noma i- 'voluntary disclosure notice.'

Ngokungafani nezinhlangano zomphakathi lapho iZikhulu zezolwazi kumelwe zishicilele khona isaziso sokudalulwa kwemininingwane ngokuzithandela, iSikhulu sezolwazi senhlango ezimele asinaso isibopho sokwenza lokho. Njengoba i-PAIA isho, "singase, ngokuzithandela" silushicilele uhlu olunjalo. Lona ngumehluko omkhulu phakathi kwe-section 52 notice yezinhlangano ezizimele kanye ne-section 15 notice yezinhlangano zomphakathi.

Isaziso sokudalulwa kwemininingwane ngokuzithandela senhlango ezimele siqukethe izigaba zamarekhodi kanye nencazelo yalawo marekhodi atholakala kalula:

- » Ukuze kuhlolwe ngokuvumelana nanoma yimiphi imithetho ngaphandle kwe-PAIA;
- » Ukuze kuthengwe noma kwenziwe amakhophi enhlanganweni yomphakathi; futhi
- » Mahhala enhlanganweni yomphakathi.

Isaziso sokudalulwa kwemininingwane ngokuzithandela kumelwe sichaze nendlela yokuthola amarekhodi adalulwa ngokuzithandela futhi atholakala kalula.