

ukuba ezo nkukacha uza kuzifumana njani (umzekelo uza kunikwa ikopi, okanye ubone nje ngemizobo kungenjalo ufumane irhekodi elisecwecheni).

(Xa isikhalazo sakho singqalile futhi sinika neenkukacha ezaneleyo, kuyakuba lula nokuba uMlawuli woLwazi akuncede ngokukusombululela sona).

7. Ndithini ke ukuba iGosa loLwazi liyala ukundinika ulwazi endilufunayo okanye elo rekhodi ndilicelileyo?

IGosa loLwazi okanye nabani na ke ogunyazisiweyo nonoxanduva lokuhoyana nezicelo zeenkukacha zolwazi malikunike izizathu zokukwalela iinkukacha zolwazi oluphantsi kogcino lweziko elo.

Amaxesha amaninzi sukube izezi zizathu zilandelayo ezibangela ukuba salawe isicelo sakho:

- Alikho irekhodi elinjalo.
- Kukho iinkukacha zomnye umntu eziza kumbeka engozini phakathi kolo lwazi ulufunayo.
- Abakhuseli besizwe baya kubasengozini xa zikhutshiwe iinkukacha ezo.
- Umthetho awuvumi ukuba iziko elo laseburhulumenteni okanye labucala linikezele ngeenkukacha ozicelileyo.

Xa unganiselikanga ke ngezizathu ezibangela ukuba salawe isicelo sakho lelo ziko likarhulumente okanye labucala, nazi ezinye iindlela ongokuzikhethelela zona:

1. **Isibheni sangaphakathi kwiziko:** Usenokuqalisa ngesibheni sangaphakathi kwiziko elo apho ubufake khona isicelo sokufumana iinkukacha zolwazi. Ukuba ngaba ke isibheni eso naso sikhathiwe, gqithela kwinqanaba elilandelayo. Nceda uqaphele ukuba isibheni ungasifaka kumaziko athile karhulumente, njengakwibebe likarhulumente okanye kumasipala.
2. **Faka isikhalazo:** Unalo ilungelo lokukhalaza kuMlawuli woLwazi. Yena ke uyakwazi ukuhlaziya inyewe leyo athabathe namanyathelo achanileyo engqiyame ngeemeko ezijikeleze isikhalazo eso sakho. Kungenjalo, ungazikhethelela ukubhenela kwinqanaba elilandelayo.
3. **Faka isicelo kwinkundla yamatyala:** Unalo igunya lokufaka isicelo sakho kwinkundla yamatyala, ucele ukuba ingenelele khonukuze zifumaneke iinkukacha zolwazi ozicelileyo.

3. Emva kokufaka isikhalazo esingqamene no-POPIA, uMlawuli woLwazi uza kwenza oku kulandelayo:

- Uza kuphanda ngesikhalazo sakho athabathe amanyathelo afanelekileyo. Oku kuza kuquka ukuqhakamshelana neqela elibandakanyekayo, aqhuba nemibuzo engqalileyo, futhi ke angaqalisa nangokuthabatha amanyathelo omthetho okokuxhomekeke kubuzaza bonyasho.
- Uza kukwazisa ngenkqubela okanye ngosombululo lwesikhalazo sakho nangamanyathelo aya kuwathabatha.
- Uza kuthi xa sele kubonakala indima acebise lowo ufake isikhalazo nelo qela libandakanyeka kweso sikhalazo ngendlela yamanyathelo aya kuyithabatha.
- Uza kuthi ngegunya analo aqalise ngokuphanda ngophazamiso nokubhoxwa kwendlela yokhuselo lweenkukacha zolwazi ngesiqu somntu.

4. Ukufaka isicelo phantsi koMthetho woKuthazo lokuFumaneka koLwazi

- Lowo ufaka isicelo okanye ke elo qela lesithathu lithile anga/linga nakho ukufaka isicelo kuMlawuli woLwazi kuphela xa sele ziphele zonke iindlela zokwenza isibheni sangaphakathi kwiGosa loLwazi leziko likarhulumente okanye kwiNtloko yeziko labucala.
- Xa ke isicelo sakho malunga no-PAIA sikhathiwe, okanye ungfumani zimpendulo zakufumana iinkukacha zolwazi ozicelileyo kwiziko likarhulumente okanye labucala, faka isikhalazo esibhaliweyo kuMlawuli woLwazi.
- Ukuba ngaba lowo ufuna ukufaka isikhalazo phantsi kwezizathu neemeko ezithile akakwazi ukwenza oko ngembalelwano, uMlawuli woLwazi makanike uncedo kangangoko kulowo uxakekileyo.
- Faka isikhalazo ngembalelwano kuMlawuli woLwazi ngokuthi ugcalise ifomu emiselweyo, u- PAIA Form 5 efumaneka kwisikhudla sewebhu soMlawuli woLwazi esisesi: www.inforegulator.org.za, wandule usithumele nge-imeyile ku: PAIAComplaints@inforegulator.org.za

5. Emva kokufaka isikhalazo esingqamene no-PAIA, uMlawuli woLwazi uza kwenza oku kulandelayo:

- Unakho ukuphanda ngesikhalazo sakho ngendlela emiselweyo, okanye ke asithumele kwiKomiti yoFunzo loMthetho.
- Uza kukwazisa ngenkqubela okanye ngendlela yokusombulula isikhalazo sakho nangamanyathelo aza kuwathabatha.
- Unakho ukwenza isigqibo sokungathabathi manyathelo ngesikhalazo osifakileyo ukuba uyabona ukuba umcimbi owufakileyo awusadingi manyathelo wambi.
- Uza kuthi xa sele kubonakala indima emva kokuba efumene isikhalazo acebise lowo ufake isikhalazo negosa lolwazi okanye intloko yeziko labucala elibandakanyeka kweso sikhalazo ngendlela yamanyathelo abonayo ukuba makayithabathe.

(Nceda unike zonke iinkukacha xa uceliwe, ufake iinkcazo neengcaciso ezinokufunwa nguMlawuli woLwazi ngethuba lophando. Oko kuza kuqinisekisa ukuba isikhalazo sakho sivavanywa ngohlobo nangokupheleleyo.)

UNGASIFAKA NJANI ISICELO ESIMALUNGA NO- POPIA OKANYE U-PAIA KUMLAWULI WOLOWAZI?

Ukufaka isicelo phantsi koMthetho woKhuselo lweenkukacha ngeSiqu soMntu

Ukufaka isicelo phantsi koMthetho woKhuselo loLwazi lweenkukacha ngeSiqu soMntu

1. Qokelela ulwazi

- Qokelela zonke iinkukacha ezingqalileyo nobungqina obuphathethele kwimeko okanye inyewe leyo inokukhokelela ekunyashweni kwamalungelo akho ngokungqamene neenkukacha ngesiqu sakho

2. Chonga owo elibandakanyekayo

- Qingqa owo unqalileyo okanye loo mntu ungunobangela woko kunyashwa ukuchongileyo. Owo ubandakanyekayo asenokuquka amaziko oshishino, amaziko karhulumente, okanye ke naliphi na iziko elisebenza ngeenkukacha ngesiqu somntu. Faka isikhalazo ngembalelwano kuMlawuli woLwazi ngokuthi ugcalise ifomu emiselweyo, u- POPIA Form 5 efumaneka kwisikhudla sewebhu soMlawuli woLwazi esisesi: www.inforegulator.org.za, wandule usithumele nge-imeyile ku: POPIAComplaints@inforegulator.org.za


- (Le fomu iza kukunceda ukuba ukwazi ukucacisa oyena ndoqo wesikhalazo sakho, oko kuquka oko kunyashwa ukuchongileyo kwamalungelo akho ngeenkukacha zesiqu sakho, udandalazise izenzo okanye iimposiso zelo qela libandakanyekayo, naziphi na ke iinkukacha ezichanileyo nezixhasa isikhalazo sakho.

- Ukuba ngaba lowo ufuna ukufaka isikhalazo, ze phantsi kwezizathu neemeko zokungakwazi ukubhala ungangakwazi ukwenza oko, uMlawuli woLwazi uza kunika uncedo kangangoko kulowo uxakekileyo.)

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Incwadana emalunga nemithetho elawula ulwazi:

U-POPIA NO-PAIA

Ziziphi izinto ekufuneka uzazile ngo-POPIA & PAIA?



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NGUMBANI UMLAWULI WOLWAZI?

UMLawuli woLwazi liqumrhu elizimeleyo nelasekwa ngokwemiqathango yesiqendu 39 soMthetho wezoKhuselo loLwazi ngeenkukakha zoMntu, uMthetho 4 ka2013 (U-POPIA ngamafutshane). Eli qumrhu lingiyame ngoMthetho nangoMgaqo-siseko, futhi ke uphendula kwiNdlu yoWiso-mthetho yeSizwe.

UMLawuli woLwazi, phakathi kwezinye izinto, unikwe uxanduva lokuhlola ukuthotyelwa nokufunza umthetho kumaziko karhulumente nalawo abucala enqiyame ngemiqathango yoMthetho woKuthazo loKufumaneka koLwazi, uMthetho 2 ka2000 (u-PAIA ngamafutshane), e dibene no-POPIA.

UMLawuli woLwazi uthwaliswe uxanduva lokwazisa ngamalungelo omntu amabini: Ukhuselo loLwazi lweenkukakha ngesiqumomntu nokuqinisekisa ilungelo lokufumana ulwazi. Iinkukakha ezithe vetshe ngala malungelo mabini zishukuxiwe apha ngezantsi:

1. Ukhuselo lweenkukakha ngesiqumomntu

UMLawuli woLwazi unoxanduva lokuhlola ukuthotyelwa nokufunza u- POPIA emntwini, kuba lo mthetho uxhibe ukukhusela iinkukakha zabucala ezingesiqumomntu. Indima yoMlawuli woLwazi iquka ukukhuthaza amaziko karhulumente nalawo abucala ukuba: apha the iinkukakha zomntu ngenkathalo nangokusemthethweni; apha nde ngezikhhalazo ezinxulumene nokusetyenziswa kweenkukakha ngesiqumomntu ngokungekho mthethweni, nokunika izohlwayo ezimalunga nokungathotyelwa kuka-POPIA.

2. Ukhuthazo lokufumaneka kolwazi

Ukongeza kulo msebenzi wakhe wokukhusela iinkukakha ngesiqumomntu, uMlawuli woLwazi ukwanoxanduva lokukhuthaza ukufumaneka kolwazi njengoko kuxeliwe kuMthetho woKuthazo loKufumaneka koLwazi. UMLawuli woLwazi uqinisekisa ukuba amaziko karhulumente nalawo abucala ayamthobela u- PAIA, mthetho lowo unika abantu ilungelo lokucala ukufumana ulwazi oluphantsi kgcino lwala maziko, loo nto isenziwa kuqwalaselve ezo nkukakha zibalweyo zingenakukhuthiswa okanye zingenakubhengezwa.

HLENGA ULWAZI LWAKHO LWEMFUNDO YAKHO.

1. Ingaba liyintoni ixabiso lika-POPIA kuwe?

- Lo mthetho ukunika igunya lokulwela ilungelo lakho elibalweyo kungaqo-siseko malunga nokuhlonitshwa kweenkukakha ngesiqumomntu othile okanye liziko elithile.
- Lo mthetho ukwakunika igunya lokukhusela iinkukakha ngesiqumomntu sakho xa ezo nkukakha zithe zasetyenziswa ngohlobo olugwenxa (njengoko kuxeliwe kulo mthetho u-POPIA).

Lazi ilungelo lakho lokukhusela ulwazi ngeenkukakha zesiqumomntu sakho, ukuze elo lungelo lihlonitshwe ngokufanayo namanye amalungelo abaliweyo kungaqo-siseko woMzantsi Afrika!

2. Yintoni iinkukakha ngesiqumomntu sakho?

Olu lulwazi olunxulumene nobuqu bomntu ophilayo: umzekelo igama, ifani, ubuhlanga, inombolo ye-ID, ubudala, ulwimi lwakho, idilesi ye- imeyile, idilesi yokuhlala, okanye iinkukakha ngezimbo yesandla somntu

3. Kukuthini ukusebenzisa ulwazi lomntu?

Kumaxa iinkukakha ngesiqumomntu sakho ziqokelelwe, zifunyenwe, zifakwe emoyeni okanye encwadini, zilungisiwe, zigcinqiwe, ziguqulwe, zisasaziwe okanye zabelwe abanye abantu ngenxa yesizathu esithile esaziwa ngabo bandakanyekayo.

4. Ngubani obandakanyekayo?

Liziko likarhulumente okanye labucala, okanye loo mntu uthile kungenjalo abo bantu bathile bathe benza isigqibo sokusebenzisa iinkukakha zakho okanye bavumela ukuba zisetyenziswe ngabanye. Umzekelo weziko likarhulumente: Amasebe kaRhulumente Umzekelo weziko labucala: Amashishini

(Umthetho wona awuwathinteli nakancinane amaziko karhulumente okanye lawo abucala ekwenzeni imisebenzi yawo, koko ukhuthaza nje la maziko ukuba enze izinto ngokusemthethweni!)

5. Mandazi njani ukuba iinkukakha zam zisetyenziswe ngokusemthethweni?

- Xa zisetyenziswe ngendlela eyamkelekileyo nenganyashi zinkukakha zam zabucala;
- Ukuba bendinike imvume yokuba iinkukakha zam zingasetyenziswa;
- Ukuba oko kwenziwe ngokwesivumelwano endasitifikityayo;
- Ukuba ngaba oko kubalulekile futhi elo ziko belizidinga ezo nkukakha ekwenzeni umsebenzi walo;
- Ukuba zisetyenziswe ngokungqamene neemeko ezisi- 8 zokusetyenziswa kweenkukakha zomntu ngokusemthethweni.

6. Kubalulekile ukuba uziqaphele ezi meko zilandelayo:

- Mawaziswe ukuba iinkukakha zakho ziyaqokelelwa futhi unikwe nesizathu soko;
- Mawunikwe igama nedilesi yalowo ubandakanyekayo ufuna iinkukakha ngesiqumomntu sakho.
- Mawaziswe xa kunyanzelekile ukuba kukhutshwe iinkukakha ngesiqumomntu sakho okanye zingakhutshwanga.
- Bonke abo bandakanyekayo mabakwaziswe ukuba kuya kwenzeka ntoni na kuwe xa ungafuni ukubanika iinkukakha ngesiqumomntu sakho.
- Xa kukho lowo ufuna iinkukakha ngesiqumomntu sakho, makawazise ukuba ukhona na umthetho omgunyazisayo ukuba afumane iinkukakha ngesiqumomntu sakho.
- Ukuba ngaba kukho umntu okanye iziko elikhuphe iinkukakha ngesiqumomntu sakho, owo ubandakanyekayo malikwazise ukuba ngubani owenze oko, okanye leliphil iziko elenze oko.
- Ukuba ngaba iinkukakha ngesiqumomntu sakho ziza kunikezelwa komnye umntu, lowo ubandakanyekayo makiqinisekise ukuba ziza kukhuseleka.
- Unalo ilungelo lokuvuma okanye ungavumi ukuba iinkukakha ngesiqumomntu sakho zisetyenziswe.
- Lowo ubandakanyekayo makawazise xa ngaba iinkukakha ngesiqumomntu sakho zizele ezandleni zalowo ungagunyaziswanga.
- Unalo ilungelo lokubuzwa kwigunya elibandakanyekayo ukuba ngaba linazo na iinkukakha ngesiqumomntu zakho, futhi ucele nokuziboniswa ezo nkukakha.
- Ungalicela igunya elibandakanyekayo ukuba lilungise okuthile ngeenkukakha zesiqumomntu sakho.
- Ungalicela igunya elibandakanyekayo ukuba lizitshabalalise okanye lizicime iinkukakha ngesiqumomntu sakho ukuba ngaba zafumaneka ngendlela engekho mthethweni, okanye lingasenaso nesidingo sokugcina ezo nkukakha.

(Zazi iinkukakha zalowo uthumela imiyalezo kuwe esebenzisa iinkukakha ngesiqumomntu sakho, njengedilesi neenkukakha zakhe zoqhakamshekwano, ukwenzela ukuba ukwazi ukuthintela loo miyalezo xa sele ungasenamdlu kuyo. Umele ze ukwazi ukufumana iindlela zokuphuma kuyo okanye ukuthintela loo miyalezo mahala xa ungasenamdlu kuyo!)

7. Makwenziwe ngale ndlela ilandelayo malunga neenkukakha zakho ngokubhekiselele kwiinkolo, imibutho yabasebenzi okanye amaqela ezopolitiko, njalo-njalo:

- Ukusetyenziswa kweenkukakha ngesiqumomntu sakho kuvumelekile ukuba ngaba kubandakanya iziko okanye ibandla apho wena ulilungu khona.
- Zibalulekile iinkukakha ngesiqumomntu sakho xa umbutho okanye ibandla lakho lifuna ukufezekisa iinjongo okanye imimiselo yalo, ngaphandle kokuba wena walile okanye awunikanga gunya lokuba kusetyenziswe iinkukakha ngesiqumomntu sakho.

(Kubalulekile ukuba uqinisekise ukuba iinkukakha ngesiqumomntu sakho akunikwe ngazo nakuliphi na iqela okanye umntu wesithathu ngaphandle kwemvume yakho. Ukuba uyakrokra ukuba kukho lowo uphazamisana neenkukakha ngesiqumomntu sakho, unelungelo lokufaka isikhhalazo sakho kuMlawuli woLwazi.)

8. Lo mthetho awusebenzi kwimeko ezifana nezi zilandelayo:

- Ukusetyenziswa kweenkukakha kwizinto ezizezakho okanye ezizezekhaya lakho.
- Ukusetyenziswa kweenkukakha liziko likarhulumente kwiimeko

ezibandakanya ukhuseleko lwesizwe apho kukho ubani onokunceda ngezo nkukakha ekubambiseni abagrogriisi okanye xa kuthintelwa izinto ezingekho mthethweni ukuba zingenzeki.

- Ukusetyenziswa kweenkukakha kwimisebenzi yeejaji ezinkundleni zamatyala;
- Ukusetyenziswa kweenkukakha kwimisebenzi yoonondaba (kodwa ke ezi meko zona zixhomekeka kwindlela emiselweyo yokuziphatha okanye esemthethweni.)

QONDA AMALUNGELO AKHO KWIFUNDO YOKWAZI.

1. Ingaba liyintoni ixabiso lika-PAIA kuwe?

Lo mthetho ukunika igunya lokuba usebenzise ilungelo lakho lokufumana:

- Naluphi na ulwazi/ okanye irekhodi eliphantsi kgcino lweziko likarhulumente /labucala okanye lomnye umntu onokuthi ulidinge xa ufuna ukulisebenzisa ekukhuseleni amalungelo akho okanye ufuna ukulikhuseleka.

(Lazi ilungelo lakho lokufumana ulwazi, ukuze elo lungelo lihlonitshwe ngokufanayo namanye amalungelo abaliweyo kungaqo-siseko woMzantsi Afrika!)

2. Yintoni irekhodi?

Lulwazi olubhaliweyo oluphantsi kgcino lomntu, lweziko likarhulumente okanye labucala.

3. Ngawaphi amaziko kaRhulumente, ingawaphi awaBucala?

- Amaziko kaRhulumente:** abandakanya amasebe karhulumente, ii-arhente, oomasipala namanye ke amaziko ayinxalenye yamasebe karhulumente nasekelwe phezu kwemithetho ethile futhi enoxanduva lokuncedisana norhulumente kuhanjiso lweenkonzo elutwini okanye lawo enza imisebenzi karhulumente.
- Amaziko abucala:** abandakanya amaziko angengokarhulumente, awabucala, angobudlelwane, azisebenzelayo ubuqu namanye ke angeyoxalenye yamisebenzi karhulumente. La maziko azibandakanya nemisebenzi yoshishino okanye anceda ngokwenzela amaziko abucala umsebenzi.

4. Kutheni ndizakufunana nelungelo lokufumana iinkukakha zolwazi nje?

Xa ndifuna ukusebenzisa iinkukakha ezo ekulweleni amalungelo am athile okanye xa ndifuna nje ukukhusela ezo nkukakha.

5. Ndzicela kubani ke ezo nkukakha zolwazi ndizifunayo?

KwiGosa loLwazi (i-IO ngamafutshane) okanye nabani na ke ogunyazisiweyo nonoxanduva lokuhoyana nezicelo zeenkukakha zolwazi kwiziko likarhulumente okanye elo labucala.

6. Ndisifaka njani ke isicelo sokufumana iinkukakha zolwazi kula maziko?

- Chonga iziko likarhulumente okanye labucala eligcine iinkukakha zolwazi ozifunayo.
- Fumana iinkukakha zoqhakamshekwano zeGosa loLwazi okanye zakhe nabani na ke ogunyazisiweyo nonoxanduva lokuhoyana nezicelo zeenkukakha zolwazi kwiziko elo.

(Ezi nkukakha zidla ngokufumaneka kwizikhundla zewebhu zala maziko.)

- Faka isicelo esibhalwe ngokusesikweni khonukuze ufumane ezo nkukakha. Sebenzisa ifomu eyenzelwe oku, u- PAIA Form 2.

(Xa ungakwazi ukubhala, nika iGosa loLwazi iinkukakha khonukuze lona likuncede ngokukugcwalisela le fomu.)

- Faka ke eso sicelo sakho kwiGosa loLwazi okanye kulowo ogunyaziselwe loo msebenzi, kungenjalo usifake kwibhokisana esifakwa kuyo, wandule ugcine ikopi yesicelo eso njengerekhodi lakho.
- Linda impendulo yesicelo sakho ke. Kusenokuthatha iintsuku ezingama-30 ukufumana impendulo emva kokuba iGosa loLwazi lisifumane isicelo sakho.
- Ukuba ngaba isicelo eso sithatha ithuba elingaphaya kweentsuku ezingama- 30, iGosa loLwazi liza kukwazisa.
- Ukuba ngaba sivunyiwe isicelo sakho, uza kunikwa isaziso esicacisayo