



**GAUTENG**  
LEGISLATURE

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ISISHAYAMTHETHO SESIFUNDAZWE  
SASEGAUTENG

**Leli bhukwana lilungiswe  
ngokuhambisana neSigaba 14 soMthetho  
Wokukhuthaza Ukutholakala Kolwazi,  
onguNombolo 2 wezi-2000 (njengoba  
uchitshiyeliwe)**

USUKU ELIHLANGANISWE NGALO: 01/10/2021  
USUKU ELIBUYEKEZWE NGALO: 04/12/2025

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## IZINCAZELO ZAMATEMU

	Itemu	Incazelo
1.	Imali yokuthola ulwazi	Imali ekhokhwa ngumfakisicelo solwazi yokucinga, ukulungisa kanye nokukhiqiza kabusha amarekhodi aceliwe, njengoba inqunyiwe kwiSigaba 22(6) se-PAIA.
2.	UMthetho	UMthetho Okhuthaza Ukutholakala Kolwazi (uMthetho Ongunombolo 2 wezi-2000). Obizwa futhi ngokuthi i-PAIA noma “uMthetho”.
3.	Iphini Lesikhulu Solwazi (DIO)	Umuntu oqokwe nguNobhala WesiShayamthetho Sesifundazwe SaseGauteng ukuthi enze lesi sikhungo sikhulumeni sifinyeleleke ngangokunokwenzeka kubantu abacela ukufinyelela kumarekhodi aso njengoba lokho kunqunyiwe kwiSigaba 17 (1) se-PAIA.
4.	Umhlahlandlela	Umbhalo noma ibhukwana elikhiqizwe yiKhomishana Yamalungelo Esintu ngenhloso yokulekelela noma yimuphi umuntu ofisa ukusebenzisa noma yiliphi ilungelo ngokwemigomo ye-PAIA njengoba lokho kunqunyiwe kwiSigaba 10.
5.	Isikhulu Solwazi (IO)	UNobhala WesiShayamthetho Sesifundazwe SaseGauteng njengoba kuchaziwe kwiSigaba 1 se-PAIA.
6.	Ukudluliswa kwesinqumo kwangaphakathi	Isicelo sokudluliswa nokubuyekezwa kwesinqumo sokwenqaba ukuhlinzeka ngolwazi oluceliwe, njengokuyalela kweSigaba 74 se-PAIA.
7.	Ulwazi lomuntu siqu	Ulwazi mayelana nomuntu ohlonzekayo, kubandakanya, kodwa kungacini lapho, ulwazi oluphathelelele nohlanga, ubulili, ukukhulelwa, isimo somshado, ubuzwe, imvelaphi ngokohlanga noma ngokwenhlalo, ibala, ubulili azeyamanisa nabo umuntu, iminyaka yobudala, impilo yomzimba noma yengqondo, impilonhle, ukukhubazeka, inkolo,

		unembeza, inkolelo, isiko, ulimi, kanye nokuzalwa komuntu njengoba kuchaziwe kwiSigaba 1 se-PAIA.
8.	Umceli wolwazi olungolwakhe	Umuntu ofuna ukuthola ulwazi/amarekhodi aqukethe ulwazi oluphathelene naye siqu njengoba kuchaziwe kwiSigaba 1 se-PAIA.
9.	Isikhungo sikahulumeni	Noma yimuphi umnyango noma uphiko lokuphatha lomkhakha kahulumeni kazwelonke noma lomkhakha kahulumeni wesifundazwe, nanoma yimuphi umasipala ngaphansi komkhakha wohulumeni basekhaya nanoma yisiphi isikhungo esenza umsebenzi kahulumeni ngokuhambisana nanoma yimuphi umthetho njengoba kuchaziwe kwiSigaba 1 se-PAIA. Sibizwa futhi ngomgwamanda kahulumeni.
10.	Irekhodi	Noma yiluphi ulwazi oluqoshiwe, olutholakala nganoma yiluphi uhlelo noma indlela, olugcinwe yi-GPL njengoba kuchaziwe kwiSigaba 1 se-PAIA.
11.	Amarekhodi atholakala ngokuzenzakalelayo	Amarekhodi atholakala ngaphandle kokufaka isicelo ngokoMthetho njengoba lokhu kushiwo kwiSigaba 15(1)(a) se-PAIA.
12.	Amarekhodi atholakala ngokuthi kufakwe isicelo	Amarekhodi atholakala ngokulandela izinqubo ze-PAIA njengoba kushiwo kwiSigaba se-11 nese-18. Kungenzeka kwenqatshwe nalawa marekhodi ngezizathu ezishiwo kwiSigaba sama-33 kuya kwesama-45 soMthetho.
13.	Isiphathimandla esifanelekile	UNobhala WesiShayamthetho Sesifundazwe SaseGauteng noma umuntu oqokwe nguNgqongqoshe ngencwadi ebhalwe phansi ukuba abhekane nezicelo zangaphakathi zokudluliswa nokubuyekezwa kwezinqumo njengoba kuchaziwe kwiSigaba 1 se-PAIA.
14.	Imali yokufaka isicelo	Imali engabuyeli emuva ekhokhwa ngumfakisicelo lapho ethumela isicelo sokuthola ulwazi ngokuhambisana nezimiselo zeSigaba 22(1) se-PAIA.

		(Umfakisicelo ocela ulwazi olungolwakhe siqu akakhokhiswa imali yokucela ulwazi).
<b>15.</b>	Isicelo sokuthola ulwazi	Isicelo sokuthola irekhodi noma amarekhodi agcinwe yi-GPL esenziwe ngokuhambisana neSigaba sesi-8 kanye nese-11 se-PAIA.
<b>16.</b>	Umfakisicelo solwazi	Noma yimuphi umuntu owenza isicelo sokuthola ulwazi noma amarekhodi e-GPL noma umuntu omele umuntu ocela ulwazi njengoba kushiwo kwiSigaba 1 se-PAIA.
<b>17.</b>	Umuntu wesithathu	Noma yimuphi umuntu, kubandakanya, kodwa kungagcini lapho, uhulumeni wombuso wangaphandle, inhlangotho yamazwe ngamazwe noma uhlaka lwalowo hulumeni noma inhlangotho, okungeyena umfakisicelo solwazi othintekile kanye nesikhungo sikahulumeni njengoba kuchaziwe kwiSigaba 1 se-PAIA.
<b>18.</b>	Izinsuku zokusebenza	Noma yiziphi izinsuku ngaphandle koMgqibelo, iSonto noma usuku oluyiholide njengoba kuchaziwe kwiSigaba 1 se-PAIA.

## UHLU LWEZIFINGQOMAGAMA NEZIFINYEZO

	Isifingqo	Itemu
1.		
2.	DIO	Iphini Lesikhulu Solwazi
3.	GPL	IsiShayamthetho Sesifundazwe SaseGauteng
4.	IO	Isikhulu Solwazi
5.	UNgqongqoshe	UNgqongqoshe Wezobulungiswa Nokuhlunyeleliswa Kwezimilo
6.	PAIA	
7.	PFMA	UMthetho Wokukhuthaza Ukutholakala Kolwazi, onguNombolo 2 wezi-2000 (njengoba uchitshiyeliwe) UMthetho Wezokuphathwa Kwezimali Zikahulumeni, onguNombolo 1 wonyaka we-1999 (njengoba uchitshiyeliwe)
8.	POPIA	UMthetho Wokuvikelwa Kolwazi Lomuntu Siqu, onguNombolo 4 wezi-2013

## AMAZWI OKWENDLALELA

ISigaba 32 soMthethosisekelo WeRiphabhulikhi YaseNingizimu Afrika, wonyaka we-1996 (uMthethosisekelo) sinikeza wonke umuntu ilungelo lokuthola noma yiluphi ulwazi olugcinwe wuMbuso noma olugcinwe ngomunye umuntu, futhi okuwulwazi oludingekayo ekusetshenzisweni noma ekuvikelweni kwanoma yiliphi ilungelo.

Ekufezekiseni lama lungelo ahlinzekwe ngokomthethosisekelo, uMthetho Wokukhuthaza Ukutholakala Kolwazi (PAIA) (Ongunombolo 2 wezi-2000) -

- wethwesa zonke izikhungo zikahulumeni isibopho sokuqinisekisa ukuthi umphakathi uyaluthola ulwazi/irekhodi noma amarekhodi asezandleni zazo;
- uhlinzeka ngohlaka kanye nezinqubo zokuthi umphakathi ukwazi ukusebenzisa ilungelo lawo oluhlinzekwe ngokomthethosisekelo lokuthola ulwazi ngokushesha, ngendlela engambi eqolo futhi elula kakhulu ngangokunokwenzeka.
- ubeka ngokucacile izindlela okumele ziqhamuke nazo izikhungo zikahulumeni ukuqinisekisa ukuthi amalungu omphakathi ayakwazi ukuthola ulwazi lolo; futhi
- ubeka ngokucacile izimo lapho kubekwe imikhawulo ethile evimbela ukutholakala kolwazi, kubandakanya lezo eziphathelele nolwazi lomuntu wesithathu siqu, nolwazi lwakhe oluphathelele nezomnotho, ezezimali, ubungoti bomsebenzi noma ezesayensi, ulwazi okungenzeka lube nomthelela ezinqubweni zenkantolo noma zamaphoyisa, isibonelo, amadokodo amaphoyisa ezinqubweni zebheyili kanye nemikhakha ethile yolwazi oluphathelele noPhiko Oluqoqa Intelu LwaseNingizimu Afrika.

Ngokungangabazekiyo ikhona imikhawulo ekufezekiseni komphakathi amalungelo ashiwo kwiSigaba 36 soMthethosisekelo kanye neSigaba sama-33 kuya kwesama-45 soMthetho we-PAIA, ngokulandelana kwazo.

Ngenhloso yokuthobela izidingo ezibekwe ngumthetho we-PAIA kanye nokufaka isandla ekuqinisekiseni ukusebenza kwe-GPL ngendlela esobala, nokuphendula ngendlela efanele ngemisebenzi yayo kanye nokuqinisekisa ukuphatha okuhle nokuyimpumelelo, i-GPL seyikhiqize ibhukwana lokutholakala kolwazi njengendlela yokuqinisekisa ukuthi umphakathi uyakwazi ukuthola ulwazi/irekhodi noma amarekhodi asezandleni zayo.

Kwethenjwa ukuthi leli bhukwana lolwazi lizosebenza njengenkundla/ithuluzi elisebenza kahle kakhulu lokuhlinzeka umphakathi ngolwazi olufanelekile ukuze ukwazi ukusebenzisa ilungelo lawo lokuthola ulwazi olusezandleni ze-GPL.

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**Advocate (Ummeli WaseMajajini) Mpho Daniel Maloka**

**UNOBHALA WESISHAYAMTHETHO**



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**USUKU** 26 March 2026

## ISINGENISO

Leli bhukwana lihlanganiswe njengebhukwana elidingekile ngokuyalela komthetho ukuze kuthotshelwe izimiselo zeSigaba 14 soMthetho Wokukhuthaza Ukutholakala Kolwazi (uMthetho Ongunombolo 2 wezi-2000), oyalela zonke izikhungo zikahulumeni ukuba zihlanganise futhi zishicilele ibhukwana lokutholakala kolwazi, elibeka ngokucacile ulwazi/amarekhodi agcinwe yisikhungo sikahulumeni ahlala ekhona futhi atholakala kalula, noma nini, ngokunjalo futhi nalawo okudingeka ukuba acelwe ngokulandela inqubo ehambisana nezimiselo zoMthetho.

## IZINJONGO ZOMTHETHO

### Izinjongo ze-PAIA, ngokweSigaba 9, yilezi:

- ukuqalisa ukusebenza kwelungelo elihlinzekwe ngumthethosisekelo lokutholakala kolwazi olugcinwe wuMbuso kanye nanoma yiluphi ulwazi olugcinwe ngomunye umuntu oludingekayo ukusebenzisa noma ukuvikela noma yimaphi amalungelo;
- ukuqalisa ukusebenza kwelungelo lokuthola ulwazi — elincike ekuthotshelweni kwemikhawulo ethile enezizathu ezizwakalayo — kubandakanya kodwa kungagcini emikhawulweni okuhloswe ngayo ukuvikela ngendlela ephusile ubumfihlo, nokugcina ulwazi lwebhizinisi olubucayi luyimfihlo, nokuphatha okuhle futhi okuyimpumelelo, futhi lokhu kumele kwenziwe ngendlela ezokwenza kube nokulingana phakathi kwalelo lungelo kanye nanoma yimaphi amanye amalungelo, kubandakanya amalungelo aqukethwe kuMqulu Wamalungelo kwiSahluko 2 soMthethosisekelo;
- ukuqalisa ukusebenza kwezibopho zoMbuso ozethweswe ngumthethosisekelo zokukhuthaza isikompilo lamalungelo esintu nesimo senhlalo esinobulungiswa emphakathini;
- ukusungula izindlela noma izinqubokusebenza ezisetshenziswa ngokuzithandela kanye nalezo eziphoqelekile zokuqalisa ukusebenza kwelungelo lokufinyelela olwazini ngendlela ezokwenza ukuthi abantu bakwazi ukuthola amarekhodi ezikhungo zikahulumeni kanye nezikhungo ezizimele, ngendlela esheshayo, engambi eqolo futhi ngaphandle kokuwajulukela kakhulu; kanye

- nokukhuthaza ukusebenza ngendlela esobala, ehambisana nokuziphendulela kanye nokuphatha ngobunyoinco kuzo zonke izikhungo zikahulumeni kanye nalezo ezizimele.

### UMHLAHLANDLELA WOKUSETSHENZISWA KWE-PAIA (ISIGABA 10)

ISigaba 10 se-PAIA siyalela ukuthi iKhomishana Yamalungelo Esintu yaseNingizimu Afrika, phecelezi i-South African Human Rights Commission (SAHRC) kumele ihlanganise futhi ishicilele umhlahlandlela maqondana nokusetshenziswa kwe-PAIA. Umhlahlandlela uyatholakala emahhovisi e-SAHRC.

Umlawuli Wolwazi usehlinzeke ngomhlahlandlela obuyekeziwe oqukethe ulwazi lwakamuva mayelana nokuthi isetshenziswa kanjani i-PAIA (“umhlahlandlela”), ngokweSigaba 10(1) se-PAIA. Utholakala ngendlela ecacile neqondakalayo ngazo zonke izilimi ezisemthethweni zaseNingizimu Afrika futhi uqukethe incazelo yalokhu:

- izinjongo ze-PAIA noMthetho Wokuvikelwa Kolwazi Lomuntu Siqu (POPIA);
- ikheli leposi kanye nelomgwaqo, inombolo yocingo neyefeksi, kanye nekheli le-imeyili (uma likhona) leSikhulu Solwazi kuzo zonke izikhungo zikahulumeni kanye nePhini Lesikhulu Solwazi kuzo zonke izikhungo zikahulumeni kanye nezikhungo ezizimele eliqokiwe ngokweSigaba 17(1) se-PAIA<sup>1</sup> kanye neSigaba 56 se-POPIA<sup>2</sup>;
- indlela kanye nohlobo lwesicelo sokuthola irekhodi lesikhungo sikahulumeni elishiwo kwiSigaba 11, kanye nokuthola irekhodi lesikhungo esizimele elishiwo kwiSigaba 50;

<sup>1</sup> ISigaba 17(1) se-PAIA: “Ukufezekisa izinhloso ze-PAIA, isikhungo sikahulumeni ngasinye kumele, ngokuhambisana nemibandela ebekwe yimithetho yokuqashwa kwabasebenzi besikhungo sikahulumeni lesi, siqoke inani elidingekayo labantu abazoba ngamaphini esikhulu solwazi abazokwenza ukuthi isikhungo sikahulumeni sifinyeleleke ngangokunokwenzeka kubaceli bamarekhodi esikhungo lesi.”

<sup>2</sup> ISigaba 56(a) se-POPIA: “Isikhungo sikahulumeni kanye nesikhungo esizimele ngasinye kumele sihlinzekele, ngendlela enqunye kwiSigaba 17 soMthetho Wokukhuthaza Ukutholakala Kolwazi, futhi ngokwenza izinguquko ezidingekayo, ukuqokwa kwenani labantu, lapho kufanelekile, njengamaphini esikhulu solwazi njengoba lokhu kudingekile ekwenzeni imisebenzi kanye nokufezekisa izibopho ezibekwe ngokucacile kwiSigaba 55(1) se-POPIA.”

- usizo olutholakala kwiSikhulu Solwazi sesikhungo sikhulumeni ngokwemigomo ye-PAIA kanye ne-POPIA;
- usizo olutholakala kuMlawuli ngokwemigomo ye-PAIA kanye ne-POPIA;
- wonke amakhambi nezixazululo ezikhona emthethweni maqondana nesenzo noma ukwahluleka ukwenza okuthile maqondana nelungelo noma isibopho esidluliswe noma esithweswe ngokuyalela kwe-PAIA kanye ne-POPIA, kubandakanya nendlela yokufaka izicelo zokudluliswa kwesinqumo kwangaphakathi, noma isikhalazo kuMlawuli, kanye nesicelo enkantolo sokuphikisa isinqumo seSikhulu Solwazi sesikhungo sikhulumeni, noma sokuphikisa isinqumo sokudluliswa nokubuyezwa kwesinqumo kwangaphakathi noma isinqumo soMlawuli noma isinqumo senhloko yesikhungo esizimele;
- izimiselo seSigaba 14<sup>3</sup> kanye neSigaba 51<sup>4</sup> ezidinga ukuthi isikhungo sikhulumeni kanye nesikhungo esizimele, ngokwehlukana, zihlanganise ibhuku lolwazi, futhi zisho ukuthi litholakala kanjani ibhuku lolwazi;
- izimiselo zeSigaba 15<sup>5</sup> neSigaba 52<sup>6</sup> ezihlinzekela ukudalulwa ngokuzithandela kwemikhakha yolwazi okwenziwa yisikhungo sikhulumeni kanye nesikhungo esizimele, ngokwehlukana;

<sup>3</sup> Isigaba 14(1) se-PAIA: “Isikhulu solwazi sesikhungo sikhulumeni kumele siqinisekise ukuthi ibhukwana eliqukethe ulwazi olusohlwini olukwindinyana 4 ngenhla liyatholakala ngezilimi ezisemthethweni okungenani ezintathu.”

<sup>4</sup> Isigaba 51(1) se-PAIA: “Inhloko yesikhungo esizimele kumele iqinisekise ukuthi liyatholakala ibhukwana eliqukethe incazelo yolwazi olusohlwini olukwindinyana 4 ngenhla.”

<sup>5</sup> Isigaba 15(1) se-PAIA: “Isikhulu solwazi sesikhungo sikhulumeni, kumele siqinisekise ukuthi iyatholakala, ngendlela enqunyiwe, incazelo yemikhakha yamarekhodi esikhungo sikhulumeni atholakala ngokuzenzakalelayo ngaphandle kokuthi umuntu afake isicelo sokunikezwa wona.”

<sup>6</sup> Isigaba 52(1) se-PAIA: “Inhloko yesikhungo esizimele kungenzeka, ngokuzithandela, ihlinzeke, ngendlela enqunyiwe, incazelo yemikhakha yamarekhodi atholakala ngokuzenzakalelayo ngaphandle kokuthi umuntu afake isicelo sokunikezwa wona.”

- izaziso ezikhishwe ngokweSigaba 22<sup>7</sup> kanye neSigaba 54<sup>8</sup> mayelana nezimali ezikhokhwa maqondana nezicelo zokuthola ulwazi; kanye
- nemithethonqubo eyenziwa ngokweSigaba 92<sup>9</sup>.

Amalungu omphakathi avumelekile ukuhlola noma ukwenza amakhophi alo mhlahlandlela emahhovisi ezikhungo zikahulumeni noma izikhungo ezizimele, kubandakanya nehovisi likaMlawuli, ngezikhathi ezijwayelekile zomsebenzi.

Umhlahlandlela uyatholakala futhi:

- ngokuthi kufakwe isicelo kwiSikhulu Solwazi noma kwinhloko yesikhungo esisimele, kusetshenziswa iFomu 1 (isicelo sekhophi yomhlahlandlela) elitholakala ku-<https://info regulator.org.za/paia-forms/>;
- ngokuthi kufakwe isicelo kuMlawuli Wolwazi ngokuthumela iFomu 1 ku-[PAIACompliance@infoRegulator.org.za](mailto:PAIACompliance@infoRegulator.org.za); kanye
- nakuwebhusayithi yoMlawuli (<https://info regulator.org.za/paia-guidelines/>).

<sup>7</sup> Isigaba 22(1) se-PAIA: “Isikhulu solwazi sesikhungo sikahulumeni okwenziwe kusona isicelo solwazi, kumele, ngokukhipha isaziso, siyalele umfakisicelo solwazi ukuthi akhokhe imali yokucela ulwazi enqunyiwe (uma ikhona) ngaphambi kokuba kucutshungulwe isicelo.”

<sup>8</sup> Isigaba 54(1) se-PAIA: “Inhloko yesikhungo esizimele okwenziwe kuyona isicelo solwazi, kumele, ngokukhipha isaziso, iyalele umfakisicelo solwazi ukuba akhokhe imali yokucela ulwazi enqunyiwe (uma ikhona) ngaphambi kokuba kuqhutshekwe nokucutshungulwa kwesicelo.”

<sup>9</sup> Isigaba 92(1) se-PAIA sibalula ukuthi: “UNgqongqoshe, ngokukhipha isaziso kuSomqulu Kahulumeni, angenza imithethonqubo maqondana-

- (a) nanoma yiluphi udaba oludingwa noma oluvunyelwa yilo Mthetho ukuba lunqunywe;
- (b) nanoma yiluphi udaba oluphathelele nezimali ezishiwo kwiSigaba 22 kanye neSigaba 54;
- (c) nanoma yisiphi isaziso esidingwa yilo Mthetho;
- (d) nemigomo efanayo okumele isetshenziswe yisikhulu solwazi sesikhungo sikahulumeni lapho sinquma ukuthi yimiphi imikhakha yamarekhodi okumele ihlinzekwe ngokweSigaba 15 kanye
- (e) nanoma yiluphi udaba oluphathelele nokuphatha noma inqubokusebenza, oludingekayo ukuqalisa ukusebenza kwezimiselo zalo Mthetho.”

## INHLOSO YEBHUKWANA LE-PAIA

### Leli bhukwana kuhloswe ngalo ukwenza lokhu:

- ukuhlinzeka ngolwazi mayelana nohlaka lwesakhiwo, imisebenzi kanye nezinsizakalo ezihlinzekwa yiSishayamthetho Sesifundazwe saseGauteng (GPL) kubantu bomphakathi kanye nolwazi olumayelana nokufinyelela kulokhu;
- ukuhlinzeka ulwazi mayelana neminingwane yokuxhumana ye-GPL kubandakanya neminingwane yekheli leposi, lomgwaqo kanye nele-imeyili, kanye nezinombolo zocingo zeSikhulu Solwazi (IO) kanye nePhini Lesikhulu Solwazi (DIO) eliqokiwe;
- ukuhlinzeka ngohlu lwamarekhodi atholakala ngokuzenzakalelayo asezandleni zesishayamthetho;
- ukuhlinzeka ngohlu lwemikhakha yamarekhodi afinyelelekayo kumalungu omphakathi ngokulandela izinqubo ezishiwo kwiSigaba 11 kanye neSigaba 18 ze-PAIA;
- ukubeka ngokucacile izinqubo okumele zilandelwe ngamalungu omphakathi ukuthola ulwazi olusezandleni ze-GPL, ngokuhambisana nezimiselo ze-PAIA.

Leli bhukwana litholakala ngesiNgisi, isiBhunu kanye nesiZulu, futhi i-GPL, uma kudingekile, izobuyekeza futhi ishicelele leli bhukwana njalo ngonyaka.

Ikhophi yaleli bhukwana noma yombhaloshicilelo walo obuyekeziwe oqukethe ulwazi lwakamuva iyatholakala futhi -

- kwiwebhusayithi ye-GPL: [www.gpl.gov.za](http://www.gpl.gov.za);
- enhloko hho visi ye-GPL ekhomeni lomgwaqo u-City Hall no-Helen Joseph, eGoli, lapho umphakathi ungazifundela lokhu ngezikhathi ezijwayelekile zomsebenzi;
- futhi noma yimuphi umuntu angayithola uma efaka isicelo futhi emuva kokukhokha imali enqunyiwe; futhi

- iyatholakala nakuMlawuli Wolwazi ngokufaka isicelo.

Qaphela ukuthi kunemali okumele ikhokhwe yekhophi yebhukwana, njengoba kushiwo kwiSithasiselo B seMithethonqubo, okuyimali ekhokhelwa ifothokhophi ngayinye engusayizi oyi-A4.

## IMININGWANE YOKUXHUMANA

### Isikhulu Solwazi se-GPL

Ibamba LikaNobhala WeSishayamthetho: *Advocate* (Ummeli WaseMajajini)

Mpho Daniel Maloka

Ikheli Lomgwaqo: Cnr Rissik and Market Streets,  
Johannesburg, 2000

I-imeyili: [mdmaloka@gpl.gov.za](mailto:mdmaloka@gpl.gov.za)

### Iphini Lesikhulu Solwazi (DIO) se-GPL

UMqondisi: Uphiko Lwezokuphathwa Nokulawulwa Kolwazi: Dkt Ngwanaphalama  
More

Ikheli Lomgwaqo: Cnr Rissik and Market Streets,  
Johannesburg, 2000

I-imeyili: [nmore@gpl.gov.za](mailto:nmore@gpl.gov.za)

### Imininigwane yokuxhumana ejwayelekile eqondene nokutholakala kolwazi

Iwebhusayithi ye-GPL: [www.gpl.gov.za](http://www.gpl.gov.za)

I-imeyili ye-GPL: [inforequest@gpl.gov.za](mailto:inforequest@gpl.gov.za)

### South African Human Rights Commission: National Head Office

33 Hoofd Street, Braampark Forum III

Braamfontein, Johannesburg,

Gauteng, 2001

Inombolo Yocingo: +27 11 877 3600/3645/3624

Inombolo Yefeksi: +27 11 403 0668

Ikheli Le-imeyili: [paia@sahrc.org.za](mailto:paia@sahrc.org.za)

Iwebhusayithi:

[www.sahrc.org.za](http://www.sahrc.org.za)



## UMLANDO NGE-GPL

Isishayamthetho Sesifundazwe saseGauteng (GPL) singesinye sezishayamthetho zesifundazwe eziyisishiyagalolunye eNingizimu Afrika, ezingumphumela wokuxoxisana okubanzi okwabumba uMthethosisekelo wonyaka we-1996. UMthethosisekelo unikeza isishayamthetho amandla okushaya imithetho eqondene nesifundazwe saseGauteng, nokuqapha umsebenzi kaHulumeni Wesifundazwe saseGauteng ukuqinisekisa ukuhlinzekwa kwezinsizakalo zikahulumeni ngobunyonyonco, kanye nokuqinisekisa ukuthi abantu baseGauteng babamba iqhaza kwizinqubo zezishayamthetho.

Isishayamthetho sathutha ePitori sayozinza eGoli emuva kokhetho lokuqala lwentando yabantu lowe-1994, kulandela isinqumo sokuthutha uhulumeni weSifundazwe saseGauteng. Ihlole Ledolobha laseGoli laba yikhaya elisha leSishayamthetho saseGauteng mhla zingama-21 kuMfumfu 1995.

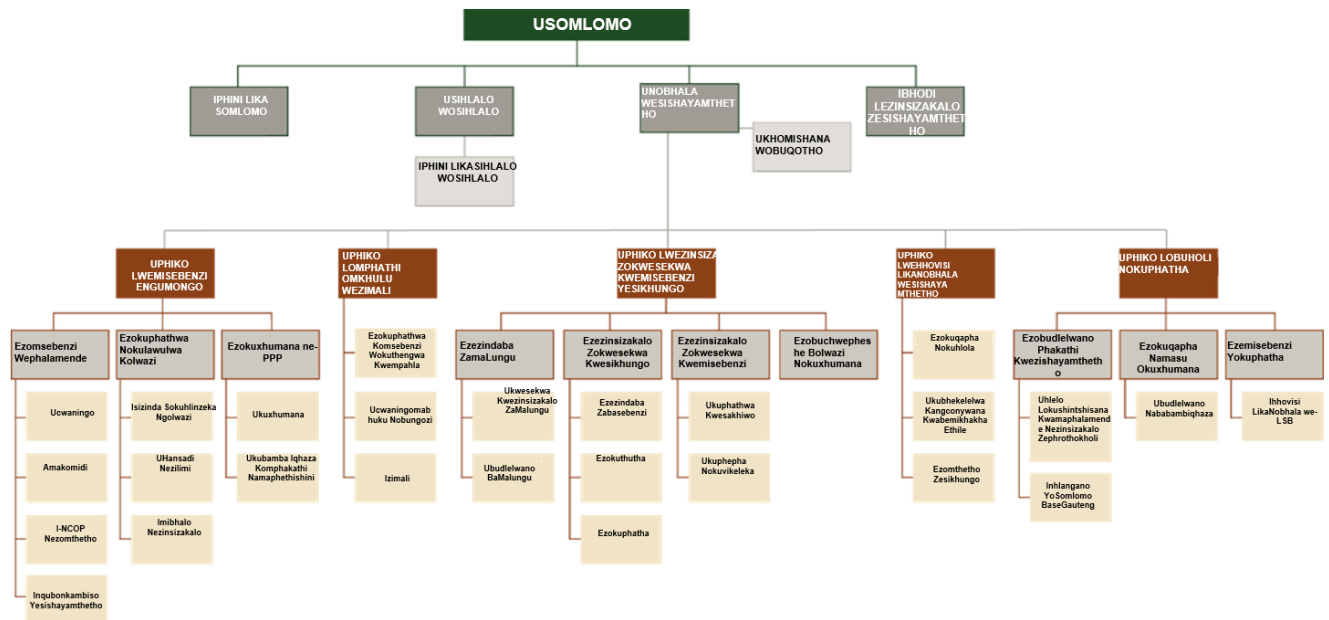
## UKWAKHEKA KWE-GPL

Isishayamthetho sakhawe wuphiko lwezepolitiki kanye nophiko lwabasebenzi oluphatha futhi luqhube umsebenzi wansukuzonke. Uphiko lwezepolitiki oluholwa nguSomlomo (oyinhloko yesikhungo), lwakhawe ngaMalungu eSishayamthetho Sesifundazwe (MPLs) avela kumaqembu ezepolitiki ahlukahlukene abelwa izihlalo ngokwenani lamavoti awatholile okhethweni lwezifundazwe. Uphiko lwabasebenzi oluphatha futhi luqhube umsebenzi wansukuzonke, oluholwa nguNobhala WeSishayamthetho luhlinzeka ngemisebenzi yokweseka iNdlu Yesishayamthetho kanye namakomidi ayo.

UMthethosisekelo unikeza isishayamthetho sesifundazwe ngasinye kweziyisishiyagalolunye amandla okushaya imithetho eqondene ngokukhethekile nesifundazwe ngasinye. Ama-MPL ahlukaniswe ngokwamakomidi aqaphe iminyango kahulumeni futhi enza umsebenzi weNdlu Yesishayamthetho. Amakomidi eNdlu Yesishayamthetho aqondaniswe neminyango (noma iqoqo leminyango) kahulumeni wesifundazwe ngokwahlukana kwayo futhi athuthukisa amandla eminyango okuhlinzeka ngezinsizakalo ngokuthi eluleke, ahlole futhi aqaphe iminyango leyo.

Amakomidi angenakuguquka abhekene nezindaba ezihlukahlukene (okuyizindaba ezingaphathelene neminyango kahulumeni), kusukela ezindabeni zangaphakathi zesishayamthetho kuya ekucutshungulweni kweMithethosivivinywa, imithethonqubo kanye nezinye izindaba ezidluliselwe kuwona nguSomlomo noma yiNdlu Yesishayamthetho. Amakomidi esikhashana asebenza nongoti abahlukahlukene maqondana nezindaba ezidinga ulwazi lobungoti olukhethekile. Lawa makomidi aye asungulwe ngezikhathi ezithile lapho kuvela isidingo salokho.

## UHLAKA LOKWAKHEKA KWE-GPL



## INDIMA YE-GPL

### a) UKUSHAYA IMITHETHO

Amandla okushaya imithetho esifundazweni athweswe i-GPL. NgokweSigaba 104 soMthethosisekelo WeRiphabhulikhi YaseNingizimu Afrika wonyaka we-1996, isishayamthetho singashaya imithetho emisha, sichibiyele imithetho ekhona njengamanje futhi sichithe noma siqede ukusebenza kwemithetho emidala. Umthetho omusha uqala njengoMthethosivivinywa, odingidwa ngokucophelela ukuqinisekisa

ukuthi ucacile, usebenziseka kahle nangempumelelo, futhi uhambisana kahle nezidingo zesifundazwe kanye noMthethosisekelo. AMalungu eSishayamthetho Sesifundazwe athola futhi izethulo ezivela kubantu baseGauteng maqondana nezindaba ezithinta isifundazwe, okungenzeka zidinge ukuthi kushaywe imithetho ethile eqondene ngqo nazo. Ngaphezu kwalokho, ama-MPL angaqalisa inqubo yokushaya imithetho ngawodwana, futhi nanoma yiliphi kumakomidi esishayamthetho angenakuguquka lingakwenza nalo lokho.

## **b) UKUQAPHA NOKUHLOLISISA**

Ukuqapha ngusemsebenzi osemqoka kakhulu owenziwa yisishayamthetho ukuqinisekisa ukuthi uhulumeni wesifundazwe uyalifezekisa igunya nomsebenzi wawo wokuhlinzeka ngezidingongqangi kubantu baseGauteng. Ukwenza lokhu, isishayamthetho sisebenzisa amathuluzi okuqapha nokuhlola ahlukahlukene, okungamathuluzi abandakanya iMibuzo Eqondiswe kuMalungu Omkhandlu Wesigungu Seziphathimandla, Iziphakamiso, Izinqumo Zendlu YeSishayamthetho, izinkulumompikiswano, njalo njalo. Ithuluzi elingumgogodla walokhu wuHlelo Lokuqapha Imikhakha, phecelezi, i-Sector Oversight Model (SOM), olusetshenziswa yizo zonke izishayamthetho eziyisishiyagalolunye. I-SOM iyithuluzi elibanzi elivumela ukusetshenziswa kwendlela ehambelanayo yokuqapha nokuhlola umsebenzi owenziwa nguhulumeni, kusuka ekuhleleni nasekwenzeni isabelomali esizoqondana nemisebenzi ehluahlukene, nokuqaliswa kwemisebenzi leyo, kuze kuyofinyelele emsebenzini wokuqapha nokuhlola. Ama-MPL acubungula izinhlelo, izabelomali kanye nemibiko ethunyelwe wuMkhandlu Wesigungu Seziphathimandla wesifundazwe, obandakanya uNdunankulu waseGauteng kanye naMalungu Omkhandlu Wesigungu Seziphathimandla (MECs).

Umsebenzi onzulu wokuhlolisisa wenziwa emakomidini nakwizinkulumompikiswano ezenzeka ngenkathi kubanjwe imihlangano yeNdlu Yesishayamthetho. Amakomidi anamandla okubiza o-MEC kanye nezikhulu zeminyango ukuthi beze bazophendula imibuzo mayelana nokuphakelwa kwezidingongqangi esifundazweni. O-MEC kumele

bazilungiselele ukuphendula imibuzo enzima mayelana nokuthi bayihlinzeka kanjani impilo engcono kubantu baseGauteng. Amakomidi enza futhi nophenyo maqondana nemisebenzi eyenziwa yiminyango kahulumeni futhi uphenyo lolo luvulelekile emphakathini ukuze umphakathi nawo ukuhlole futhi ukucubungulise lokho okuphenywayo.

### c) UKUBAMBA IQHAZA KOMPHAKATHI

I-GPL iphoqelekile ngokomthethosisekelo ukuqinisekisa ukubandakanywa komphakathi ngokuhambisana neSigaba 118 soMthethosisekelo WeRiphabhulikhi yaseNingizimu Afrika, wonyaka we-1996 futhi lokhu kuyisibopho esisamukele ngezandla zombili iSishayamthetho Sesifundazwe saseGauteng ngokuqinisekisa ukuthi zonke izinqubo zaso zivulelekile emphakathini kanye nokuthi umphakathi uvumelekile ukubamba iqhaza ngokuphelele ezinqubweni zaso zokushaywa kwemithetho, nezokuhlola nokuqapha imisebenzi yeminyango kahulumeni kanye nokubamba iqhaza komphakathi. Ukufezekisa lokhu-ke, isishayamthetho sesisungule izindlela kanye nezinkundla ezivumela abantu baseGauteng bakwazi ukubamba iqhaza ezinqubweni zaso. Lezi zinkundla zibandakanya amaPhalamende Aqondene Nemikhakha Ethile Yabantu, i-Bua Le Sechaba (Ukuhanjiswa KweSishayamthetho Kubantu), ukwethamela komphakathi imihlangano yeNdlu Yesishayamthetho kanye neminye imicimbi ehlukehlukeneyo yokubandakanywa kwababambiqhaza. Amalungu omphakathi avumelekile futhi ukuthumela izikhalazo zawo (amaphethishini) esishayamthetho mayelana nezinto eziwakhathazayo. Lokhu kwenzelwa ukuqinisekisa ukuthi izwi lomphakathi liyazwakala. Izikhalazo zomphakathi zingathunyelwa ngohlelo-xhumano lobuxhakaxhaka besimanjemanje, olubizwa phecelezi ngohlelo lwe e-Petitions futhi zithunyelwe kunoma yimiphi imihlangano yesishayamthetho ebanjelwa emphakathini.

### IZINSIZAKALO EZITHOLAKALAYO EZIHLINZEKWA KUMALUNGU OMPHAKATHI

Uphiko LoMqondisi Wezokuxhumana Nokubamba Iqhaza Komphakathi yilona olubandakanyeka ezinhlelweni zokubamba komphakathi iqhaza futhi oluqalisa izinhlelo lezo. Lokhu kubandakanya izinhlelo zobambiswano lokweseka nokuhlomisa

izikole ngolwazi nezinsiza, iPhalamende Labesifazane, iPhalamende Lentsha kanye nezinye izinhlelo eziningana. Uphiko lomqondisi kungaxhunyanwa nalo kule nombolo +2711 498 5200 noma ngokuvakashela kuwebhusayithi yeSishayamthetho Sesifundazwe SaseGauteng ethi [www.gpl.gov.za](http://www.gpl.gov.za).

## AMAREKHODI E-GPL

Phakathi kokunye, i-GPL inamarekhodi kule mikhakha yezindaba elandelayo:

### (a) Amaphepha ephalamende

Lo mkhakha ubandakanya amaPhepha Enqubohlelo Yesishayamthetho, izimemezelo, izethulo okumele zicutshungulwe ngokusemthethweni kanye nemibiko yamakomidi, amaPhepha Emibuzo, irekhodi lezinkulumompikiswano zesishayamthetho, phecelezi, ama-Hansards kanye namaminithi emihlangano yesishayamthetho.

### (b) Imibhalo eshicileliwe

Ulwazi jikelele oluphathelele nesishayamthetho sesifundazwe nomsebenzi waso.

### (c) Ukudalula kwaMalungu Ingecebompahla Yawo Nezintshisekelo

NgokweMigomo Yokuziphatha Eqondene Namalungu Esishayamthetho Sesifundazwe SaseGauteng, yowezi-2014, ama-MPL kumele adalule minyakayonke izintshisekelo zawo zezimali. Izicelo zolwazi oluqondene nengecebompahla nezintshisekelo ezidalulwe ngaMalungu Esishayamthetho kumele zithunyelwe kwiKomidi Lezindaba Zamalungu lesishayamthetho sesifundazwe.

### (d) IMithethosivivinywa

Lokhu kusho imibhaloshicilelo ehlukehlukehene yeMithethosivivinywa (imithetho ehlongozwayo) ecutshungulwa yisishayamthetho sesifundazwe ngenkathi kuqhutshwa inqubo yokushaywa kwemithetho.

### (e) Imibhalo ekhiqizwe wuphiko lwabasebenzi besishayamthetho

Uphiko lwabasebenzi besishayamthetho lweseka aMalungu Esishayamthetho ukuze akwazi ukufezekisa izibopho zawo njengamalungu esishayamthetho asebenzela

umphakathi. Ukufezekisa lokhu, uphiko lwabasebenzi besishayamthetho lukhiqiza imibhalo enhlobonhlobo ephathelene nemisebenzi yalo.

### Inhloso yokucutshungulwa kolwazi

I-GPL, njengezinye izikhungo zikahulumeni, icubungula ulwazi oluphatelene nomuntu siqu ngokuhambisana noMthetho Wokuvikelwa Kolwazi Lomuntu Siqu (POPIA), wezi-2013 ngokomkhawulo nobubanzi obuvunyelwe yilo Mthetho. Ithatha zonke izinyathelo ezifanelekile ukuqinisekisa ukuphepha nokuvikeleka kolwazi lomuntu siqu olusezandleni zayo, futhi lokhu kubandakanya ukufihlwa kwemininingo ngendlela ezokwenza ingabonakali kubantu abangagunyaziwe; nokusetshenziswa kwezinhlelokusebenza zokuvikela amakhompyutha kumavayirasi futhi ziwavikele nasezinhlelweni ezinobungozi ezingadala umonakalo kuwona nakwizinhlelokusebenza zawo.

Qaphela ukuthi i-GPL ayizibandakanyi ekuthunyelweni kolwazi lomuntu siqu phakathi kwamazwe ngamazwe.

### Incazelo yezihloko zamarekhodi kanye nemikhakha yamarekhodi egcinwe yi-GPL

Izihloko zamarekhodi agcinwe yisikhungo	Imikhakha yamarekhodi agciniwe ngaphansi kwesihloko ngasinye
Imibhalo yezinjongo, amasu, nezinkombakusebenza zemisebenzi engumongo, izinhlelo, iziphakamiso zezabelomali	Imibiko yonyaka, uhlelo lwamasu, uhlelo lokusebenza lonyaka, izabelomali.
Izindaba Zabasebenzi	Izinqubomgomo nezinqubokusebenza ze-HR <ul style="list-style-type: none"> <li>• izikhala zomsebenzi ezikhangisiwe;</li> <li>• amarekhodi abasebenzi;</li> </ul>

Izihloko zamarekhodi agcinwe yisikhungo	Imikhakha yamarekhodi agciniwe ngaphansi kwesihloko ngasinye
	<ul style="list-style-type: none"> <li>• ukufunda nokuthuthuka, isibonelo, ukuthuthukiswa kwamakhono kanye nezinhlelo zokuqeqesha</li> <li>• uhlelo lokuqasha ngokulingana kanye nezibalomanani eziqondene nalokhu</li> </ul>

**Incazelo yezihloko zemikhakha yemininingo kanye nencazelo yolwazi noma imikhakha yolwazi oluhlobene nalokho**

Imikhakha yezihloko zemininingo	Ulwazi lomuntu siqu olungacutshungulwa
Abantu phaqa	Amagama nesibongo, imininingwane yokuxhumana (izinombolo zokuxhumana, inombolo yefeksi, ikheli le-imeyili); ikheli lasekhaya, ikheli leposi noma ikheli lebhizinisi; inombolo yokuhlonza umuntu ehluke kweyabanye abantu/inombolo kamazisi kanye nokuxhumana okuyimfihlo.
Izikhungo/Izinhlangotho/Izinkampani	Amagama abantu okuxhunyanwa nabo, igama lesikhungo, ikheli lomgwaqo neleposi; imininingwane yokuxhumana [izinombolo zokuxhumana, inombolo yefeksi, ikheli le-imeyili]; inombolo yokubhaliswa; ulwazi oluphathelele nezezimali, ezebhizinisi, ezesayensi noma ezobuchwepheshe bomsebenzi, kanye nezimfihlo zokuhweba.
Abasebenzi	Uhlanga, iminyaka yobudala, ulimi, ulwazi

Imikhakha yezihloko zeminingo	Ulwazi lomuntu siqu olungacutshungulwa
	Iwezemfundo (iziqu); ulwazi lwezezimali, umlando wokuqashwa, inombolo kamazisi, ikheli lomgwaqo kanye nekheli leposi, imininingwane yokuxhumana [izinombolo zokuxhumana, inombolo yefeksi, ikheli le-imeyili], umlando wezenzo zobugebengu, izihlobo (amalungu omndeni), ulwazi lokwelashwa, ubuzwe, imvelaphi ngokohlanga noma ngokwenhlalo, ubulili, ukukhulelwa, isimo somshado, ubulili ahehelekela ngakubona umuntu, isimo sempilo ngokomzimba noma ngokwengqondo, impilonhle, ukukhubazeka, inkolo, isiko, ulimi kanye nezici ezikhethekile ngokomzimba nangokuziphatha ezenza umuntu ahluke kwabanye

**Abamukeli bolwazi noma imikhakha yabamukeli bolwazi okungenzeka bahlinzekwe ngolwazi lomuntu siqu**

Umakhakha wolwazi lomuntu siqu	Abamukeli bolwazi noma imikhakha yabamukeli bolwazi
Inombolo kamazisi kanye namagama omuntu, ukuze kuhlolwe ukuthi azikho yini izenzo zobugebengu ake	UMbutho Wamaphoyisa aseNingizimu Afrika

Umakhakha wolwazi lomuntu siqu	Abamukeli bolwazi noma imikhakha yabamukeli bolwazi
azenza	
Iziqu, ukuze kuqinisekiswa iziqu zomuntu	Uphiko Lwezeziqo lwaseNingizimu Afrika
Umlando wokuthenga ngesikweletu kanye nokukhokha, ukuze kuqinisekiswa ulwazi lokuthenga ngesikweletu	Izinhlango ezigcina ulwazi lwabathengi abathenga ngesikweletu (Credit bureaus)

## AMAREKHODI ATHOLAKALA NGOKUZENZAKALELAYO

Noma yiluphi ulwazi oludaluliwe noma oludingidwe kunoma yiluphi ikomidi lephalamende lesifundazwe — lapho umhlangano lowo kanye nalokho okuxoxwe ngakho bekuvulelekile emphakathini, noma ulwazi oludingidwe emhlanganweni weNdlu Yesishayamthetho sesifundazwe — okuwulwazi olutholakala ngokuzenzakalelayo futhi okungadingekile ukuthi lucelwe ngokwe-PAIA, kepha lokhu kwenzeka ngaphansi kombandela wokuthi umfakisiselo uzothola ulwazi lolo ngobuxhaxhaka besimanjemanje.

Ulwazi oluphatelene nezindaba ezilandelayo olutholakalayo noma nini kuwebhusayithi yephalamende lesifundazwe ku-[www.gpl.gov.za](http://www.gpl.gov.za) ngaphandle kokufaka isicelo:

- ulwazi lokufundisa umphakathi, izigcawu zokucobelelana ngolwazi, ukubamba iqhaza komphakathi, amaphethishini, izinsiza zokufundisa;
- ulwazi mayelana nokuvakashela iphalamende lesifundazwe;
- izindaba, izitatimende ezisemthethweni ezikhishelwa abezindaba, ukubhaliswa kwalabo okubanjiswene nabo kwabezindaba;
- izikhala zomsebenzi kanye nokufakwa kwezicelo zomsebenzi ngohlelo-xhumano lwe-inthanethi;

- (e) amathenda kanye nendlela yokwenza ibhizinisi nephalamende lesifundazwe;
- (f) uhlaka lwesimo nokuhleleka kophiko lwabasebenzi, imigomo yokuziphatha kanye nesizindalwazi seminingwane yokuxhumana nabasebenzi;
- (g) ulwazi jikelele mayelana nemisebenzi yephalamende lesifundazwe;
- (h) inhlosombono, impokophelo kanye nezimompilo, isimo-kwakheka sezepolitiki, umlando, izimpawu, iNhlango Yamaphalamande Ombimbi Lwamazwe Angamadlelandawonye kanye nomsebenzi Womkhandlu Kazwelonke Wezifundazwe;
- (i) Imininingwane Nomlando WaMaLungu, Amaziko Abavoti aMalungu, Imigomo Yokuziphatha, Irejista Yengcebompahla Nezintshisekelo Zamalungu;
- (j) inqubo yemithetho, ikhalenda lephalamende, amaphepha eNdlu Yesishayamthetho, Izinkulumo Ezichaza Isimo Sezwe kanye Nezinkulumo Ezichaza Isimo Sesifundazwe, Imithetho Emileyo, amavidiyo;
- (k) ubulungu bamakomidi angenakuguquka, imibhalo yamakomidi; kanye
- (l) nemithetho, ukulandelelwa kweMithethosivivinywa, imithetho yoMkhandlu Kazwelonke Wezifundazwe, irekhodi lezinkulumompikiswano zeNdlu Yesishayamthetho (Hansards), imibhalo eshicileliwe, osomqulu besifundazwe kanye nemibiko yonyaka yeminyango.

## INDLELA YOKUTHOLA IZINCWADI NEMIBHALO EGCINWE YI-GPL

### Isinyathelo 1: Izinyathelo ezandulelayo

- Qinisekisa ukuthi irekhodi olidingayo, empeleni, liyirekhodi elisezandleni zesishayamthetho sesifundazwe noma elingaphansi kolawulo kwaso.
- Uma irekhodi olidingayo litholakala ngokuzenzakalelayo, njengoba lokhu kuhlinzekelwe kulezi zindinyana ezingenhla, faka isicelo sakho kwiSikhulu Solwazi, ulichaze ngokucacile irekhodi olidingayo.
- Vakashela iwebhusayithi yesishayamthetho sesifundazwe ku-[www.gpl.gov.za](http://www.gpl.gov.za), ukuthola ukuthi ingabe irekhodi olidingayo liyatholakala yini noma cha kuwebhusayithi.

### Isinyathelo 2: Ifomu lokufaka isicelo

Uma ungakwazanga ukuthola irekhodi olidingayo emuva kokuphothula isinyathelo 1 ngenhla, kumele ugcalise ifomu lesicelo bese ulithumela esishayamthetho

sesifundazwe. Ifomu lesicelo ungalithola kwiPhini Lesikhulu Solwazi ku-[inforequest@gpl.gov.za](mailto:inforequest@gpl.gov.za). Uma usuligcwalisile ifomu, kumele ulibuyisele emuva ku-[inforequest@gpl.gov.za](mailto:inforequest@gpl.gov.za) ubhale kucace ukuthi liqondiswe kwiSikhulu Solwazi. Uma uhlangabezana nezinkinga ekugcwaliseni ifomu lesicelo, ungacela usizo kwiPhini Lesikhulu Solwazi. Uma ufaka isicelo egameni lomunye umuntu, qinisekisa ukuthi unamathelisa nekhophi yegunya olinikezwe yilowo muntu ekugunyaza ukuthi uthathe isinyathelo lesi egameni lakhe.

### Isinyathelo 3: Izimali ezikhokhwayo

Zimbili izimali ezikhokhwayo ngaphansi kwe-PAIA:

- (a) Imali yokufaka isicelo — Umfakisisicelo, ofuna ukuthola irekhodi eliqukethe ulwazi olungolwakhe siqu, akudingekile ukuthi akhokhe imali yokufaka isicelo. Imali edingekayo kumele ihambisane nanoma yisiphi esinye isicelo. Ngokwesaziso Sikahulumeni esingunombolo R.223, sowezi-2001, imali yokufaka isicelo ngama-R35.00.
- (b) Imali yokuthola ulwazi — Uma sivunywa isicelo solwazi, kumele kukhokhwe enye imali engeziwe okuyimali yokukhiqiza kabusha irekhodi ukuze lidalulwe. Lezi zimali ezikhokhwayo zibekwe ngokucacile kwiSaziso Sikahulumeni esingunombolo R.223, sowezi-2001. Ikhophi yezimali ezikhokhwayo njengoba ibekwe ngokucacile kwiSaziso esingunombolo R.223, wezi-2001 iyatholakala kwiPhini Lesikhulu Solwazi.

### Isinyathelo 4: Ukucutshungulwa kwesicelo

Ngokwe-PAIA, iSikhulu Solwazi sinesikhathi esiyizinsuku ezingama-30 okumele sivume noma siqabe ngazo isicelo solwazi, futhi uma sihlulekile ukwenza lokho kuyothathwa ngokuthi siqatshiwe isicelo. Isikhulu Solwazi sizokwazisa umfakisisicelo ngomphumela wesicelo. Ngokuvamile sicelo sokuthola ulwazi sizovunywa uma umfakisisicelo ezanelisile zonke izidingo ze-PAIA, futhi uma:

- (a) isicelo senziwe kwifomu elinqunyiwe eligcwaliswe ngendlela efanele;
- (b) kuthunyelwe ubufakazi obanele begunya, lapho isicelo senziwe egameni lomunye umuntu;

- (c) ihlinzekiwe incazelo efanelekile yerekhodi elicelwayo;
- (d) zikhokhiwe izimali ezidingekayo; futhi
- (e) uma zingekho izizathu eziphathekayo zokwenqaba isicelo njengoba lokhu kuhlinzekelwe kwi-PAIA.

## **IZIZATHU EZINGENZA UKUTHI KWENQATSHWE NOLWAZI OLUGCINIWE LUKAHULUMENI**

Isikhulu Solwazi kungenzeka sisenqabe isicelo sokuthola irekhodi le-GPL ngenxa yezizathu ezilandelayo, phakathi kwezinye:

- (a) uma ukudalulwa kolwazi kuzoba wukugxambukela kungafanele ezindabeni zangasese zomuntu othile ohlonzekayo;
- (b) uma ukudalulwa kolwazi kuphathele ne zimfihlo zokuhweba zomuntu wesithathu;
- (c) uma ukudalulwa kolwazi kuphathele nolwazi oluhlinzekwe ngumuntu wesithathu ngaphansi kwesivumelwano sobumfihlo, futhi okungathi uma ludalulwa lokho kudale umonakalo othile kumuntu wesithathu;
- (d) uma ukudalulwa kolwazi kungenzeka kubeke engcupheni impilo nokuphepha komuntu othile;
- (e) uma ukudalulwa kolwazi kungenzeka kubeke engcupheni noma kuphazamise ukuphepha komphakathi, nanoma iyiphi ingxenye yomphakathi, noma umuntu ongaphansi kohlelo lokuvikelwa kofakazi, noma ukuvikeleka kwesakhiwo, uhlaka noma uhlelo, kubandakanya nohlelo lwekhompyutha noma lwezokuxhumana, noma indlela yezokuthutha, nanoma iyiphi enye impahla;
- (f) uma umfakisicelo efuna ukuthola amarekhodi aphaathelene namarekhodi okuqinisekisa ukugcinwa nokuthotshelwa komthetho noma uphenyo oluqhubekayo olushiwo kuMthetho Wenqubo Yamacala Obugebengu kanye/noma ulwazi oluvikelekile okungamele ludalulwe ngokuhambisana nenqubo yokuqulwa kwamacala; futhi
- (g) uma umfakisicelo efuna ukuthola amarekhodi aphaathelene nolwazi lwezihloko ezingaphansi kwe-SARS ngaphandle uma kunomyalelo wanoma iyiphi inkantolo ogunyaza ukuthi ludalulwe ulwazi lolo olushiwoyo.

## AMAKHAMBANI NEZIXAZULULO ZOKUBHEKANA NOKWENQABA NOLWAZI OLUGCINIWE LUKAHULUMENI

Umuntu ongagculisekile ngokwenqaba kwe-GPL ukudalula irekhodi (amarekhodi) angaqala ngokuthi asebenzise amakhambi nezixazuzlulo zangaphakathi, okusho, ukufaka isicelo sokubuyekezwa kwesinqumo kuSomlomo we-GPL, okuwuyena oyiSiphathimandla Esikhulu, kungakapheli izinsuku ezingama-60 emuva kokwenqaba lokho okushiwoyo. Uma kwenzeka uSomlomo naye esinqaba isicelo, umfakisicelo uvumelekile ukuthi adlulele kuMlawuli Wolwazi kanye/noma izinkantolo ukuze athole ukusizakala ngendlela ayifisayo.

### IZIMALI EZIKHOKHWAYO

NgokweSigaba 22 soMthetho Wokukhuthaza Ukutholakala Kolwazi, kunezinhlalo ezimbili zezimali okumele zikhokhwe, okuyiMali Yokufaka Isicelo kanye Nemali Yokuthola Ulwazi. Okwamanje, i-GPL ayiyibizi imali yokufaka isicelo solwazi kodwa umfakisicelo kungenzeka acelwe ukuthi akhokhe imali yokuthola ulwazi uma sivunyiwe isicelo sakhe okungaba yimali yokukhiqiza kabusha irekhodi kanye nokukhokhela noma yisiphi isikhathi esingaphezu kwamahora angaphezu kwalawo anqunyiwe okucinga nokulungisa irekhodi ukuze lidalulwe.

**Likhishwe ngu**



**[Advocate (Ummeli WaseMajajini) Mpho Daniel Maloka]  
(UNobhala WesiShayamthetho Sesifundazwe SaseGauteng)**



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