

**Umhlahlandlela
Ngekusetjentiswa
Kwemtsetfo
Wekutfutfukisa
Kutfolakala
Kwelwatiso Nombolo
2 Wanga 2000**

SISWATI

Iwebhusayithi: www.sahrc.org.za

Imeyili: info@sahrc.org.za

Ithwitha: [@SAHRCCommission](https://www.instagram.com/SAHRCCommission)

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

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

Imininingwane Yekutsintsana neKhomishini Lemelele Emalungelo Eluntfu eNingizimu Afrika

Lihhovisi Lelikhulu Johannesburg

Lucingo 011 877 3600 • Ifeksi 011 403 0684

Eastern Cape Port Elizabeth

Lucingo 043 722 7828 • Ifeksi 043 722 7830

Free State Bloemfontein

Lucingo 052 447 1133 • Ifeksi 051 447 1128

KwaZulu-Natal Durban

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

Limpopo Polokwane

Lucingo 015 2913500 • Ifeksi 051 291 3505

Mpumalanga Nelspruit

Lucingo 013 752 8292 • Ifeksi 013 752 6890

Northern Cape Upington

Lucingo 054 332 3993/4 • Ifeksi 054 332 7750

North West Rustenburg

Lucingo 014 592 0694 • Ifeksi: 014 594 1089

Western Cape Cape Town

Lucingo 021 426 2277 • Ifeksi 021 426 2875

Kutfole indlela yakho yekusebentisa Lomhlahandlela we-PAIA

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Emathemu lalusito

EMATHEMU	INCHAZELO
Imali lekhokhwako kute usitwe	<p>Lena yimali lekufanele ikhokhwe ngulofake sicelo kulomtimba lotimele noma wahulumende lapho usuke ufuna kutfolakala khona lwatiso, kute kutsi kukhokhelwe tindleko tekutfolakala nekukhopho lamarekhodi lowacelako.</p> <p><i>(Kutfolakala imininingwane lephelele ngemali buka Sigaba sesi-3 seMhlahlandlela.)</i></p>
Lifomu A	<p>Litfolakala kuwebhusayithi yeLikhomishana Lemelele Emalungelo Eluntfu, Kanye nemawebhusayithi aletinye tikhungo tahulumende. Lelifomu lisetjentiselwa kutfolakala lwatiso lolugcinwe ngumtimba wahulumende.</p> <p><i>(Kutfolakala imininingwane lephelele ngeLifomu A bese ucela lwatiso kumtimba buka Sigaba 3 saloMhlahlandlela.)</i></p>
Lifomu C	<p>Nalo litfolakala ekugcineni kweMtsetfo i-PAIA, kuwebhusayithi yeLikhomishana Lemelele Emalungelo Eluntfu, kanye nemawebhusayithi aletinye tinkampani letitimele. Lelifomu lisetjentiselwa kutfolakala lwatiso lolugcinwe ngumtimba lotimele.</p> <p><i>(Kutfolakala imininingwane lephelele ngeLifomu C bese ucela lwatiso kumtimba lotimele buka Sigaba 3.)</i></p>
Uhlahlandlela	<p>Kushiwo loMhlahlandlelawe-PAIA lohlanganisiwe wase ushicilelwa Likhomishana Lemelele Emalungelo Eluntfu eNingizimu Afrika njengoba kuvetiwe kuSigaba 10 se-PAIA, kute usite bantfu ekusebentiseni nasekuvisiseni loMtsetfo.</p>
Sisebenti lesiniketa lwatiso kanye nelisekela leSisebenti lesiniketa lwatiso	<p>LeSisebenti lesiniketa lwatiso (ngalesinye sikhatsi sibitwa nge-IO) ngulomuntfu loniketwe ligunya ngalokusemtsetfweni sikhungo lesitsite kutsi asebente ngeticelo te-PAIA. Kumtimba wahulumende lomuntfu nguye losebenta njengemholi wemtimba. Kantsi kumasipala kutawuba ngulophetse masipala, kulitiko lavelonkhe kutawuba nguMcondzisi-Jikelele; njengemtimba lonjengeLikhomishana Lemelele Emalungelo Eluntfu eNingizimu Afrika kutawuba ngu-CEO.</p> <p>Lelisekela leSisebenti lesiniketa lwatiso (ngalesinye sikhatsi libitwa ngekutsi ngu-DIO) ngumuntfu lobekwe Sisebenti lesiniketa lwatiso semtimba wahulumende kutsi asite lofaka sicelo sekutfolakala lwatiso.</p> <p>I-PAIA ayisho kwekutsi imitimba letimele ayibe nelisekela leSisebenti lesiniketa lwatiso; noma kunjalo, Likhomishana Lemelele Emalungelo Eluntfu eNingizimu Afrika inconota kwekutsi babe nalo kute kube khona kufinyeleleka nekusebenta ngalokufanele.</p> <p><i>(Kutfolakala imininingwane lephelele ngalokuphatselele nemisebenti yeSisebenti lesiniketa lwatiso buka Sigaba sesi-3 saloMhlahlandlela.)</i></p>

Sikhalo sangekhatsi (Lifomu B)	<p>Labafake sicelo batawusebentisa lelifomu B le-PAIA kufaka sikhalo ngesincumo lesentiwe kuphela ngumkhakha wahulumende wavelonkhe, wesifundza noma wamasipala ngalokuphatselene nekutfole lwatiso.</p> <p><i>(Kutfole imininingwane lephelele ngekufaka ticelo tangekhatsi buka SIGABA 3 salaMhlahlandlela).</i></p>
Inhlangano lesemtsetfweni	<p>Kushiwo inkampani noma umtimba losemtsetfweni nalobonwa ngekwekwekwe njengemkhakha lotimele noma 'inhlangano' lenemalungelo nemisebenti.</p>
Indvuna Yelitiko	<p>Uma kukhulunywa ngeNdvuna Yelitiko kushiwo INdvuna Yelitiko Letebulungiswa neTekulungiswa Kwesimilo.</p>
Umuntfu ngekwekwekwe	<p>Kushiwo umuntfu mbamba, hhayi inhlangano lesemtsetfweni njengenkampani (buka inhlangano lesemtsetfweni ngenhla).</p>
Umtimba lotimele	<p>Ubuye ubitwe ngekutsi yinkampani letimele, sikhungo, noma umtimba, lena yinhlangano lesemtsetfweni noma inhlangano yebantfu labahlanganye buniyo bayo lengenelela kunoma nguluphi luhlobo lwekuhwebelana, ibhizinisi noma ticu kuphela ngalamandla leniketwe wona.</p>
Umtimba wahulumende	<p>Kushiwo kusikhungo sahumende, litiko, noma umtimba, leli ngunoma nguluphi litiko noma sikhungo savelonkhe, sifundza noma humende wasemakhaya. Ubuye ufake ekhatsi noma siphilikhungo lesenta umsebenti wembuso ngalesikhatsi lelirekhodi lekukhulunywa ngalo lentiwa.</p>
Lirekhodi	<p>Noma luphi lwatiso lolurekhodiwe nganoma ngayiphi indlela, kufaka ekhatsi, sibonelo, imiculu lebhaliwe, emavidiyo njll. Lirekhodi lelifelwa kumtimba lotimele noma wahulumende kushiwo lirekhodi lelikulowo mtimba noma ngabe lowo mtimba ngiwo losungule lelo rekhodi.</p>
Imali yesicelo	<p>Tindleko letikhokhwako kute kutfolakale lwatiso lolucelako. Kufaka sicelo sekutfole lwatiso kumtimba wahulumende kunemali lebekiwe lengu-R35; kucela lwatiso kumtimba lotimele nakhona kunemali lebekiwe lengu-R50.</p> <p><i>(Kutfole imininingwane lephelele ngemali yekufaka sicelo nekutsi awukhokhi nakwentenjani buka Sigaba 3 salaMhlahlandlela.)</i></p>
Lofaka sicelo	<p>Lofake sicelo ngumuntfu noma inhlangano lefuna kufaka sicelo sekutfole lwatiso. Lofake sicelo naye afakela lomunye naye afuna lwatiso naye ubitwa ngumuntfu lofake sicelo.</p>
Lofakela lomunye sicelo	<p>Kushiwo kumuntfu noma inhlangano lekungasiyo letifakele sicelo sekutfole lwatiso, noma lomtimba lekufakwe kuwo sicelo sekutfole lwatiso.</p>

Luhlu lwetifinyeto

Letifinyeto letilandzelako titfolakala kulomhlahandlela kanye naleminywe imitfombolusito ye-PAIA lesetjentiswako:

DIO	Lisekela Lesisebenti lesiniketa lwatiso
IO	Sisebenti lesiniketa lwatiso
ODAC	Sikhungo Lesivulekile Lesicwayisa Ngentsandvo Yelunyenti
PAIA	Umtsetfo Lotfutukisa Kutfolakala Kwelwatiso we-2 wanga 2000
PPIA	Umtsetfo Lovikela Lwatiso Lolucondzene Nawe we-4 wanga 2013
SAHA	Silulu Lesigcina Umlandvo eNingizimu Afrika
SAHRC	Likhomishana Letimelele Emalungelo Eluntfu

SIGABA 1

Singeniso

Lesigaba sifaka ekhatsi:

1.1 Inhloso yaloMhlahlandlela wePAIA

1.2 Umlandvo we-PAIA

1.3 Inhloso ye - PAIA nekusetjentiswa kwayo

1.4 Umsebenti weLikhomishana Lelimelele Emalungelo Eluntfu

1.1 Inhloso yaloMhlahlandlela we-PAIA

LoMhlahlandlelauniketalwatisongeMtsetfo Lotfutukisa Kutfolakala Kwelwatiso(PAIA) wanga 2000. LoMhlahlandlela we-PAIA utawusita bantfu kufaka ticelo tekutfole lwatiso letingaphasi kwaloMtsetfo, bese uniketa tibonelo tekutsi loMtsetfo usetjentiswe njani kuletikhatsi letindlulile ekwenteni kancono emalungelo eluntfu, ngekuniketa:

- » Indlela leyinhlanganisela leyenta i-PAIA ivisiseke kalula
- » Tindlela lethlukene tekutsi i-PAIA ingasetjentiswa njani kute itfutukise lamanye emalungelo eluntfu
- » Luhlu lwetinhlobo telwatiso lolungacelwa kusetjentiswa i-PAIA
- » Inkhombandlela lekhombisa tonkhe tinyatselo tekutsi i-PAIA ingasetjentiswa njani uma ufuna kufaka sicelo selwatiso
- » Kubuyeketa kabanti kwetifundvo letifundziwe ngalokudlulile ngeku faka ticelo tekutfole lwatiso kanye nemacala lamayelana ne-PAIA lafakwa enkantolo

LoMhlahlandlela wasungulwa ngekusebentisa lwati loluyinhlanganisela lwetisebenti taka SAHRC lebetisoloku tisebenta nge-PAIA tisita bantfu kufaka ticelo kusukela nga 2000.

1.2 Umlandvo we-PAIA

Ngalesikhatsi kubhalwa Umtsetfosisekelo waseNingizimu Afrika ngasikhatsi sekuwa kwembuso welubandlululo ngeminyaka yabo 1990, tinhlango kanye nebantfu labehlukene bacela kutsi kufakwe lilungelo lekutfole lwatiso. Bekwetsenjwa kwekutsi uma kufakwa le lilungelo kuMculo Wemalungelo Eluntfu - Sahluko 2 seMtsetfosisekelo - bekutawucinisekisa kwekutsi imikhuba lemibi lenjengelubandlululo angeke iphindze ibe khona njengoba umbuso netinhlangano letitimele titawucindzeteleka kutsi tente tintfo ngendlela lekahle nalesebaleni ngekutsi banikete lilungelo lekutfole lwatiso, ngako-ke loko kusho kwekutsi betingeke tibhace ngesitfupha tibe netimfihlo njengembangela yesimo sekutsi kugcine kunelubandlululo.

Nga-1996 Umtsetfosisekelo waseNingizimu Afrika wacala kusebenta. sigaba 32 sivikela le lilungelo lekutfolakala kwelwatiso lolusetandleni temtimba wahulumende nalatimele. Loku kwenteka ngalesikhatsi loluhlaka lwekucala lwemtsetfo emhlabeni lutfutukisa le lilungelo lekutfolakala kwelwatiso kulwatiso lolusetandleni tahulumende nemitimba letimele. Sigaba 32 naso siveta kwekutsi umtsetfo loshayiwe kufanele uphasiswe lowutawuniketa lilungelo lekutfolakala kwelwatiso ngekutsi uvete kabanti tindlela tekutsi lwatiso lolubanjwe imitimba letimele neyahulumende lungatfolakala njani, nangekuniketa lolunye lwatiso ngekutsi umtimba wahulumende nalatimele bangala kukuniketa lwatiso nakwente njani.

Nga-2000 Umtsetfo Wekutfutukisa Kutfolakala Kwelwatiso (PAIA) wabese ugcina uba ngumtsetfo loshayiwe, kugcwaliseke lomgomo wesigaba 32 seMtsetfosisekelo kute kushaywe umtsetfo wekutfolakala kwelwatiso.

1.3 Inhloso ye-PAIA nekutsi ingasetjentiswa njani

Inhlosos ye-PAIA kutfutukisa lilungelo lekutfolakala kwelwatiso, kwenta kutsi kube nendlela yekungafihli lutfo nekwenza umsebenzi ngalokufanele eNingizimu Afrika, nekukhutsata kutsi kube nembuso wentsandvo yelinyenti lapho khona bantfu labavela etindzaweni lethlukene kuleli baniketwa emandla ekutimbandzakanya kutidzaba tahulumende futsi bafake sandla uma kutsatfwa tincumo letitsintsa timphilo tabo.

Lelilungelo lekutfolakala kwelwatiso lilungelo lethlukile njengoba lenta kwekutsi kubonakale lamanye emalungelo eluntfu: lena ngulenyeye yetindlela letibalulekile lekungasetjentiswa ngayo i-PAIA.

Kuniketelwa kwetinsita tahulumende

- » I-PAIA ingasetjentiselwa kuniketa bantfu emandla ngekubanika lwatiso lwekutsi bakhone kulandzelela hulumente kutsi ente umsebenti wakhe wekufula tinsitanchanti njengekwakha tindlu, kuphakela emanti nekulahlwa kwelindle.

Emalungelo eluntfu newepolitiki lakuMtsetfosisekelo

- » i-PAIA ingasetjentiselwa kucokelela lwatiso lolungasetjentiswa bantfu kukhombisa emalungelo abo njengelilungelo lekuvota nelilungelo lekubamba imihlangano.

Kubandlululwa Nekulingana

- » i-PAIA ingasetjentiswa njengelithulusi lekulwa nelubandlululo, njengekubandlulula ngekwabuhlanga, kwebulili, njll, etindzaweni tahulumende netemitimba letimele.

Kubalulekile kwati kwekutsi i-PAIA angeke yasetjentiselwa kufola emarekhodi lekufanele asetjentiswe uma kudzingidwa emacala emmango noma ebugebengu, kufaka ekhatsi ngalesikhatsi sekucala inchubo yalelo cala, uma ngabe lokukhicitwa noma lokufuna emarekhodi kwentelwa tizatfu letifanako kuvikelekile ngekwemtsetfo (buka Sigaba 7 saloMtsetfo).

1.4 Umsebenti weLikhomishana Lemelele Emalungelo Eluntfu

LeLikhomishana Lemelele Emalungelo Eluntfu eNingizimu Afrika (SAHRC) iniketwe umsebenti ngaphansi kwe-PAIA we:

- » Kutfutukisa lelilungelo lekutfolakala kwelwatiso
- » Kulandzelela kusetjentiswa kwe-PAIA yimitimba letimele neyahulumende
- » Kwenta tincomo tekucinisekisa umbiko wemnyaka ngaloMtsetfo ePhalamende
- » Kwefula umbiko wemnyaka ngaloMtsetfo ePhalamende

2.1 Kucala

Umtsetfo Wekuvikela Lwatiso Lolungelwakho

LoMtsetfo Wekuvikela Lwatiso Lolungelwakho Nom. 4 wanga 2013 (PPIA) uchibiyela i-PAIA ngetindlela letinyenti. Yinye yaletindlela letibalulekile loMtsetfo logucula ngayo i-PAIA ikhuluma ngalomsebenti we-SAHRC. Ngaphasi kwe-PPIA imisebenti ye-SAHRC ngeke-PAIA itawundluliselwa Kumlawuli weLwatiso, umtimba lomusha lotimele lotawusungulwa kutsi ulandzelele kokubili i-PPIA ne PAIA, nekusebenta ngetikhalo letiphatselene nekutfolakala kwelwatiso nekuvikelwa kwelwatiso lolungelwakho.

Noma kunjalo, i-SAHRC itawuchubeka nemsebenti wayo leniketwe wona ngekeMtsetfosisekelo wekutfutukisa, ivikele ibuye ilandzelele lelilungelo lekutfolakala lwatiso njengalamanye emalungelo lavikelwe kuMculu Wemalungelo Ebuntfu

SIGABA 2

Kuthola lwati loludzingako

Lesigaba sifaka ekhatsi kwekutsi:

2.1 Ungayitfola kuphi imihlahlandlela kanye netincwadzi letichazako letitakusita kufaka ticelo tekutfola lwatiso;

2.2 Ungatsintsana nabani kutfola lusito uma kungenteka uludzinge

2.3 Imitimba letimele neyahulumende kufanele kutsi yenteni kute isite labafuna lwatiso

2.4 Lolunye lwatiso luyatfolakala ngaphandle kwekutsi wente sicelo lesisemtsetfweni, Lesigaba sitawuchaza kabantana kwekutsi ungakutfola njani loko

Inhloso ye-PAIA kutfutukisa ummango ngalokubonakalako lapho khona bantfu base Ningizimu Afrika batfola lwatiso ngendlela lefanele kute kutsi bakhone kulusebentisa ngalokugcwele babuye bavikele emalungelo abo onkhe. Kodwa ngalesinye sikhatsi kungenteka ungati kutsi kufanele ucale kuphi nekutsi kufanele wente njani kute utfole kulwatiso ngalendlela ye-PAIA. I-PAIA ibona lenkhinga ngaphambili ubuye ugcizelele kwekutsi kube nemihlahlandlela lebhawako kanye netincwadzi letichazako kukhombisa indlela leya phambili kulabo labafuna lwatiso. Lesigaba sitawubuyeketa kabanti kwamihlahlandlela netincwadzi letichazako, imisebenti yebashicileli balomhlahlandlela netincwadzi letichazakoa, nalokubaluleke kakhulu, kwekutsi titfolakala kuphi.

Kanjalo, lelinye lemathulusi labalulekile umuntfu langawasebentisa kutfola lwatiso kufaka sicelo lesisemtsetfweni sekutfola lwatiso lesifakwa ngekuhambisana ne-PAIA, ngekusitwa ngulomhlahlandlela. Kodwa-ke ukhumbule, lendlela lena akusiyo yodwa lengasetjentiswa kutfola lwatiso. Lolunye lwatiso luyatfolakala ngaphandle kwekwenta sicelo lesisemtsetfweni ngekulandzelela i-PAIA. Ngalesinye sikhatsi, umtsetfo lohayiwe udzinga kwekutsi kokubili umtimba lotimele newahulumende kufanele isho kutsi inaluphi lwatiso loku ikuvete kube sebaleni. Lesigaba sibuye sibuyekete ngalokugcwele kwekutsi lwatiso ungalutfole kuphi.

Umtsetfo Wekutfutukisa Kutfolakala Kwelwatiso uhlose kutsi kube siceshana semtsetfo lesiniketa emandla futsi usite bonkhe bantfu base Ningizimu Afrika. Kuhloswe kutsi kube ngumtsetfo lovisisekako nalongasetjentiswa ngunoma ngabe ngubani. Akudzingeki kutsi ute ube nemmeli kute ukwati kufaka sicelo sekutfola lwatiso ngekuya kwalomtsetfo. Lomhlahlandlela ubhalelwe kwekutsi usite bantfu base Ningizimu Afrika labavela kuto tonkhe tinkhalo takuleli kutsi basebentise lilungelo labo lelivikelwe ngekweMtsetfosisekelo.

2.2. Umhlahlandlela we - PAIA

Sigaba 10 se-PAIA sidzinga kwekutsi Likhomishana libhale libuye lishicilele umhlahlandlela lekutawuba lula kuwuvisisa lotawusita ekufinyeleleni kumarekhodi naleminyane imiculu nekusebentisa lilungelo lakho lekutfole lwatiso. Lomhlahlandlela uyaye ubitwe ngekutsi ngumhlahlandlela wesigaba 10.

Ukuniketalonkhelwatisololudzingakokuteukwatikutfoleamarekhodi. Uphindzeukuniketetinhla ngemininingwane yekutsintsana tematiko ahulumende kanye netetikhungo letigcina emarekhodi embuso, kanye neminingwane yekutsintsana tinkampani letitimele. LeLikhomishana libuye lidzingeke kutsi lihlale libuyeketa lomhlahlandlela lokungenani kanye njalo ngemuva kweminyaka lemibili..

2.2.1 Ungawutfolaphi lomhlahlandlela

Lomhlahlandlela uyatfolakala ngato tonkhe tilwimi letisemtsetfweni taseNingizimu Afrika: Singisi, Sibhunu, siNdebele, siXhosa, siZulu, Sepedi, Sesotho, Setswana, Siswati, Tshivenda ne Xitsonga. Emakhophi alomhlahlandlela angatfolakala kuwo onkhe emahhovisi eLikhomishana ehhovisi lavelonkhe nasetifundzeni (imininingwane yekutsintsana nalelihovisi ingatfolakala ekugcineni kwalomhlahlandlela). Kwengeta,, emakhophi e-elektronikhi ayatfolakala kuwebhusayithi yeLikhomishana (www.sahrc.org.za).

2.3 Tincwadzi Letichazako te-PAIA

Kwengeta kulomhlahlandlela wesigaba 10 se-PAIA lekufanele sibhalwe nguleLikhomishana, i-PAIA ibuye idzinge kwekutsi yonkhe imitimba yahulumende, kanye nemitimba leminyenti letimele, kutsi ikhucite umhlahlandlela locuketse lwatiso lwekutsi i-PAIA isetjentiswa njani kute bafinyelele kumarekhodi abo ngekwabo.

2.3.1 Tincwadzi letichazako te - PAIA temitimba yahulumende

Sigaba 14 se-PAIA sifuna kwekutsi yonkhe imitimba yahulumende ikhiphe umhlahlandlela ngetilwimi lokungenani letintsatfu letisemtsetfweni letitawusita bantfu labafuna lwatiso kutsi bafake ticelo tekutfola lwatiso kumtimba lotsintsekako. Kulokunye kwaloko, lomhlahlandlela kufanele ube ucuketse lolwatiso lolubalulekile lolulandzelako:

LOKUDZINGEKAKO	INCHAZELO
Ligunya lekusebenta	Simo nemsebenti wemtimba wahulumende.
Iminingwane yekutsintsana	Likheli laseposini nelikheli lasekhaya, inombolo yelucingo nefeksi, uma kukhona, likheli laseposini lesisebenti lesiniketa lwatiso lwemtimba wahulumende, kanye nelisekela lesisebenti lesiniketa lwatiso letisebentela umtimba wahulumende.
Sigaba 10 seMhlahlandlela ye -PAIA	Inchazelo yeMhlahlandlela lebhawle Likhomishana Letimelele Emalungelo Eluntfu eNingizimu Afrika nekutsi kufinyeleleka njani kuyo.
Imikhakha yemarekhodi lagciniwe	Lwatiso lolwanele lekusita ekufinyeleleni kumarekhodi lagciniwe ngumtimba wahulumende. Umtimba wahulumende kufanele uchaze tihloko tamarekhodi letiwagcinile, nemikhakha yalamarekhodi legciniwe ngaphasi kwesihloko ngasinye.
Lwatiso lolumane lutfolakale ngaphandle kwekufaka sicelo	Lolunye lwatiso seluvele lukhona akudzingeki kwekutsi umuntfu afake sicelo ngekuhambisana ne-PAIA. Lomhlahlandlela wemtimba wahulumende kufanele ukhombise lolwatiso leseluvele lukhona.
Tinsita temtimba wahulumende	Inchazelo yetinsita tahulumende letitfolakalako kumalunga emmango avela kumtimba wahulumende, nekutsi angafinyelela njani kuleto tinsita.
Kuhlanganyela kwemmango	Inchazelo yanoma nguluphi luhlelo noma imibandzela yekutsi umuntfu acele lusito, etfule inkhulumo noma ahanganyele noma afake sandla ekungulweni kwenchubomgomo; noma kusetjentiswa kwemandla noma kwentiwa kwemsebenti ngumtimba wahulumende.
Sisombululo	Sinyatselo longasitsatsa uma ngabe sisebenti lesiniketa lwatiso kumtimba wahulumende sicitsa siceolo sekutfola lwatiso.

2.3.2 Ungatitfolo kuphi tincwadzi letichazako temitimba yahulumende

Yonkhe imitimba yahulumende kufanele kutsi ibe nemhlahlandlela longawutfolo kalula. Loko kufanele kutsi bakwente ngalendlela lelandzelako:

- Ngekutsi kube khona emakhophi latfolakalako kuwo onkhe emahhovisi kulowo mtimba wahulumende ngesikhatsi semsebenti;
- » Ngekutsi bente kutsi kutfolakale tincwadzi letichazako talomhlahlandlela kuwebhusayithi, uma ikhona, kulowo mtimba wahulumende

Njengoba sekubaliwe ngenhla, Umtsetfo Wekuvikela Lwatiso Lolungelwakho Umtsetfo 4 wanga 2013 (PPIA) uchibiyela i-PAIA ngetindlela letinyenti. Lokunye kwaloku kuhambisana netincwadzi tekuchaza tesigaba¹⁴ ngemitimba yahulumende. Ngaphasi kwe-PPIA letincwadzi letichazako akufanele tichubeke nekuniketelwa kuLikhomishana Lelimelele Emalungelo Eluntfu, kodwa kufanele titfolakale ku-inthanethi futsi titfolakale kunoma ngubani locela ikhophi.

2.3.3 Tincwadzi Letichazako te-PAIA yemitimba letitimele

Imitimba letimele nayo kudzingeka kutsi ibe nencwadzi lechazako. Loku kubekwe ngekuhambisana nesigaba 51 se-PAIA. Kwanyalo, akusiyo yonkhe imitimba letimele ledzingeka kwekutsi ihambisane nalesigaba.¹ Ungahle utfole kutsi lomtimba lofuna kucela kuwo lwatiso awunao incwadzi lechazako longakunika yona. Loku akusho kwekutsi lomtimba awuhambisani nemigomo ye-PAIA. Ungachubeka wente sicelo sekutfolo lwatiso kulomtimba kantsi kulindzeleke kwekutsi bakunikete lolwatiso ngekwemtsetfo. Indlela yekufaka sicelo sekutfolo lwatiso ngekuhambisana ne-PAIA itawube solo ifana, noma ngabe leyo nhlango ayikalindzeleki kutsi ibe nencwadzi lechazako.

NGIMIPHI IMITIMBA LETIMELE LENGAKALINDZELEKI KWEKUTSI IBHALE INCWADZI LECHAZAKO NGEKUTFOLA LWATISO?

Ngendlela loMtsetfo lobhalwe ngayo ulindzele kwekutsi YONKHE imitimba letimele ibhale tincwadzi lechazako. Noma kunjalo, lomtsetfo uhambisana nekutsi iNdvuna Yelitiko ingaba nelilungelo lekuvumela leminywe imitimba letimele noma imikhakha yemitimba kwekutsi ingashicileli incwadzi lechazako. Kwanyalo, iNdvuna ivumele YONKHE imitimba letimele kwekutsi ingashicileli incwadzi lechazako kusukela mhla ti-1 kuJanawari 2016 NGAPHANDLE kwekutsi lomtimba uwela ngaphansi kwalena lebalwe ngentasi.

¹ Loku kwashintjwa mhla ti-31 Ingongoni 2015 lapho yonkhe imitimba letimele bekumele ibe nemanuwali ngekuhambisana nesigaba 51 se-PAIA

Tinkampani letitimele letingentasi kufanele kwekutsi tibhale tincwadzi letichazako te-PAIA uma ngabe ticasha tisebenti letindlula kuma-50 kuletimboni letilandzelako noma babe netisebenti letindlula leti ngemnyaka:

IMBONI	INOMBOLO YEBASEBENTI NGEMNYAKA
Tekulima	R2 tigidzi
Temigodzi neKumba	R7 tigidzi
Tekukhicita	R10 tigidzi
Igezi, igesi neManti	R10 tigidzi
Tekwakha	R5 tigidzi
Tekutsengisa nekuhwebelana Ngetimoto neTinsita Tekulungisa	R15 tigidzi
Tekuhwebelana kumaWoliseli, Basebenti beTekutsengiselana netinsita Telubumbano	R25 tigidzi
Tekupheka, Kulala nalokunye Kuhwebelana	R5 tigidzi
Tekugcina neKuchumana	R10 tigidzi
Tetimali Netinsita Tetemabhizinisi	R10 tigidzi
Tinsita Temmango, letikhetsekile Naletingetakho	R5 tigidzi

INdvuna yabuye yatsi tonkhe tinkampani letingakachazwa 'njengetinkampani letitimele' ngaphasi kwesigaba 1 seMtsetfo Wetinkampani 71 wanga 2008 tidzingeke kwekutsi tibhale incwadzi lechazako ye-PAIA lesigaba 51.

2.3.4 Ungayitfolakala kuphi incwadzi lechazako yemitimba letitimele

Yonkhe imitimba letitimele lekufanele kwekutsi ibhale incwadzi lechazako futsi icinisekise kutsi itfolakala kalula. Lokungenani, kufanele ikwente loku ngaletindlela letilandzelako:

- » Ngekutsi kube nekhophi leyigcinako kutsi ihlolwe kuwo wonkhe emahhovisi alowo mtimba lotimele ngesikhatsi semsebenti. Umtimba lotimele ungahle ungabiti imali yekuhlola;
- » Ngekutsi bacinisekise kutsi lencwadzi lechazako iyatfolakala kuwebhusayithi yayo.

2.3.5 Ungenta njani kute uhambisane nemtsetfo njengemtimba lotimele

Kunendlela lenhle a yekulawula sisebenti lesiniketa lwatiso letinkampani letitimele letifuna kuhambisana nesigaba 51 se-PAIA kuLikhomishana Lemelele Emalungelo Eluntfu kulewebhusayithi (www.sahrc.org.za). Loku kufaka ekhatsi ithempulethi longayitfolo lengasetjentiswa sisebenti lesiniketa lwatiso njengenhombandlela.

Ngekuhambisana nesigaba 51, umphatsi wemtimba lotimele kufanele:

- » alungise kabusha noma ngabe ngutiphi tingucuko letingaba khona kulencwadzi yekuchaza njalo njalo;
- » ente kutsi lencwadzi yekuchaza iyatfolakala njengoba kubhalwe kuMtsetfo wemahhovisi alenkampani nakuwebhusayithi yayo;
- » Kufanele abeke ngalokufanele lifomu lekufaka sicelo (lifomu C le-PAIA) kulencwadzi lechazako abuye ente kutsi emafomu ekufaka sicelo ayatfolakala kuwebhusayithi nakuto tonkhe tindzawo kulenkampani.

Lencwadzi lechazako kufanele kutsi lokungenani ibe nalolwatiso lolulandzelako:

LOKUDZINGEKAKO	INCHAZELO
Imininingwane yekutsintsana	Likheli laseposini neLikheli lasekhaya, inombolo yelucingo nefeksi, uma kukhona, I-imeyli yesisebenti lesiniketa lwatiso lwemtimba lotimele.
Lwatiso loluvelo lukhona ngaphandle kwekufaka sicelo	Lolunye lwatiso luvele lukhona ngaphandle kwekutsi umuntfu afake sicelo ngekuhambisana ne-PAIA. Lencwadzi lechazako yemtimba lotimele kufanele ikhombise lolwatiso loluvelo lukhona lolwatiso leseluvele lukhona.
Emarekhodi latfolakala uma ufake sicelo	Sigaba 51 sencwadzi lechazako kufanele inikete luhlu lwemikhakha lekhaemarekhodi latfolakalako uma kufakwa sicelo.
Inchubo ye-PAIA	Icacisa ngalokusebaleni inchubo ye-PAIA lekufanele ilandzelwe nakufakwa sicelo selwatiso enkampanini letimele (. Lifomu C).
Lwatiso Lwenkampani	Kufaka ekhatsi imininingwane yemphatsi longu-CEO wenkhampani (ngekuhambisana ne-PAIA lesisebenti lesiniketa lwatiso kunkampani letimele kuvame kuba yi-CEO noma umphatsi).
Tindleko	Yisho kutsi ngubani lofaka sicelo kanye netindleko letikhokhwako ngekuhambisana ne-PAIA (buka Sigaba 3 kutfolo lwatiso lolungetiwe).
Letinye tindlela	Ungenta njani njengemuntfu lofaka sicelo uma ngabe sicelo sakho sekutfolo lwatiso singavunyelwa?
Leminye Imininingwane	Leminye imininingwane lephatselene nekutfolo e marekhodi.

2.4 Lwatiso loluvelo lutfolakale lolugodlwe ngumtimba wahulumende

Njengoba kushiwo esingenisweni salesigaba, akusilo lonkhe lwatiso loludzinga kutsi ufake sicelo lesisemtsetfweni. Leminye imitimba yahulumende idzingeka kwekutsi ngekuhambisana naleminyane imitsetfo lehlukile ikhiphe lolunye lwatiso lutfolakale kulabo labaludzingako. Nangaphandle kwaloko, tikhungo letinyenti titawuveta lolunye lwatiso ngekutitsandzela kwentela kungagodli lutfo, kubukana netinkhanga temmango nekufinyelela kalula kwebantfu. Kute kutsi kutfutukiswe lokutivetela lwatiso ngaphandle kwekucelwa nekulandzelela kufinyelela kalula kulolwatiso, sigaba15 se-PAIA sibita kwekutsi yonkhe imitimba yahulumende ikhiphe luhlu, lolwatiwa ngekutsi 'Satisi Sesigaba 15' noma 'Satiso Sekukhipha Lwatiso ngaphandle Kwekucindzetelwa', kulo lonkhe lolwatiso loluphatselene nalowo mtimba lolutfolakala kunoma ngubani ngaphandle kwekufaka sicelo.

Lesisebenti lesiniketa lwatiso lwemtimba wahulumende kufanele kutsi sibhale satiso sekuveta lwatiso ngumtimba wahulumende, bese siba khona emahhovisi alomtimba wahulumende sibuye sikhishwe nakuGazethi yaHulumende. Lesatiso sekuveta ngekutitsandzela kufanele sentiwe kabusha njalo ngemnyaka.

Lesatiso sekuveta lwatiso ngekutitsandzela sicuketse imikhakha yemarekhodi lahlukene kanye nenchazelo yalawo marekhodi latfolakala ngaphandle kwekufaka sicelo:

- Kwentelwa kuhlolwa ngekuhambisana nanoma ngumuphi umtsetfo loshayiwe ngaphandle kwe-PAIA;
- Kwentelwa kutsenga noma kukhophisa kulomtimba wahulumende; ne
- » Kungakhokhi kumtimba wahulumende..

Lesatiso sekuveta lwatiso ngekutitsandzela kufanele sichaze kwekutsi uwatfola njani lamarekhodi lekakhishwa ngekutitsandzela abe khona ngaphandle kwekufaka sicelo. Akunasidzingo sekufaka sicelo uma ufuna lawo marekhodi uma ngabe emarekhodi lafana nalawo sekavetwe ngekutitsandzela futsi atfolakala ngaphandle kwekufaka sicelo. Etikhatsini letinyenti, kudzingeka imali letsite kute kutsi ufake sicelo ngalokusemtsetfweni kantsi loku kungatsatsa emalanga langema-30. Loku kungavikeleka uma ungacala ngekutsintsana nalesatiso sekuveta lwatiso ngekutitsandzela bese uyabuka kutsi ngabe lelirekhodi loludzingako livele likhona ngaphandle kwekufaka sicelo noma cha.

Noma nje kugunyatiwe kutsi umtimba wahulumende i ukhiphe satiso sekuveta lwatiso ngekutitsandzela, akwentiwa 'ngekutitsandzela'. Lesatiso sibitwa 'ngesatiso lesikhishwa ngekutitsandzela' ngoba sikhhipha tatiso ngalo lonkhe lwatiso lolukhishwe ngekutitsandzela, hhayi ngoba kusemandleni esisebenti lesiniketa lwatiso kutsi singalukhipha lolwatiso noma cha.

2.5 Lwatiso loluvelo lutfolakale lolugodlwe ngumtimba noma inkampani letimele

Ngalokufanako nakulomkhakha welwatiso loluvelo lutfolakale ngaphandle kwekufaka sicelo njengoba kwenteka kulwatiso lolusetandleni temtimba wahulumende ngaphandle kwekutsi udzimate ufake sicelo lesisemtsetfweni. Ngembi kwekufaka sicelo lesisemtsetfweni ngekuhambisana ne-PAIA lekutawufuneka ukhokhe imali ubuye ulindze emalanga lange-30, kubalulekile kucinisekisa kwekutsi lolwatiso loludzingako seluvelo lukhishelwe ebaleni futsi luyatfolakala ngaphandle kwekutsi ufake sicelo ngalokusemtsetfweni.

Umphatsi wemtimba lotimele angasungula luhlu lwelwatiso loluvelo khona ngaphandle kwekufaka sicelo lesisemtsetfweni, njalo uma atsandza nangetikhatsi letitsite. Loluhlu lubitwa ngekutsi 'satiso sesigaba 52' noma 'satiso sekukhipha lwatiso ngaphandle kwekucindzetelwa.'

Kungafanani nalesimo lesibukene nesisebenti lesiniketa lwatiso semtimba wahulumende lapho khona, ngekuhambisana ne-PAIA, kufanele sikhophe satiso sekuveta lwatiso ngekutitsandzela, sisebenti lesiniketa lwatiso semtimba lotimele asiphocelwa kutsi sente njalo. Njengoba i-PAIA ikuveta, "singakhipha, njalo lwatiso ngekutitsandzela" lolo luhla. Lona ngumehluko lomkhulu losemkhatsini wesatiso sesigaba 52 semitimba letimele nesatiso sesigaba 15 semitimba yahulumende.

Lesatiso sekuveta lwatiso ngekutitsandzela semtimba lotimele sicuketse imikhakha yemarekhodi kanye netinchazelo talawo marekhodi latfolakala ngaphandle kwekufaka sicelo:

- » Kwentelwa kuhlolwa ngekuhambisana nanoma ngumuphi umtsetfo loshayiwe ngaphandle kwe-PAIA;
- » Kwentelwa kutsenga noma kukhophisa kulomtimba wahulumende; ne
- » Kungakhokhi kumtimba wahulumende.

Lesatiso sekuveta lwatiso ngekutitsandzela kufanele sibuye sichaze kwekutsi ungafinyelela njani kulamarekhodi levetwe ngekutitsandzela nalatfolakala ngaphandle kwekufaka sicelo.