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P.N. 84/2010 26 February 2010

Department of the Community Safety:
Promotion of access to information Act
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P.K. 84/2010 26 Februarie 2010

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gang tot Inligting Wet 2000 (Wet 2 van
2000)22*Ibhaliswe ePosini ngengePhephandaba***IZIQULATHO****Isaziso Sephondo**

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hazwa Nokuxhaswa Kokufikeleleka Kul-
wazi Oluyimfuneko Umthetho ka-2000
(Umthetho 2 ka-2000)42

PROVINCIAL NOTICES

The following Provincial Notices are published for general information.

ADV. B. GERBER,
ACTING DIRECTOR-GENERAL

Provincial Building,
Wale Street
Cape Town.

PROVINSIALE KENNISGEWINGS

Die volgende Provinsiale Kennisgewings word vir algemene inligting gepubliseer.

ADV. B. GERBER,
WNDE DIREKTEUR-GENERAAL

Provinsiale-gebou,
Waalstraat
Kaapstad.

P.N. 84/2010

26 February 2010



DEPARTMENT OF THE COMMUNITY SAFETY
DEPARTEMENT VAN GEMEENSKAPSVEILIGHEID
ISEBE LOKHUSELEKO LOLUNTU

**MANUAL****OF THE**

**DEPARTMENT OF COMMUNITY SAFETY IN ACCORDANCE
WITH SECTION 14**

OF THE

**PROMOTION OF ACCESS TO INFORMATION
ACT 2000 (ACT 2 OF 2000)**

Foreword by Head of Department

The Department of Community Safety is proud to present this Section 14 manual in compliance with the The Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (PAIA). Key to democracy is a right to access to information as a fundamental to transforming our society. The PAIA is central to the transformation of our society. It is of critical importance that citizens be informed about PAIA and how the right of access to information can work for their benefit.

Section 32 (1) of the Constitution of the Republic of South Africa Act 108 of 1996 (the Constitution), provides that everyone has the right of access to records or/and information held by the state and any information held by another person and that is required for the exercise or protection of any rights.

Section 32 (2) of the Constitution provides for the enactment of national legislation to give effect to this fundamental right. The PAIA is the national legislation contemplated in section 32 (2) of the Constitution.

The PAIA prescribes that a Public Body must provide details of records held by such a Body so that any request for information may be accommodated. The PAIA requires that public and private bodies create both a manual describing which records they hold, and procedures for others to access that information. An electronic guide is kept on the website of the Department of Community Safety.

Public and private bodies must understand that their responsibilities under PAIA are not intended not to be a costly burden but an essential mechanism to ensure good governance, as well as act as a vehicle to transformation our society.

Yours sincerely


Dr. Gilbert Lawrence
Head of the Department
Community Safety

9/12/09

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1. INTRODUCTION

1.1 The Constitution

The Promotion of Access to Information Act No 2 of 2000 (PAIA) was enacted on 9 March 2001.

Section 14 requires an Information Officer to compile a manual on the function of and index of records held by the Department of Community Safety in at least 3 official languages

The purpose of the PAIA is to give effect to the Constitutional right of access to any information held by the State. Section 32 (1) of the Bill of Rights of the Constitution, provides for the right to access to information held by the state; and any information held by another person and that is required for the exercise or protection of any rights. Section 32 (2) of the Constitution in turn provides the enactment of national legislation that will give effect to this right, by respecting, protecting, promoting and fulfilling this right.

1.2 The Promotion of Access to Information Act

The Promotion of Access to Information Act, No. 2 of 2000 (Herein referred to as the "PAIA") is the national legislation which was enacted to give effect to the constitutional right of access to information. PAIA came into effect the 9 March 2001, with the exception of sections 10, 14, 15 and 51, which came into operation on 15 February 2002.

The PAIA sets out the requisite procedural issues attached to such requests. This manual is intended to foster a culture of transparency and accountability within the Department of Community Safety by giving effect to the right to information.

1.3 Regulations

Where a request is made in terms of PAIA, the Department of Community Safety, to which the request is made, is obliged to release the information, except where the PAIA expressly provides that the information may or must not be released.

1.4 Roles, terms and definitions related to the PAIA (Definitions and Interpretations)

Roles and terms	Definition/Description
Information Officer	<p>In the case of the Provincial Department of Community Safety it is the Head of the Department</p> <p>The Information Officer/ Deputy Information Officer of the Provincial Department of Community Safety may delegate a power or duty conferred or imposed on that Information Officer/ Deputy Information Officer by this Act to an official.</p> <p>Any delegation:</p> <ul style="list-style-type: none"> • Must be in writing • Does not prohibit the person who made the delegation from exercising the power concerned or performing the duty concerned himself or herself; and • May at any time be withdrawn or amended in writing by that person

Deputy Information Officer(s)	<p>The Head of Department of Community Safety must designate such number of persons as Deputy Information Officers as necessary to render the Provincial Department of Community Safety as accessible as reasonably possible for requesters of its records.</p> <p>The information officer of the Provincial Department of Community Safety has direction and control over every deputy information officer of this department.</p>
Personal Requester	<p>A requester seeking access to a record containing personal information about the requester.</p> <p>‘Personal Information’ means information about an identifiable individual, including, but not limited to:</p> <ul style="list-style-type: none"> • Information relating to the race, gender, sex, pregnancy, marital status, national ethnic or social origin, colour, sexual orientation, age, physical or mental health, well-being, disability, religion, conscience, belief, culture, language and birth of the individual; • Information relating to the education or the medical, criminal or employment history of the individual, or information relating to financial transactions in which the individual has been involved; • Any identifying number, symbol or other particular assigned to the individual; • The address, fingerprints or blood type of the individual; • The personal opinions views or preferences of the individual, except where they are about another individual or about a proposal for a grant, an award or a prize to be made to another individual; • Correspondence sent by the individual that is implicitly of a private or confidential nature, or further correspondence that would reveal the contents of the original correspondence; • The views or opinions of another individual about the individual; • The views or opinions of another individual about a proposal for a grant, an award or a prize to be made to the individual, but excluding the name of the other individual where it appears with the views or opinions of the other individual; and • The name of the individual where it appears with other personal information relating to the individual, or where the disclosure of the name itself would reveal information about the individual, but excluding information about an individual who has been dead for more than 20 years.
Requester	<ul style="list-style-type: none"> • Any person making a request for access to a record of the Provincial Department of Community Safety; or • Only those public bodies that are exercising a public power or performing a public function in terms of legislation
Third Party	<ul style="list-style-type: none"> • In relation to a request for access to a record of the Provincial Department of Community Safety, a third part means: • Any person (including, but not limited to, the government of a foreign state, an international organisation or an organ of that government or organisation) other than: • The requester concerned and; • The Provincial Department of Community Safety; but for the purposes of sections 34 and 63 of the Act, the

	reference to "person" in paragraphs (a) and (b) must be constructed as a reference to a "natural person"
Relevant Authority	In relation to The Provincial Department of Community Safety, the Relevant Authority means the Head of Department responsible for the Provincial Department or the person designated in writing by that Head of Department.
Human Rights Commission	Means the South African Human Rights Commission referred to in section 181(1)(b) of the Constitution
Record PAIA Manual	In relation with the Provincial Department of Community Safety, a record means any recorded information : <ul style="list-style-type: none"> • Regardless of form or medium • In the possession or under the control of the Department of Community Safety. • Whether or not it was created by the Department of Community Safety
Days	"when any particular number of days is prescribed for the doing of any act, or for any other purpose, the same shall be reckoned exclusively of the first and inclusively of the last day, unless the last day happens to fall on a Sunday or on a public holiday, in which case the time shall be reckoned exclusively of the first day and exclusively also of every Sunday or Public Holiday. Interpretation Act, (act No 33 of 1957, Section 4 "Reckoning of number of days"
Working days	Means any days other than Saturday, Sundays or Public Holidays, as defined in section 1 of the Public Holidays Act, 1994 (Act No 36 of 1994)

2. PURPOSE OF THE MANUAL

Section 15 of PAIA provides that the information officer must once a year submit to the Minister of Justice and Constitutional Development, a description of the categories of records that are automatically available without a person having to request access.

The purpose of this Manual is to identify the structures and functions of the Department of Community Safety and describe its records systems to facilitate the objectives of PAIA (The Promotion of Access to information Act, Act 2 of 2000 (hereinafter referred to as "PAIA", or "the Act" interchangeably) is the national legislation which was enacted to give effect to the constitutional right of access to information.)

The manual provides an overview of records held by the Department of Community Safety and the processes that needs to be adopted to access such records.

All requests for access to information (other than information freely available to the public) should be directed to the Information Officer or Deputy Information Officers as provided for in Section 3 of this Manual.

Copies of the guide should be available at all places of legal deposit.

3. STRATEGIC GOALS AND OBJECTIVES OF THE DEPARTMENT OF COMMUNITY SAFETY

3.1. Strategic Goals

3.1.1. Goal One: Administration

To ensure internal process excellence

Goal Statement	To ensure internal process excellence to support the Department in effectively delivering on its mandate
Justification	It ensures the optimal functioning of the Department
Links	It will contribute towards the attainment of all the Departmental goals, which consecutively contribute towards the attainment of provincial and national strategic goals

3.1.2. Goal Two: Provincial Secretariat for Safety and Security

To direct Policing in the Western Cape

Goal Statement	To implement the Constitutional and Legislative mandate of civilian oversight over law enforcement agencies and implement both National and Provincial Policies on safety and security
Justification	This aims to provide oversight over policing in the Western Cape through the management of a civilian oversight accountability framework.
Links	Constitution of South Africa Act 108 of 1996, Section 206; South African Police Service Act 68 no. 1995, Section 3 (1); National Crime Prevention Strategy 1996; White Paper on Safety and Security, 1998

3.1.3. Goal Three: Security Risk Management

To ensure a sound provincial safety regulatory framework

Goal Statement	To ensure that Heads of Department are empowered to effectively maintain a security service
Justification	The provision of a safe and secure environment will enhance the quality of service delivery
Links	The execution of the goal will contribute to the achievement of secure working environments in the Province and ties in with the goal of minimising security risks

3.1.4. Goal Four: Traffic Safety Promotion

To promote and enhance Traffic Safety Management in the Western Cape

Goal Statement	To promote and enhance Traffic Safety by leading development and implementation of Provincial road safety strategies, policies and training for the Western Cape.
Justification	To ensure integration and uniformity and the pooling of resources of the various agencies (primary and secondary) responsible for Traffic Safety in the Province
Links	Integrated provincial traffic safety strategies, policies and training to contribute towards achievement of national and provincial government strategic goal of seamless government, improved service delivery, and reduction of fatalities, Burden of Disease and ultimately poverty alleviation

3.2. Vision and Mission of the Department of Community Safety

Vision

A safer open opportunity society for all... free of the fear of crime.

Mission

The Department of Community Safety will promote freedom and opportunity for all the people of the province by improving efficiency and effectiveness in the field of safety and security through a process of civilian oversight, integrated crime prevention strategies, traffic safety promotion and security risk management

4. THE STRUCTURE OF THE DEPARTMENT

The Member in Executive Council (MEC) is the Political head of the Department and the administrative wing of the Department is headed by the Head of Department (HOD), who is also the Department's Accounting Officer. The Department consists of the following main branches namely:

- (a) Programme 1: Administration – To ensure internal process excellence.
- (b) Programme 2: Provincial Secretariat for Safety and Security – To direct policing in the Western Cape.
- (c) Programme 3: Security Risk Management – To improve the safeguarding and protection of employees, stakeholders, information and assets of the PGWC.
- (d) Programme 4: Traffic Safety Promotion – To manage and enhance Traffic Safety Management in the Western Cape.

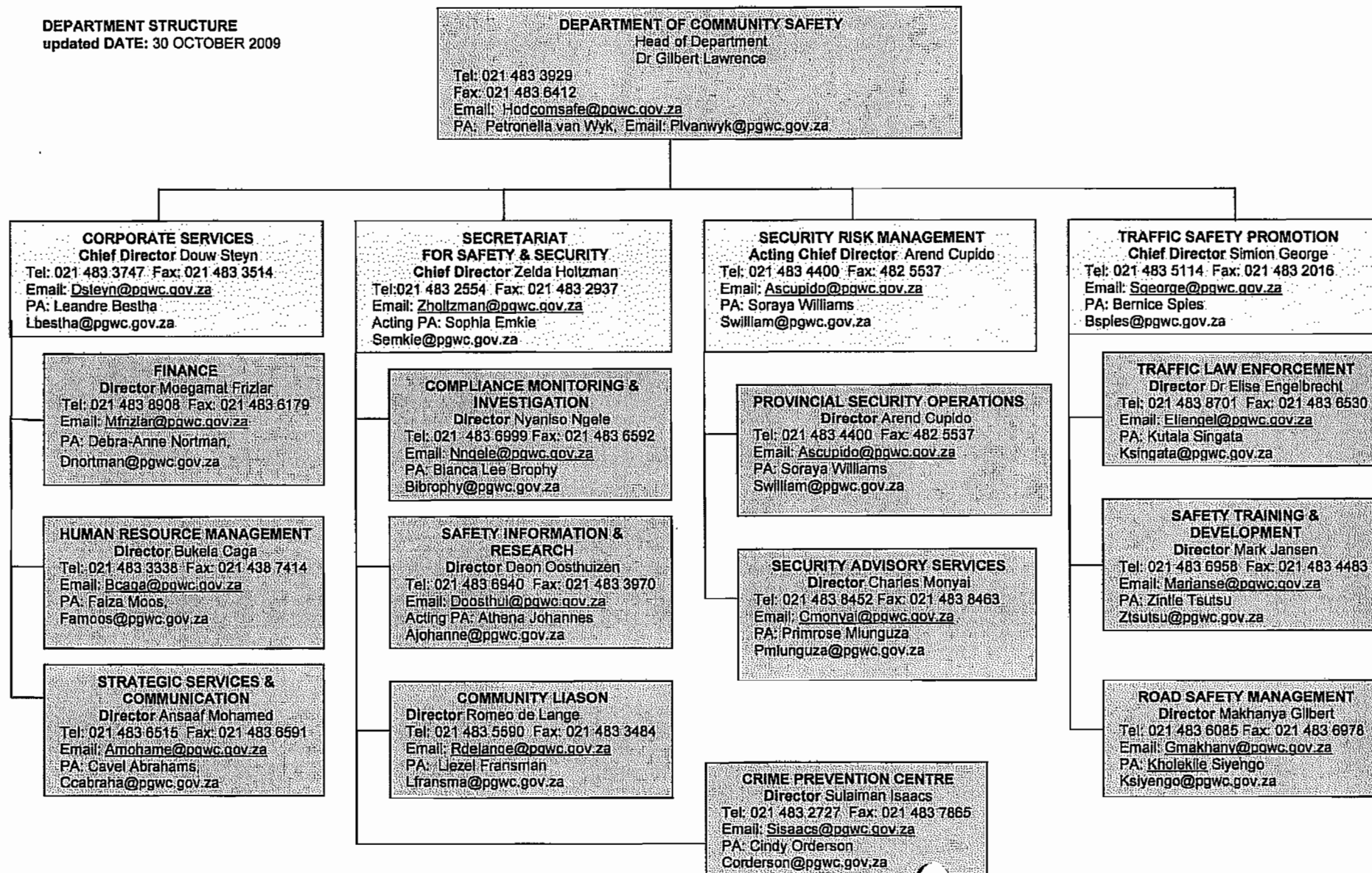
5. SCHEMATIC STRUCTURE OF THE DEPARTMENT OF COMMUNITY SAFETY, WESTERN CAPE

(Refer to page 10, Departmental Organogram)

MINISTER OF COMMUNITY SAFETY

The Honourable MEC Lennit Max
Tel: 021-483-3871 Fax: 021 483 3709
PA: Patricia Lloyd
Plloyd@pgwc.gov.za

DEPARTMENT STRUCTURE
updated DATE: 30 OCTOBER 2009



6. CONTACT DETAILS

Information Officer	Dr G Lawrence (Head of Department)
Deputy Information Officer	Ms A Mohamed
E-Mail Address	Amohamed@pgwc.gov.za
Postal Address	P. O. Box 5346 Cape Town 8000
Physical Address	35 Wale Street, 2 nd Floor, Cape Town, 8001
Telephone number	021-483- 3868
Fax Number	021-483-6591
Deputy Information Officer	Ms R Medina-Molina
E-Mail address	Rmolina@pgwc.gov.za
Postal address	P. O. Box 5346 Cape Town 8000
Physical Address	35 Wale Street, 2 nd Floor, Cape Town
Telephone number	021-483-4100
Fax Number	021-483-6591

7. ACCESS TO RECORDS HELD BY THE DEPARTMENT OF COMMUNITY SAFETY, WESTERN CAPE PROVINCE

7.1. Description of categories of Records Automatically available in Terms of Section 15(1) of the PAIA

<ul style="list-style-type: none"> a. Annual Reports b. Budget c. Budget Speeches d. Service Standards and Norms e. 5 Year Strategic Plan f. Publications and Pamphlets g. Newsletters h. Acts and Regulations i. Policies j. Circulars of advertised posts k. White Papers l. MEC's Speeches m. Pamphlets n. Posters o. Annual Performance Plan p. Quarterly Performance Reports 	Hard copies
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7.2. Records that may be requested – Section 14(d)

This section of the Manual serves as a reference to the records that the Department of Community Safety holds in order to facilitate a request in terms of the PAIA.

Records that may be requested

Function	Records Categories
1. Programme 1 (Coordinating and supporting the governance and compliance requirements of government on behalf of the Department)	Electronic systems – PERSAL Personal files of employees Injury on duty files Organizational Structures Staff Establishment Performance Contracts
Human Resource Management	Performance evaluation reports Bursary Files Training Manuals Work –study Research Reports Leave files Salary Files File Plans Register of incoming and outgoing items Register of files opened Service level agreements Training Manuals Selection (Appointment records) Labour Relations

Financial Management	Audit Reports Payment Vouchers Asset Register S&T Claims Orders Receipts Invoices Financial Statements and reports BAS (Basic accounting Systems) Quotations Minutes of Tender Committee Meetings Tender Contracts Maintenance Files : IT Infrastructure Data Base of Suppliers Tender Evaluations reports Application : E-mail
Directorate Strategic Services and Communication	Project Business Policies Annual Performance Plan Quarterly Reports Annual Reports Strategic Plans
Programme 2 Secretariat for Safety and Security	School Safety Commuter Safety Youth Safety Programme Victim Support –Training Manual and Facilitator's guide Education and awareness around preventing the abuse of children Liquor Control and Farm Safety Community Safety Forums Crime Prevention Community Liaison Monitoring reports
Programme 3 Security Risk Management	Security Policy Inspection Reports Anti Fraud and Corruption Investigations Security Advisory Services
Programme 4 Traffic Safety Promotion	Programme support Traffic Law Enforcement Road Safety Management Traffic Training and development Logbooks Maintenance reports Accident reports, Files on misuse of Government Vehicles and fraud reports

8. REQUEST FOR ACCESS TO A RECORD HELD BY OR UNDER CONTROL OF THE DEPARTMENT OF COMMUNITY SAFETY (15b)

8.1. Obtain a Request form

Obtain a request form (Form A) – Request for Access to Records of Public Body by –

- (a) personally obtaining it from the deputy information officer ; or
- (b) phoning, e-mailing or writing a letter to the relevant Deputy Information Officer and requesting that such a form be faxed or posted (or be send by e-mail where possible for such a deputy information officer) to the requestor to the address or number as provided by him or her.

8.2. Completion of Request form

- (a) Complete the request form fully and submit it to the deputy information officer
- (b) The deputy Information officer can assist the requester with the request for access to records to ensure that the request complies with the requirements of the Act. (Requesters who cannot read or write can make oral requests to the information officer of a public body who must fill in the request form for the requester
- (c) Sufficient particulars to enable an official of the public body to identify the requester.
- (d) Sufficient particulars to identify the record, including the reference number, if that is known to the requester. If the space in the request form is not adequate, the requester may continue on a separate folio and attach it to the request form. The requester must sign all additional folios.
- (e) Clearly indicate the form of access or nature of the record in which the record should be provided
- (f) The preferred language in which the record should be provided in the case of a public body
- (g) The postal address or fax number of the requester in the Republic
- (h) State the manner in which the requester would like to be informed about the decision on the request
- (i) If the request is made on behalf of another person, to submit proof of the capacity in which the requester is making the request.
- (j) If the request form is not fully completed, the deputy Information officer may not refuse the request if it is not fully or correctly completed. The deputy Information officer will notify the requester by the means of a Notice of intended refusal. In such an event, the requester may then provide more detailed information regarding the request.

8.3. Submission of request form

The fully completed request form must be submitted by hand, fax or post to the relevant deputy Information officer.

8.4. How to gain access to records not automatically disclosed

- (a) A requester must use the form that has been printed in the Government Gazette (Govt Notice R187-15 February 2002) (Form A)
- (b) The requester must also indicate if the request is for a copy of the record or if the requester wants to come in and look at the record at the Offices of the Department. Alternatively, if the record is not a document can viewed in the presence of the Information officer.
- (c) If a person asks for access in a particular form then the requester should get access in the manner that has been asked for. This is unless doing so would interfere unreasonably with the running of the public body concerned, or damage the record, or infringe a copyright not owned by the state. If for practical reasons access cannot be given in the required form but in an alternative manner, then the fee must be calculated according to the way that the requester first asked for it.
- (d) If in addition to a written reply to their request for the record, the requester wants to be told about the decision in any way, for example, telephonically - this must be indicated.
- (e) If a requester is asking for the information on behalf of somebody else, the capacity in which the request is being made should be indicated .
- (f) If a requester is unable to read or write, or has disability, then they can make the request for the record orally. The information officer must then complete the form on behalf of such a requester and a copy should be given to him/her copy .14g.

9. FEES

9.1. Types of fees payable

- (a) There are 2 types of fees required to be paid in terms of the PAIA, being the request fee and the access fee S22.
- (b) The information officer must notify the requester (other than a personal requester) by notice, to pay the prescribed fee (if any) before further processing the request.
- (c) The request fee payable to public bodies is R35. The requester may lodge an internal appeal, where appropriate or an application to the court against the tender of payment of the request fee.
- (d) After the information officer has made a decision on the request the requester must be notified of such a decision in the way in which the requester wanted to be notified in.

- (e) If the requester is granted then a further access fee must be paid for the research, preparation, reproduction and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

9.2. General Provisions

In terms of section 92 of PAIA, the Minister (of Justice and Constitutional Development) may by notice in the Government Gazette make regulations Relating to fees for the records of public bodies and private bodies (Government Notice No R223 dated 9 March 2001)

9.3. Exemption from fees

A person is exempted from paying the request fee if such a person- (also see point 7.1 on page 11)

- (a) Is a personal requester ("personal Requester" means a requester seeking access to a record containing personal information about himself or herself.
- (b) Request information which is already in the public domain or published as "automatically available records" or
- (c) Is exempted by the Minister of Justice by proclamation in the Gazette from paying-
 - (i) requested fees
 - (ii) any fees

10. LEGAL REMEDIES:

The Act makes provision for an internal appeal procedure which must be exhausted before the matter may be taken to court. This internal appeal procedure is applicable to national and provincial departments and municipalities only; (Section 74-77)

10.1. Right of Internal Appeal to Executing Authority

An internal appeal against a decision of the information officer or Deputy Information Officer may be lodged with the MEC for Community Safety, or the person designated in writing by the MEC, on the following grounds:

- (a) a refusal to grant access; or
- (b) a decision taken in terms of sections 22, 26 (1) or 29(3)
- (c) A third party may lodge an internal appeal against a decision of the Information officer or deputy information officer to grant a request for access.

10.2. Manner of Internal Appeal

An internal appeal must –

- (a) Be lodged in the prescribed Form B within **60 days** if notice to a third party as required by section 49(1)(b) and **within 30 days after** decision was taken or notice has been given to the appellant of the decision appealed against.
- (b) Be delivered or sent to the information officer / deputy information officer at his or her address, fax number or electronic mail address;
- (c) Identify the subject of the internal appeal and state the reasons thereof and may include any other relevant information known to the appellant;
- (d) State the manner and provide the particulars, which the appellant desires to be informed of on the decision of the internal appeal in addition to a written reply;

and
- (e) Specify a postal address or fax number
- (f) If an internal appeal is lodged after the expiry of the period referred to, the MEC must, upon good cause shown, allow the late lodging of the appeal.
- (g) If the MEC disallows the late lodging of the appeal, he/she must give notice of that decision to the person who lodged the appeal.
- (h) A requester lodging the appeal against the refusal of his/her request for access must pay the prescribed fee (if any)
- (i) If the prescribed appeal fee is payable in respect of an appeal, the decision of the appeal may be deferred until the fee is paid.
- (j) As soon as reasonably possible, but in any event within 10 working days after receipt of an appeal or Deputy Information Officer must submit to the MEC:

11. APPLICATIONS TO COURT

Application regarding decisions of the MEC or the person designated in writing by the MEC

- (a) Requester or third party may only, after exhausting the internal appeal procedure against a decision of an information officer or deputy information officer, apply to a court for appropriate relief.
- (b) A requester whose internal appeal has been unsuccessful or aggrieved by a decision of the MEC or person designated in writing by the MEC to disallow the late lodging of an internal appeal in terms of section 75(2) may, by way of an application, within 30 days apply to a court for appropriate relief in terms of section 82.

- (c) The unsuccessful third party in an internal appeal to the relevant executing authority may, by way of an application, within 30 days apply to a court for appropriate relief in terms of section 82.

12. WHEN ACCESS TO INFORMATION MAY BE REFUSED

PAIA balances the requester's constitutional right to information against the information officer's right to refuse access to information, if granting the information would harm the public body in question on any of the grounds mentioned below:

- (a) Mandatory protection of privacy of a third party who is a natural person
- (b) Mandatory protection of certain records of South African Revenue Services
- (c) Mandatory protection of commercial information of a third party
- (d) Mandatory protection of certain confidential information, and protection of certain n other confidential information of a third party
- (e) Mandatory protection of safety of individuals and protection of property
- (f) Mandatory protection of police dockets in bail proceedings, and protection of law enforcement and legal proceedings
Mandatory protection of record privileged from production in legal proceedings
- (h) Defence, security and international relations of the Republic
- (i) Economic interest and financial welfare of the Republic and commercial activities of public bodies
- (j) Mandatory protection of research information of a third party, and protection of research information of a public body
- (k) Operation of public bodies
- (l) Manifestly frivolous or vexatious requests, or substantial and unreasonable diversion of resources
- (m) Mandatory disclosure in the public interest

13. UPDATING OF THE MANUAL (SECTION 14)(2)

The Department may, if necessary, update and publish its Manual (Section 14 Manual) at intervals of not more than one year.

14. AVAILABILITY OF THE MANUAL (SECTION 14)(3)

The manual will be made available in the following languages:

English
Afrikaans
Xhosa

15. THE SECTION 10 GUIDE ON HOW TO USE THE PAIA (SECTION 14(1) c)

The Commission (Human Rights Commission) launched the The Guide on 01 March 2005. The Guide is also available on the web site of the Human Rights Commission - www.sahrc.org.za

16. REFERENCES:

2. The Guide on how to use the Promotion of Access to Information Act,
3. Act 2 of 2000
4. Section 14 PAIA Manual – Limpopo Government
5. PAIA Manual of National Department of Housing
6. PAIA Manual of the National Department of Public Service and
7. Administration
8. Public Finance Management Act of 1999.
9. Batho Pele Principles
10. Annual Report 08/09. (Department of Community Safety)
11. Human Rights PAIA Manual
9. Department of Housing, W/Cape, PAIA Manual.



DEPARTMENT OF THE COMMUNITY SAFETY

DEPARTEMENT VAN GEMEENSKAPSVEILIGHEID
ISEBE LOKHUSELEKO LOLUNTU



HANDLEIDING

VAN DIE

DEPARTEMENT VAN GEMEENSKAPSVEILIGHEID INGEVOLGE
ARTIKEL 14

VAN DIE

WET OP DIE BEVORDERING VAN TOEGANG TOT INLIGTING
(WET 2 VAN 2000)

Uitgereik deur die Inligtingsbeampte van die Departement van
Gemeenskapsveiligheid

Voorwoord deur die Hoof van die Departement

Die Departement van Gemeenskapsveiligheid bied hierdie Artikel 14-handleiding in ooreenstemming met die Wet op die Bevordering van Toegang tot Inligting, Wet 2 van 2000 (PAIA) met trots aan. Die sleutel tot demokrasie is 'n reg tot toegang tot inligting as 'n grondbeginsel vir die transformasie van ons samelewing. Die PAIA is die kern vir die transformasie van ons samelewing. Dit is van kritieke belang dat burgers ingelig word oor PAIA en hoe die reg tot toegang tot inligting tot hulle voordeel kan werk.

Artikel 32 (1) van die Grondwet van die Republiek van Suid-Afrika, Wet 108 van 1996 (die Grondwet), bepaal dat almal die reg het tot toegang tot rekords of/en inligting wat deur die staat gehou word en enige inligting wat deur 'n ander persoon gehou word en wat vir die uitvoering of beskerming van enige regte vereis word.

Artikel 32 (2) van die Grondwet maak voorsiening vir die bekragtiging van nasionale wetgewing om uitvoering aan hierdie fundamentele reg te gee. Die PAIA is die nasionale wetgewing wat in artikel 32 (2) van die Grondwet bedoel word.

Die PAIA bepaal dat 'n Openbare Liggaam detail van rekord wat deur sodanige Liggaam gehou word, moet verskaf sodat enige versoek om inligting geakkommodeer kan word. Die PAIA vereis dat openbare en private liggame 'n handleiding wat beskryf watter rekords hulle hou, asook prosedures vir ander om daardie inligting te bekom moet skep. 'n Elektroniese riglyn word op die webwerf van die Departement van Gemeenskapsveiligheid gehou.

Openbare en private liggame moet besef dat hulle verantwoordelikhede onder PAIA nie bedoel is om 'n duur las te wees nie, maar 'n noodsaaklike meganisme om goeie beheer te verseker en om ook as 'n transformasiemiddel vir ons samelewing te dien.

Vriendelik die uwe

Dr. Gilbert Lawrence
Hoof van die Departement
Gemeenskapsveiligheid

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1. INLEIDING

1.1 Die Grondwet

Die Wet op die Bevordering van Toegang tot Inligting, Wet 2 van 2000 (PAIA) is op 9 Maart 2001 bekragtig.

Artikel 14 vereis dat 'n Inligtingsbeampte 'n handleiding oor die funksie van en indeks van rekords wat deur die Departement van Gemeenskapsveiligheid gehou word in minstens drie amptelike tale moet opstel.

Die doel van die Wet op die Bevordering van Toegang tot Inligting is om uitvoering te gee aan die grondwetlike reg tot toegang tot enige inligting wat deur die Staat gehou word. Artikel 32 (1) van die Grondwet van die Republiek van Suid-Afrika, Wet van (die Grondwet), bepaal dat almal die reg het tot toegang tot rekords of/en inligting wat deur die staat gehou word en enige inligting wat deur 'n ander persoon gehou word en wat vir die uitvoering of beskerming van enige regte vereis word. Artikel 32 (2) van die Grondwet bepaal die bekragtiging van nasionale wetgewing wat uitvoering sal gee aan hierdie reg, deur hierdie reg te respekteer, te beskerm, te bevorder en daaraan te voldoen.

1.2 Die Wet op die Bevordering van Toegang tot Inligting

Die Wet op die Bevordering van Toegang tot Inligting, Wet 2 van 2000 (hierna na verwys as die "PAIA") is die nasionale wetgewing wat bekragtig is om uitvoering te gee aan die grondwetlike reg tot toegang tot inligting. PAIA is op 9 Maart 2001 bekragtig, met uitsondering van artikels 10, 14, 15 en 51, wat op 15 Februarie 2002 in werking getree het.

Die PAIA sit die vereiste proseduresake verbonde aan sodanige versoeke uiteen. Hierdie handleiding is bedoel om 'n kultuur van deursigtigheid en aanspreeklikheid binne die Departement van Gemeenskapsveiligheid te kweek deur uitvoering te gee aan die reg op inligting.

1.3 Regulasies

Waar 'n versoek ingevolge PAIA gemaak word, is die Departement van Gemeenskapsveiligheid aan wie hierdie versoek gerig word, verplig om die inligting beskikbaar te stel, behalwe in gevalle waar die PAIA uitdruklik bepaal dat die inligting nie bekend gemaak moet of mag word nie.

1.4 Rolle, terme en definisies met betrekking tot die PAIA (Definisies en Interpretasies)

Rolle en terme	Definisie/Beskrywing
Inligtingsbeampte	<p>In die geval van die Provinsiale Departement van Gemeenskapsveiligheid is dit die Hoof van die Departement. Die Inligtingsbeampte/Adjunk- Inligtingsbeampte van die Provinsiale Departement van Gemeenskapsveiligheid kan 'n mag of plig deur hierdie wet aan 'n beampte toegeken of opgelê aan daardie Inligtingsbeampte/Adjunk- Inligtingsbeampte delegeer.</p> <p>Alle delegasies:</p> <ul style="list-style-type: none"> • Moet skriftelik wees • Verhoed nie die persoon wat die delegasie gemaak

	<p>het om die betrokke mag of plig self uit te voer nie; en</p> <ul style="list-style-type: none"> • Kan te enige tyd teruggetrek of skriftelik deur daardie persoon gewysig word.
Adjunk-Inligtingsbeampte(s)	<p>Die Hoof van die Departement van Gemeenskapsveiligheid moet sodanige aantal persone as Adjunk- Inligtingsbeamptes aanwys as wat nodig is om die Provinsiale Departement van Gemeenskapsveiligheid so toeganklik as wat redelikerwys moontlik is vir die aanvraers van sy rekords te maak. Die inligtingsbeampte van die Provinsiale Departement van Gemeenskapsveiligheid het direksie en beheer oor elke Adjunk- Inligtingsbeampte in hierdie departement.</p>
Persoonlike Aanvraer	<p>'n Aanvraer wat toegang tot 'n rekord met persoonlike inligting oor die aanvraer verlang.</p> <p>"Persoonlike Inligting" beteken inligting oor 'n identifiseerbare individu, insluitende, maar nie beperk nie tot</p> <ul style="list-style-type: none"> • Inligting ten opsigte van ras, geslag, swangerskap, huwelikstatus, nasionaliteit, etniese of sosiale status, kleur, seksuele oriëntasie, ouderdom, fisieke of geestesgesondheid, welstand, gestremdheid, godsdienst, gewetensake, oortuigings, kultuur, taal en geboorte van die individu; • Inligting rakende die onderrig of die mediese, kriminele of diensgeskiedenis van die individu, of inligting rakende die finansiële transaksies waarby die individu betrokke was; • Enige identifiseerbare getal, simbool of ander besonderheid wat aan hierdie individu toegeskryf is; • Die adres, vingerafdrukke of bloedgroep van die individu; • Die persoonlike menings, sienings of voorkeure van die individu, behalwe waar dit oor 'n ander individu of 'n voorstel vir 'n toelae, 'n toekenning of 'n prys aan 'n ander individu gaan; • Korrespondensie wat deur die individu gestuur is en wat implisiet van 'n privaat of vertroulike aard is, of verdere korrespondensie wat die inhoud van die oorspronklike korrespondensie sal onthul; • Die sienings of menings van 'n ander individu oor die individu; • Die sienings of menings van 'n ander individu oor 'n voorstel vir 'n toelae, 'n toekenning of 'n prys wat aan die individu toegeken moet word, maar wat die naam van die ander individu uitsluit waar dit met sienings of menings van die ander individu verskyn; en • Die naam van die individu waar dit met ander persoonlike inligting oor die individu verskyn, of waar die bekendmaking van die naam self inligting oor 'n individu sou onthul, maar dit sluit inligting uit oor 'n individu wat langer as 20 jaar oorlede.
Aansoeker	<ul style="list-style-type: none"> • Enige persoon wat 'n versoek om toegang tot 'n rekord van die Provinsiale Departement van Gemeenskapsveiligheid rig; of • Slegs daardie openbare liggame wat 'n openbare mag uitoefen of 'n openbare funksie kragtens wetgewing uitvoer.
Derde Party	<ul style="list-style-type: none"> • Wat 'n versoek om toegang tot 'n rekord van die Provinsiale Departement van Gemeenskapsveiligheid betref; beteken 'n derde party; • Enige persoon (insluitend, maar nie beperk nie tot, die regering van 'n buitelandse staat, 'n internasionale organisasie of 'n orgaan van die staat of organisasie), uitsluitend:

	<ul style="list-style-type: none"> Die betrokke aanvrager en; Die Provinsiale Departement van Gemeenskapsveiligheid; maar vir die doeleindes van artikels 34 en 63 van die Wet moet die verwysing na "persoon" in paragraaf (a) en (b) as 'n verwysing na 'n "natuurlike persoon" opgeneem word.
Toepaslike Gesag	Wat die Provinsiale Departement van Gemeenskapsveiligheid betref, beteken die Toepaslike Gesag die Hoof van die Departement verantwoordelik vir die Provinsiale Departement of die persoon wat skriftelik deur daardie Hoof van die Departement aangewys is.
Menseregtekommissie	Betekende die Suid-Afrikaanse Menseregtekommissie waarna in artikel 181(1)(b) van die Grondwet verwys word.
Inskrywing/rekord in PAIA-handleiding	Wat die Provinsiale Departement van Gemeenskapsveiligheid betref, beteken 'n inskrywing/rekord enige opgetekende inligting: <ul style="list-style-type: none"> Ongeag vorm of medium In die besit of in die beheer van die Departement van Gemeenskapsveiligheid Of dit deur die Departement van Gemeenskapsveiligheid geskep is, al dan nie.
Dae	<p><i>"when any particular number of days is prescribed for the doing of any act, or for any other purpose, the same shall be reckoned exclusively of the first and inclusively of the last day, unless the last day happens to fall on a Sunday or on a public holiday, in which case the time shall be reckoned exclusively of the first day and exclusively also of every Sunday or Public Holiday."</i></p> <p>Interpretasiewet (Wet 33 van 1957) artikel 4 "Reckoning of number of days"</p>
Werksonderdae	Alle dae benewens Saterdag, Sondag of Openbare vakansiedae, soos omskryf in artikel 1 van die Wet op Openbare Vakansiedae, 1994 (Wet 36 van 1994)

2. DOEL VAN DIE HANDLEIDING

Artikel 15 van PAIA bepaal dat die inligtingsbeampte een maal per jaar 'n beskrywing van die kategorieë van rekords wat outomaties beskikbaar is sonder dat 'n persoon toegang hoef aan te vra aan die Minister van Justisie en Grondwetlike Ontwikkeling moet voorleë.

Die doel van hierdie Handleiding is om die strukture en funksies van die Departement van Gemeenskapsveiligheid te identifiseer en die rekordstelsels te beskryf om die doelwitte van PAIA te fasiliteer (Die Wet op die Bevordering van Toegang tot Inligting, Wet 2 van 2000 (hierna afwisselend na verwys as "PAIA", of "die Wet") is die nasionale wetgewing wat bekragtig is om die konstitusionele reg van toegang tot inligting ten uitvoer te bring.) Die handleiding bied 'n oorsig van rekords wat deur die Departement van Gemeenskapsveiligheid gehou word en die prosesse wat ingestel moet word om toegang tot sodanige rekords te verkry.

Alle versoeke om toegang tot inligting (benewens inligting wat vryelik vir die publiek beskikbaar is) moet gerig word aan die Inligtingsbeampte of Adjunk-Inligtingsbeamptes soos in artikel 3 van hierdie Handleiding aangedui word

Afskrifte van die gids moet op alle regsplekke beskikbaar gestel word.

3. STRATEGIESE DOELWITTE EN MIKPUNTE VAN DIE DEPARTEMENT VAN GEMEENSKAPSVEILIGHEID

3.1. Strategiese Doelwitte

3.1.1. Doelwit Een: Administrasie

Om voortreflike interne diens te verseker

Doelstelling	Om 'n voortreflike interne proses te verseker om die Departement te steun om sy mandaat doeltreffend te lewer.
Regverdiging	Dit verseker die optimale funksionering van die Departement.
Skakels	Dit sal bydra tot die bereik van al die Departementele doelwitte wat dan tot die bereik van provinsiale en nasionale doelwitte lei.

3.1.2. Doelwit Twee: Provinsiale Sekretariaat vir Veiligheid en Sekuriteit

Om Polisiëring in die Wes-Kaap te lei

Doelstelling	Om die Konstitusionele en Wetgewende mandaat van burgerlike oorsig oor wetstoepassingsagentskappe te implementeer en Nasionale asook Provinsiale beleide oor veiligheid en sekuriteit te implementeer.
Regverdiging	Die doel hiervan is om toesig oor polisiëring in die Wes-Kaap deur die bestuur van 'n burgerlike toesig-aanspreeklikheidsraamwerk te verskaf.
Skakels	Grondwet van Suid-Afrika, wet 108 van 1996, artikel 206; Wet op die Suid-Afrikaanse polisie, wet 68 van 1995, artikel 3 (1); Nasionale Misdaadvoorkomingstrategie 1996; Witskrif oor Veiligheid en Sekuriteit, 1998.

3.1.3. Doelwit Drie: Sekuriteitsrisikobestuur

Om 'n sterk provinsiale veiligheidsreguleringsraamwerk te verseker.

Doelstelling	Om te verseker dat Hoofde van Departemente bemaagtig is om 'n sekuriteitsdiens doeltreffend te handhaaf.
Regverdiging	Die voorsiening van 'n veilige omgewing sal die gehalte van dienslewering verhoog.
Skakels	Die vervulling van die doelwit sal tot die bereik van veilige werkomgewings in die provinsie bydra en skakel in by die doel om sekuriteitsrisiko's te minimaliseer.

3.1.4. Doelwit Vier: Bevordering van Verkeersveiligheid

Die bevordering en verhoging van Verkeersveiligheidsbestuur in die Wes-Kaap

Doelstelling	Om Verkeersveiligheid te bevorder en te verhoog deur ontwikkeling en implementering van Provinsiale padveiligheidsstrategieë, beleide en opleiding vir die Wes-Kaap.
Regverdiging	Om integrasie en eenvormigheid en die saamgooi van hulpbronne van die verskillende agentskappe (primêr en sekondêr) wat vir Verkeersveiligheid in die Provinsie verantwoordelik is te verseker.
Skakels	Geïntegreerde provinsiale verkeersveiligheidsstrategieë, -beleide en opleiding om tot die bereik van strategiese doelwitte van naatlose bestuur, verbeterde dienslewering en vermindering van sterftes, siektelas en uiteindelik armoedeverligting vir nasionale en provinsiale regering by te dra.

3.2. Visie en Missie van die Departement van Gemeenskapsveiligheid

Visie

'n Veiliger oopgeleentheid-samelewing vir almal... vry van vrees vir misdaad.

Missie

Die Departement van Gemeenskapsveiligheid sal vryheid en geleentheid vir almal in die provinsie bevorder deur doeltreffendheid ten opsigte van veiligheid en sekuriteit deur 'n proses van burgerlike toesig, geïntegreerde misdaadvoorkomingstrategieë, verkeersveiligheidsbevordering en sekuriteitsrisikobestuur te verbeter.

4. DIE STRUKTUUR VAN DIE DEPARTEMENT

Die Lid van die Uitvoerende Raad (LUR) is die Politieke Hoof van die Departement en die administratiewe afdeling van die Departement word geleë deur die Hoof van die Departement (HVD) wat ook die Departement se rekenpligtige amptenaar is. Die Departement bestaan uit die volgende hooftakke, naamlik:

- (a) Program 1: Administrasie – Om voortreflike interne prosesse te verseker.

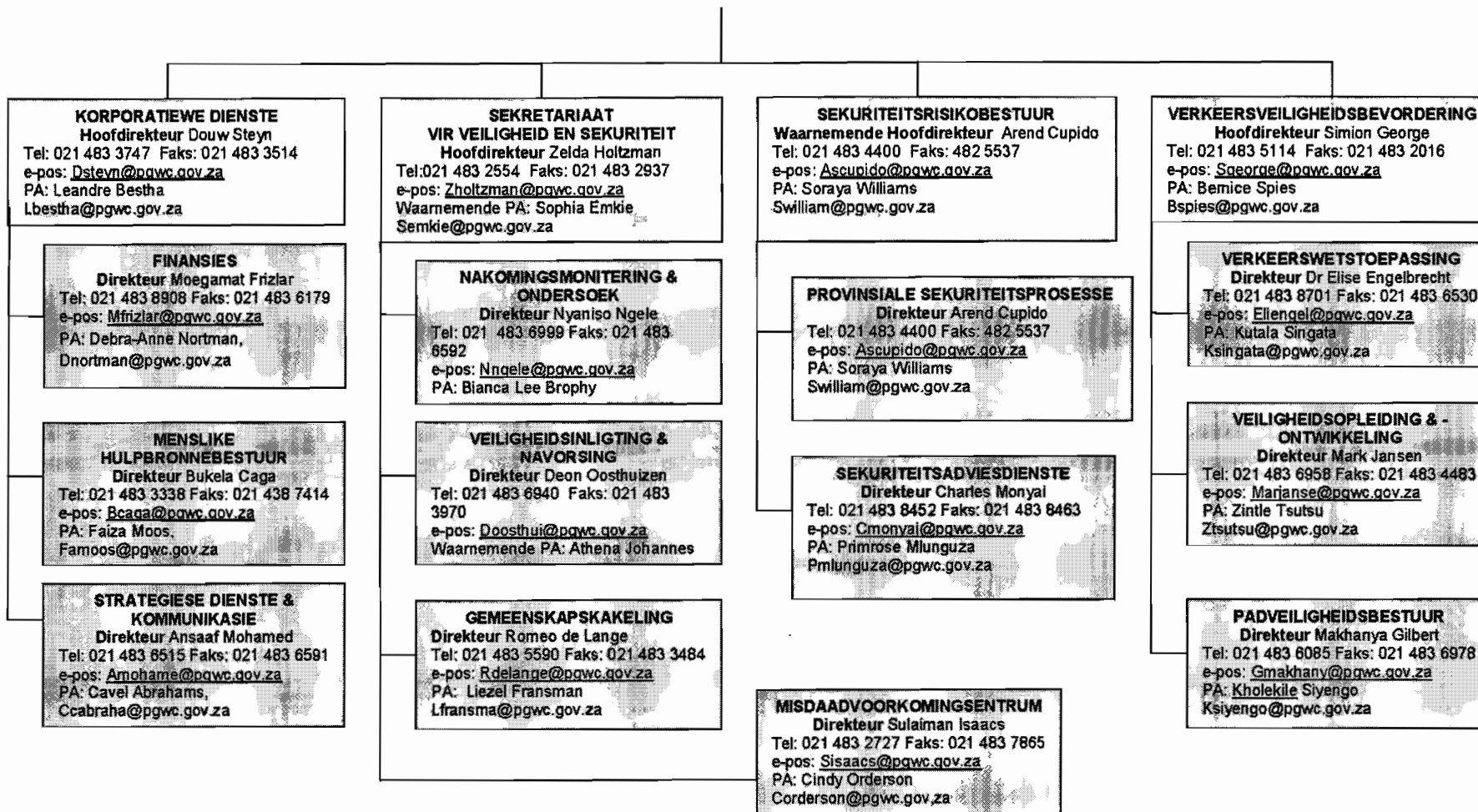
- (b) Program 2: Provinsiale Sekretariaat vir Veiligheid en Sekuriteit – Om polisiëring in die Wes-Kaap te lei.
- (c) Program 3: Sekuriteitsrisikobestuur – Om die beveiliging en beskerming van werknemers, belanghebbers, inligting en bates van die PRVK te verbeter.
- (d) Program 4: Bevordering van Verkeersveiligheid – Om Verkeersveiligheidsbestuur in die Wes-Kaap te bestuur en te versterk.

5. SKEMATIESE STRUKTUUR VAN DIE DEPARTEMENT VAN GEMEENSKAPSVEILIGHEID, WES-KAAP

(Verwys na bladsy 10, Departementele Organogram)



**DEPARTEMENT VAN
GEMEENSKAPSVEILIGHEID**
Hoof van Departement
Dr. Gilbert Lawrence
Tel: 021 483 3929



6. KONTAKBESONDERHEDE

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7. TOEGANG TOT REKORDS GEHOU DEUR DIE DEPARTEMENT VAN GEMEENSKAPSVEILIGHEID, WES-KAAP

7.1. Beskrywing van kategorieë van rekords wat outomaties ingevolge artikel 15(1) van PAIA beskikbaar is

<ul style="list-style-type: none"> a. Jaarverslae b. Begroting c. Begrotingstoesprake d. Diensstandaarde en Norme e. Strategiese 5-jaar-plan f. Publikasies en Pamflette g. Nuusbriewe h. Wette en Regulasies i. Beleide j. Omsendbriewe van geadverteerde poste k. Witskrifte l. LUK-toesprake m. Pamflette n. Plakkate o. Jaarlikse Prestasieplan p. Kwartaallikse Prestasieverslae 	Drukstukke
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7.2. Rekords wat aangevra kan word – artikel 14(d)

Hierdie gedeelte van die Handleiding dien as 'n verwysing na die rekords wat die Departement van gemeenskapsveiligheid hou om ingevolge PAIA 'n versoek te fasiliteer.

Rekords wat aangevra mag word

Funksie	Rekordkategorieë
1. Program 1 (Koördinerende en ondersteunende van die beheer en voldoeningseisings van die regering namens die Departement)	Elektroniese stelsels – PERSAL Persoonlike lêers van werknemers Lêers oor Beserings aan diens Organisatoriese Strukture Personeelsterkte Prestasiekontrakte
Menslikehulpbronbestuur	Prestasie-evalueringsverslae Beurslêers Opleidingshandleidings Werk - Studietoelaeverslae Verloflêers Salarislêers Lêerplanne Register van inkomende en uitgaande items Register van lêers wat oopgemak is Diensvlakoorreenskoms Opleidingshandleidings Seleksie (Aanstellingsrekords) Arbeidsverhoudings

Finansiële Bestuur	<p>Ouditverslae Betalingseisstroke Bateregister Reis- & Verblyfseise Bestellings Kwitansies Fakture Finansiële state en verslae BAS (Basic accounting Systems) Kwotasies Notules van Tenderkomiteevergaderings Tenderkontrakte Instandhoudingslêers: IT-infrastruktuur Databasis van Verskaffers Tenderevalueringsverslae Aansoek: e-pos</p>
Direktoraat Strategiese Dienste en Kommunikasie	<p>Projeksakebeleide Jaarlikse Prestasieplan Kwartaallikse Verslae Jaarverslae Strategiese Planne</p>
Program 2 Sekretariaat vir Veiligheid en Sekuriteit	<p>Skoolveiligheid Pendelaarveiligheid Jeugveiligheidsprogram Slagofferondersteuning – Opleidingshandleiding en Fasiliteerdersgids Onderrig en bewusmaking rondom die mishandeling en misbruik van kinders Drankbeheer en Plaasveiligheid Gemeenskapsveiligheidsforums Misdaadvoorkoming Gemeenskapskaking Monitorverslae</p>
Program 3 Sekuriteitsrisikobestuur	<p>Sekuriteitsbeleid Inspeksieverslae Teenbedrog en -korrupsie-ondersoeke Sekuriteitsadviesdienste</p>
Program 4 Bevordering van Verkeersveiligheid	<p>Programsteun Verkeerswetstoepassing Padveiligheidsbestuur Verkeersopleiding- en ontwikkeling Logboeke Instandhoudingsverslae Ongelukverslae, Lêers oor misbruik van staatsvoertuie en bedrogverslae</p>

8. VERSOEK OM TOEGANG TOT 'N REKORD GEHOU WORD DEUR OF WAT IN DIE BEHEER IS VAN DIE DEPARTEMENT VAN GEMEENSKAPSVEILIGHEID (15b).

8.1. Bekom 'n Versoekvorm

Bekom 'n versoek (Vorm A) – Versoek om Toegang tot Rekords van Openbare Liggaam deur –

- (a) persoonlik by die Adjunk- inligtingsbeampte of te haal; of
- (b) die toepaslike Adjunk- inligtingsbeampte te bel, e-pos aan hom of haar te stuur of 'n brief te skryf om te versoek dat sodanige vorm aan die navraer gefaks of gepos word (of per e-pos gestuur waar dit vir sodanige adjunk- inligtingsbeampte moontlik is) na die adres of nommer soos deur hom of haar verskaf.

8.2. Invul van Versoekvorm

- (a) Vul die versoekvorm volledig in en gee dit by die adjunk-inligtingbeampte in
- (b) Die Adjunk- inligtingsbeampte kan die navraer met die versoek om toegang tot rekords help om te verseker dat die versoek aan die vereistes van die Wet voldoen. (Navraers wat nie kan lees of skryf nie, kan mondelinge versoeke aan die inligtingsbeampte van 'n openbare liggaam rig, wat dan die versoekvorm namens die navraer moet invul.)
- (c) Genoegsame besonderhede stel 'n beampte van die openbare liggaam in staat om die navraer te identifiseer.
- (d) Genoegsame besonderhede om die rekord te identifiseer, insluitend die verwysingsnommer indien dit aan die navraer bekend is. Indien daar nie genoeg spasie op die versoekvorm is nie, kan die navraer op 'n afsonderlike folio voortgaan en dit aan die versoekvorm heg. Die navraer moet al die bykomende folio's teken.
- (e) Dui duidelik die toegangsvorm of aard van die rekord aan waarin dit verskaf moet word.
- (f) Die taal van voorkeur waarin die rekord verskaf moet word in die geval van 'n openbare liggaam.
- (g) Die posadres of faksnommer van die navraer in die Republiek.
- (h) Noem die manier waarop die navraer oor die besluit ten opsigte van die versoek ingelig wil word.
- (i) Indien die versoek namens iemand anders gemaak is, moet bewys van die hoedanigheid waarin sodanige navraer die versoek maak, gelewer word.
- (j) Indien die versoekvorm nie volledig ingevul word nie, kan die Adjunk- inligtingsbeampte nie die versoek weier op grond van die onvolledigheid daarvan nie. Die Adjunk- Inligtingsbeampte moet die navraer deur middel van 'n Kennisgewing van voorgenome weiering in kennis stel. In sodanige geval kan die navraer meer gedetailleerde inligting ten opsigte van die versoek aanbied.

8.3. Indiening van Versoekvorm

Die volledig voltooide versoekvorm moet per hand, faks of per pos by die toepaslike Adjunk- inligtingsbeampte ingedien word.

8.4. Hoe om toegang tot rekord te verkry wat nie outomaties openbaar gemaak word nie

- (a) 'n Navraer moet die vorm wat in die Staatskoerant (Staatskennisgewing R187-15 Februarie 2002) (Vorm A) gedruk is, gebruik.
- (b) Die navraer moet ook aandui of die versoek ten opsigte van 'n afskrif van 'n rekord is en of die navraer wil inkom om by die Kantore van die Departement na die rekord te kyk. Alternatiewelik, indien die rekord nie 'n dokument is nie, kan dit in die teenwoordigheid van die Inligtingsbeampte deurgegaan word.
- (c) Indien 'n persoon toegang in 'n spesifieke vorm versoek, moet die navraer toegang verkry op die manier wat hy of sy dit aangevra het, tensy dit onredelik met die bestuur van die betrokke openbare liggaam inmeng, die rekord beskadig of 'n kopiereg wat nie deur die staat besit word nie, oortree. Indien toegang om praktiese redes nie in die aangevraagde vorm gegee kan word nie, maar wel op 'n alternatiewe manier, moet die koste volgens die manier wat die navraer dit oorspronklik aangevra het, bereken word.
- (d) Indien die navraer op enige wyse, byvoorbeeld telefonies, buiten 'n skriftelike antwoord op sy of haar versoek vir die rekord oor die besluit ingelig wil word, moet dit aangedui word.
- (e) Indien 'n navraer die inligting namens iemand anders versoek, moet die hoedanigheid waarin die versoek gemaak word, aangedui word.
- (f) Indien 'n navraer nie kan lees of skryf nie of gestremd is, kan hy of sy die versoek mondelings stel. Die inligtingsbeampte moet dan die vorm namens sodanige navraer invul en 'n afskrif daarvan moet aan hom of haar gegee word.

9. GELDE BETAALBAAR

9.1. Tipes gelde betaalbaar

- (a) Daar is 2 tipes gelde wat ingevolge PAIA betaalbaar is, naamlik die versoekgeld en die toegangsgeld.
- (b) Die inligtingsbeampte moet die navraer (buiten 'n persoonlike navraer) per kennisgewing in kennis stel om die voorgeskrewe gelde (indien enige) te betaal voor enige prosessering van die versoek sal plaasvind.

- (c) Die versoekgeld betaalbaar aan openbare liggame is R35. Die navraer kan 'n interne appèl indien, waar van toepassing, of 'n aansoek aan die hof teen die aanbied van betaling van die versoekgeld rig.
- (d) Nadat die inligtingsbeampte 'n besluit oor die versoek geneem het, moet die navraer van sodanige besluit in kennis gestel word op die maniere waarop die navraer verkies om in kennis gestel te word.
- (e) Indien die navraer se versoek toegestaan word, moet toegangsgeld dan betaal word vir die navorsing, voorbereiding, reproduksie en vir enige tyd wat dit langer as die voorgeskrewe tyd geneem het om die rekord vir openbaarmaking te soek en voor te berei.

9.2. Algemene Bepalings

Ingevolge artikel 92 van PAIA kan die Minister (van Justisie en Konstitusionele Ontwikkeling) deur 'n kennisgewing in die Staatskoerant regulasies ten opsigte van gelde betaalbaar vir rekords van openbare liggame en private liggame maak (Staatskennisgewing No R223 gedateer 9 Maart 2001).

9.3. Kwytskelding van betaling van gelde

'n Persoon word van die betaling van die versoekgeld kwytsgekeld as sodanige persoon - (kyk ook punt 7.1 op bladsy 11)

- (a) 'n Persoonlike navraer is ("persoonlike navraer" beteken 'n navraer wat toegang tot 'n rekord met persoonlike inligting oor hom- of haarself wil hê.
- (b) Inligting aanvra wat reeds in die publieke domein beskikbaar is of as "outomaties beskikbare rekords" gepubliseer is.
- (c) Deur die Minister van Justisie deur proklamasie in die Staatskoerant kwytsgekeld word van betaling van -
 - (i) versoekgeld
 - (ii) ander gelde

10. REGSMIDDELE:

Die wet maak voorsiening vir 'n interne appèlprosedure wat uitgevoer moet word voordat daar met die saak hof toe gegaan kan word. Hierdie interne appèlprosedure is slegs op nasionale en provinsiale departemente en munisipaliteite van toepassing (artikel 74-77).

10.1. Reg op Interne Appèl tot Uitvoerende Gesag

'n Interne appèl teen 'n besluit van die inligtingsbeampte of Adjunk-inligtingsbeampte kan op grond van die volgende by die LUK vir Gemeenskapsveiligheid, of die persoon wat skriftelik deur die LUK aangewys is, gedoen word:

- (a) 'n weiering om toegang toe te staan; of
- (b) 'n besluit geneem ingevolge artikel 22, 26(1) van 29(3)

- (c) 'n Derde party kan intern teen 'n besluit van die Inligtingsbeampte of Adjunk- inligtingsbeampte appelleer om 'n versoek om toegang toe te staan.

10.2. Manier van Interne Appèl

'n Interne appèl moet –

- (a) Binne **60 dae** op die voorgeskrewe Vorm B gedoen word as kennis aan 'n derde party gegee is, soos voorgeskryf deur artikel 49(1)(b), en binne **30 dae** nadat die besluit geneem is of kennis aan die aansoeker van die besluit waarteen geappelleer, gegee is.
 - (b) Na die adres, faksnommer of e-posadres van die Inligtingsbeampte of Adjunk- inligtingsbeampte gestuur word;
 - (c) die onderwerp van die interne appèl identifiseer en die redes daarvan noem en kan enige ander toepaslike inligting wat aan die aansoeker bekend is, insluit;
 - (d) Die manier noem en die besonderhede verskaf van hoe die aansoeker, buiten 'n skriftelike antwoord, oor die besluit van die interne appèl in kennis gestel wil word;
- en
- (e) 'n Posadres of faksnommer spesifiseer
 - (f) Indien na die vervaldatum van die tydperk waarna verwys is, intern geappelleer word, moet die LUK dit toelaat indien daar grondige rede voor bestaan.
 - (g) Indien die LUK die laat indiening van die appèl afkeur, moet hy of sy kennis gee van daardie besluit aan die persoon wat die appèl ingedien het.
 - (h) 'n Navraer wat 'n versoek teen die weiering van sy of haar versoek om toegang indien, moet die voorgeskrewe gelde betaal (indien daar is).
 - (i) Indien die voorgeskrewe appèlgelde ten opsigte van 'n appèl betaalbaar is, kan die besluit van die appèl uitgestel word totdat sodanige gelde betaal is.
 - (j) So spoedig as redelik moontlik, maar in elk geval binne 10 werkdade na ontvangs van 'n appèl of die Adjunk- Inligtingsbeampte moet voorleë aan die LUK.

11. HOF AANSOEKE

Aansoeke ten opsigte van besluite van die LUK of die persoon wat skriftelik deur die LUK aangewys is

- (a) Navraer of derde party kan eers na die uitvoering van die interne appèlprosedure teen 'n besluit van 'n inligtingsbeampte of adjunk-inligtingsbeampte regshulp aanvra.
- (b) 'n Navraer wie se interne appèl onsuksesvol was of benadeel is deur 'n besluit van die LUK of persoon wat skriftelik deur die LUK aangewys is om nie die laat indiening van 'n interne appèl ingevolge artikel 75(2) toe te laat nie, kan ingevolge artikel 82 deur middel van 'n aansoek binne 30 dae by die hof regshulp aanvra.
- (c) Die onsuksesvolle derde party in 'n interne appèl teen die toepaslike uitvoerende gesag kan, ingevolge artikel 82, deur middel van 'n aansoek binne 30 dae regshulp aanvra.

12. WANNEER TOEGANG TOT INLIGTING GEWEIER MAG WORD

PAIA balanseer die navraer se grondwetlike reg op inligting teenoor die inligtingsbeampte se reg op die weiering van toegang tot inligting, indien die toelating tot inligting skade aan die betrokke openbare liggaam op grond van enige van die volgende kan aanrig:

- (a) Verpligte beskerming van privaatheid van 'n derde party wat 'n natuurlike persoon is
- (b) Verpligte beskerming van sekere rekords van Suid-Afrikaanse Inkomstedienste
- (c) Verpligte beskerming van kommersiële inligting van 'n derde party
- (d) Verpligte beskerming van sekere vertroulike inligting, en beskerming van sekere ander vertroulike inligting van 'n derde party
- (e) Verpligte beskerming van veiligheid van individue en beskerming van eiendom
- (f) Verpligte beskerming van polisiedossiere in borgprosesse, en beskerming van wetstoepassing en geregtelike stappe
- (g) Verpligte beskerming van rekord vrygestel van produksie in geregtelike stappe
- (h) Verdediging, sekuriteit en internasionale betrekkinge van die Republiek
- (i) Ekonomiese belang en finansiële welstand van die Republiek en kommersiële aktiwiteite van openbare liggame
- (j) Verpligte beskerming van navorsingsinligting van 'n derde party, en beskerming van navorsingsinligting van 'n openbare liggaam
- (k) Werking van openbare liggame
- (l) Klaarblyklike beuselagtige of lastige versoeke, of wesenlike en redelike diversie van hulpbronne
- (m) Verpligte bekendmaking in openbare belang

13. BYWERKING VAN DIE HANDLEIDING (ARTIKEL 14(2))

Indien nodig, kan die Departement sy handleiding (artikel 14-handleiding) met tussenposes van hoogstens een jaar bywerk en uitgee.

14. BESKIKBAARHEID VAN DIE HANDLEIDING (ARTIKEL 14 (3))

Die handleiding sal in die volgende tale beskikbaar gestel word:

Engels
Afrikaans

**15. DIE ARTIKEL 10-GIDS OOR HOE DIE PAIA GEBRUIK MOET
WORD
(ARTIKEL 14(1)(c))**

Die Kommissie (Menseregtekommissie) het
Die Gids op 01 Maart 2005 vrygestel. Die Gids is ook op die webtuiste van die
Menseregtekommissie beskikbaar – www.sahrc.org.za

16. VERWYSINGS:

2. Die gids oor hoe die Wet op die Bevordering van Toegang tot Inligting gebruik moet word,
3. Wet 2 van 2000
4. Artikel 14 PAIA-handleiding – Limpopo Regering
5. PAIA-handleiding van Nasionale Departement van Behuising
6. PAIA-handleiding van die Nasionale Departement van Openbare Diens en
7. Administrasie
8. Wet op Openbare Finansiële Bestuur, 1999
9. Batho Pele-beginsels
10. Jaarverslag 08/09. (Departement van Gemeenskapsveiligheid)
11. Menseregte PAIA-handleiding
9. PAIA-handleiding van Nasionale Departement van Behuising, Wes-Kaap.



DEPARTMENT OF THE COMMUNITY SAFETY
DEPARTEMENT VAN GEMEENSKAPSVEILIGHEID
ISEBE LOKHUSELEKO LOLUNTU



INCWADI YOLWAZI

YESEBE LOKHUSELEKO LOLUNTU NGOKUMALUNGA NESIQENDU 14

SOKUKHUTHAZWA NOKUXHASWA KOKUFIKELELEKA KULWAZI OLUYIMFUNeko
UMTHETHO KA- 2000 (UMTHETHO 2 KA- 2000)

Ngokukhutshwa nguMongameli woLwazi weSebe loKhuseleko loLuntu

Intshayelelo ngokwenziwa yiNtloko yeSebe

I-Sebe loKhuseleko loLuntu lineqhayiya ngokunika ingxelo yale ncwadi yokufundisa yeSiqendu-14 ngokuvumelana nenkuthazo yokuxhasa ukufikeleleka kuMthetho, ka 2000 (Umthetho Nomb. 2 ka- 2000) we (PAIA). Oyena ndoqo osingisele kwi Demokrasi kukubanelungelo lokufikeleleka kulwazi oluyimfuneko njengesiseko senguqu eluntwini. I-PAIA imiswe phantsi kolawulo oluyintloko nolusingisele kwinguqu eluntwini. Ngumba omandundu kakhulu ukwazisa abemi bendawo ngePAIA nokokuba ilungelo lokufikeleleka kulwazi oluyimfuneko lingasebenza njanina ukuze babenokuxhamla.

I-Siqendu 32 (1) soMthetho 108 ka- 1996 (Umgaqo-siseko), ngokuhambelana noMgaqo-siseko woMthetho weRiphabliki yoMzantsi Afrika sisinika ingxelo ethi wonke umntu unelungelo lokufikeleleka kulwazi olugcinweyo nolubhalweyo okanye/ naluphina ulwazi olugcinwe ngomnye umntu kunye nombuso noluthi lubeyimfuneko ukuziqhelanisa nalo okanye kukhuseleko lawo nawaphina amalungelo.

I-Siqendu 32 (2) soMgaqo-siseko sisinika ukuwiswa komthetho wolawulo welizwe ukwenzela ukuqinisekisa ukusebenza kwawo ngokwelungelo elisekwe ngokusemthethweni. I-PAIA luwiso-mithetho yelizwe nebonakaliswe kwisiqendu 32 (2) soMgaqo-siseko.

I-PAIA isinika ummiselo othi iQela loLuntu kufuneka linike iinkcukacha zolwazi olugcinweyo nolubhalwe phantsi nolugcinwe liQela elithile ukwenzela ukuba nasiphina isicelo solwazi oluyimfuneko sibenokuhlangatyezwa. I-PAIA ifuna ukuba amaqela oluntu kunye nalawo azimeleyo ayile incwadi yolwazi nenika ingcaciso yokuba loluphina ulwazi lwawo olugcinweyo nolubhalwe phantsi, kunye neenkqubo ekufuneka zisetyenziswe ngamanye ekufikeleleni kolo lwazi. Isikhokeli siyafumenka kumatshini ekufakwa kuwo ulwazi luphinde lukhutshwe olufunekenayo (Khompyutha) nakuphinyephinye (website) lweSebe loKhuseleko loLuntu

Amaqela oluntu kunye nalawo azimeleyo kufuneka aqonde ukuba imisbenzi eluxanduva lawo nepantsi kwePAIA ayisekwanga ngenjongo yokwenza umthwalo noxanduva oluyindleko kodwa isisixhobo esibalulekileyo nesisetyenziswayo ekuqinisekiseni ulawulo olululo nolufanelekileyo, kwanokusetyenziswa ekwenzeni inguqu kuLuntu lwethu.

Owakho Onyanisekileyo

Gqr. Gilbert Lawrence
I-Ntloko yeSebe
U-Khuseleko loLuntu

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1. INTSHAYELELO

1.1 Umgaqo-siseko

Ukukhuthazwa nokuxhaswa koMthetho Nomb. 2 ka 2000 we(PAIA) wokufikeleleka kulwazi oluyimfuneko kwawiswa ngokusemthethweni ngomhla we-9 kwinyanga kaMatshi 2001.

Isiqendu 14 sifuna ukuba uMongameli wolwazi aqulathe incwadi yolwazi ngokwemisebenzi kunye nezalathiso zolwazi olugcinweyo nolubhalwe phantsi liSebe loKhuseleko loLuntu ubuncinci ngeelwimi ezintathu (3) ezisetyenziswayo ngokusesikweni.

Injongo ye PAIA kuqinisekisa ukusetyenziswa ngendlela efanelekileyo kwelungelo lomGaqo-siseko lokufikeleleka nakulo naluphina ulwazi olugcinwe ngumbuso. Isiqendu 32 (1) soMthetho oYilwayo waMalungelo omGaqo-siseko, sisinika ilungelo lokufikeleleka kulwazi olugcinwe ngumbuso; kunye nalo naluphina ulwazi olugcinwe ngomnye umntu noluyimfuneko ukuziqhelanisa namalungelo okhuseleko. Isiqendu 32 (2) somGaqo-siseko sisinika uwiso lomthetho wolawulo wesizwe oluyakuthi lwenze lomthetho usebenze ngendlela efanelekileyo, ngokuthi kuhlonitshwe, kukhuselwe, kuzalisekiswa nokukhuthazwa kwenkxaso yalo mthetho.

1.2 Ukukhuthazwa nokuxhaswa koMthetho wokufikeleleka kulwazi oluyimfuneko

Ukukhuthazwa nokuxhaswa koMthetho, Nomb. 2 ka 2000 wokufikeleleka kulwazi oluyimfuneko (Oluchazwe apha njenge "PAIA") kuwiso lwemithetho yesizwe neyathi yawiswa ngokusemthethweni ukunika inkxaso ekusetyenzisweni ngendlela efanelekileyo kwelungelo lomGaqo-siseko lokufikeleleka kulwazi oluyimfuneko. I-PAIA yaqalisa ukusebenza ngomhla we-9 kuMatshi 2001, ngaphandle kweziqendu 10, 14, 15 kunye nesama- 51, ezathi zaqala ukusebenza ngomhla we-15 ku Februwari 2002

I-PAIA inika isimo semicimbi efunekayo yenkqubo edityaniswa nezicelo ezilolu hlobo. Le ncwadi yolwazi ijolise ekukhuthazeni ukubonakaliswa ngendlela ecacileyo kocwangciso-mali kwiSebe loKhuseleko loLuntu ngokusesikweni nangokuqinisekisa ukusetyenziswa kwelungelo lokufikeleleka kulwazi oluyimfuneko.

1.3 Imimiselo

Apho kuthe kwenziwa isicelo ngokwezigqibo ze PAIA, iSebe loKhuseleko loLuntu, nekuthe kwafakwa kulo isicelo, libanesibophelelo sokunikezela ngolwazi oluyimfuneko, ngaphandle kokuba iPAIA ithe yenza isibhengezo semvume yokunikezelwa okanye sokunganikezelwa kolo lwazi.

1.4 Imisebenzi, iingcaciso kunye nezigqibo ezinxulumene ne PAIA (lingcaciso kunye nenkcazelo)

Imisebenzikunye neziGqibo	Ingcaciso/Inkcazelo
Umongameli woLwazi	<p>Kwimeko yeSebe loKhuseleko loLuntu kwiPhondo ibayiNtloko yeSebe.</p> <p>Umongameli woLwazi/ Isekelo Mongameli woLwazi weSebe loKhuseleko loLuntu kwiPhondo angenza isigunyaziso ngokusemthethweni okanye imfanelo yokudlan'indlebe okanye aphikisane nomongameli woLwazi/ Isekelo Mongameli woLwazi ngokuhambelana nalo Mthetho ukuya kwigosa lasebuRhulumenteni</p> <p>Naluphina Unyulo:</p> <ul style="list-style-type: none"> Kufuneka lubhalwe phantsi Aluthinteli mntu uthe wenza unyulo lokuziqhelanisa negunya elinxulumene nomthetho okanye ekwenzeni umsebenzi onxulumene naye; kwaye

	<ul style="list-style-type: none"> Lusenokurhoxiswa nangaliphina ixesha okanye lulungiselelwe njengombandela obhalwe phantsi nguloo mntu
Isekela (ama) Mongameli woLwazi	<p>I-Ntloko yeSebe loKhuseleko loLuntu kufuneka inyule inani labantu njengamaSekela aboNgameli boLwazi nekufuneka ukudlala indima yokunceda iSebe loKhuseleko loLuntu lwePhondo libenokufikeleleka ngendlela efanelekileyo kubantu abenze izicelo zolwazi olugciniweyo nolubhalwe phantsi. Umongameli woLwazi weSebe loKhuseleko loLuntu kwiPhondo ungunya lolawulo kuwo onke amasekela abongameli bolwazi beli sebe.</p>
Umntu ofaka isiCelo	<p>Umntu ofaka sicelo ofuna ukufikeleleka kulwazi olugciniweyo nolubhawe phantsi noluquka ulwazi malunga nomntu othe wafaka isicelo</p> <p>“Ulwazi malunga noMntu othile” luthetha ukuthi ulwazi olumalunga nomntu onokuchongeka, lukuquka, kodwa lungenamlinganiselo woku kulandelayo:</p> <ul style="list-style-type: none"> Ulwazi olunxulumene nobuhlanga, isini, ukukhulelwa, umqondiso wewonga lomtshato, ubuhlanga ngokobuzwe okanye imvelaphi yobuhlobo, umbala, ukuziqhelanisa nesini, ubudala ngokweminyaka, impilo ngokowasemzimbeni okanye ngokwasengqondweni, ukuphila, ukukhubazeka, inkolelo, isazela, ukholo, inkqubo yesizwe, ulwimi kunye nokuzalwa komntu; Ulwazi olunxulumene nezifundo ezithile okanye ezonyango, ulwaphulo-mthetho, okanye imbali yolwazi lomsebenzi womntu, okanye ulwazi olunxulumene nentengiselwano ngokwezimali athe umntu wazibandakanya nalo; Naliphina inani elibonakalisa, umqondiso okanye nokuba ngowuphina umntu onyuliweyo; Idilesi, ushicilelo lweminwe, okanye udidi lwegazi lomntu; Iimbono nezimvo zomntu okanye ukuzikhethelela komntu, ngaphandle kokuba zimalunga nomnye umntu okanye nesicelo somnikelo, webhaso okanye umvuzo oluxabiso ekufuneka unikwe omnye umntu; Imbalelwano ethunyelwe ngumntu ethi ibeyimfihlelo ngokungathandabuzekiyo okanye ibelihlebo, okanye imbalelwano eyenye enokuthi ibonakalise okuqulathwe kwimbalelwano yokuqala; Izimvo okanye iimbono zomnye umntu ngalo mntu; Iimbono okanye izimvo zomnye umntu ngesicelo somnikelo, ibhaso okanye umvuzo olixabiso ekufuneka unikwe umntu, ngaphandle kokuquka igama lomnye umntu xa kuthi kwavakala iimbono okanye izimvo zomnye umntu, kunye Negama lomntu elithi livele kunye nolunye ulwazi olunxulumene nomntu, okanye apho umntu obhengeze igama anokuthi anike inkcazelo yolwazi ngomntu, kodwa engaquki lwazi ngomntu owathi wabhubha kwiminyaka engaphezulu kwama-20
Umfaki Sicelo	<ul style="list-style-type: none"> Nawuphina umntu owenza isicelo sokufikeleleka kulwazi olugciniweyo nolubhalwe phantsi kwiSebe loKhuseleko loLuntu kwiPhondo; okanye Ngamaqela oluntu kuphela athi aziqhelanise lolawulo okanye ukwenza imisebenzi ngokwezigqibo zowiso-mithetho
Iqela leSithathu	<ul style="list-style-type: none"> Ngokunxulumene nesicelo sokufikeleleka kulwazi olugciniweyo nolubhalwe phantsi lweSebe lezoKhuseleko loLuntu kwiPhondo, isiqendu sesithathu sithetha ukuthi:

	<ul style="list-style-type: none"> Nawuphina umntu (ukuquka, ngaphandle komlinganiselo, urhulumente wombuso welinye ilizwe, umbutho welizwe jikelele, okanye ilungu lombutho walo rhulumente) ngaphandle kokuba: Umfaki sicelo obandakanyekayo kunye; NeSebe loKhuseleko loLuntu kwiPhondo; kodwa ngokweenjongo zoMthetho weziqendu 34 kunye 63, ngokubhekisele "emntwini" okwimihlathi (a) kunye no(b) kufuneka wakhiwe ngokungqinelana "nomntu wesiqhelo"
Iziphath' mandla ezifanelekileyo ngokusemagunyeni	Ngokunxulumene neSebe loKhuseleko loLuntu kwiPhondo, iziPhath' amandla ezifanelekileyo ngokusemagunyeni, oko kuthetha ukuthi, iNtloko yeSebe ephethe uxanduva lokusebenzisana neSebe lePhondo okanye umntu onyulwe ngokubhalwe phantsi yiloo Ntloko yeSebe.
Amalungelo Oluntu lkhomishini yezigunyaziso	Ithetha ukuthi iKhomishini yamaLungelo oLuntu yoMzantsi Afrika ngokubhekisele kwisiqu 181 (1)(b) somGaqo-siseko
Incwadi yePAIA yolwazi olugciniweyo nolubhalwe phantsi	Ngokunxulumene neSebe loKhuseleko loLuntu kwiPhondo, ulwazi olugciniweyo luthetha ukuthi, naluphina ulwazi olugciniweyo nolubhalwe phantsi: <ul style="list-style-type: none"> Ngaphandle kokuba luhlobo olunjani okanye lungeyiphina indlela Luphantsi kolawulo okanye nokuba lolweSebe loKhuseleko loLuntu Nokuba yayilwa okanye ayizange iyilwe liSebe loKhuseleko loLuntu
Iintsuku	<p>Xa kuthe kwenziwa ummiselo walo naliphina inani leentsuku ezithile ekufuneka kwenziwe ngazo nawuphina umsebenzi, okanye nokuba yeyiphina injongo, oko kuyakuthi kuthathwe njengendlela ekhethekileyo nefanayo kusuku lokuqala ukuquka usuku lokugqibela, ngaphandle kokuba suku lokugqibela luthi lwaba ngomhla weCawa okanye yiholide kawonke-wonke, kwimeko elolu hlobo ixesha liyakuthi lithathwe njengendlela ekhethekileyo kusuku lokuqala kwanangayo yonke imihla yeCawa okanye yeHolide kaWonke-wonke.</p> <p>Umthetho weNkcazelo (umthetho Nomb. 33 ka 1957, weSiqendu 4 "Ochaza inani leentsuku")</p>
Iintsuku Zomsebenzi	Ithetha ukuthi naziphina iintsuku ngaphandle kwangoMgqibelo, iCawa okanye iHolide zika Wonke-wonke njengokuba kucacisiwe kwisiqu 1 soMthetho weHolide zikaWonke-wonke, 1994 (Umthetho Nomb. 36 ka 1994)

2. INJONGO YENCWADI YOLWAZI

Isiqendu 15 se PAIA sisinika ulwazi lokuba umongameli kufuneka afake ingxelo kuMphathiswa wezoBulungisa kunye noPhuhliso loMgaqo-siseko kanye ngonyaka, ingcaciso yazo zonke iindidi zolwazi olugciniweyo nolubhalwe phantsi olufumaneka ngokuzenzekelayo ngaphandle kokuba umntu enze isicelo sokufikeleleka kulwazi.

Injongo yale Ncwadi yolwazi kukuchonga indlela ekwakhiwe ngayo amaziko kunye nemisebenzi yeSebe loKhuseleko loLuntu kwanokunika ingcaciso ngeenkqubo zolwazi lwalo olugciniweyo nolubhalwe phantsi ekuphumezeni iinjongo zePAIA (Ukukhuthazwa nokuxhaswa koMthetho wokuFikeleleka kuLwazi, Umthetho 2 ka 2000 (Nothi emveni koko ungqinelane ne"PAIA", okanye "Ukutshintshwa koMthetho") ngokowiso-mithetho yesizwe nowathi wawiswa ngenjongo yokuphumeza ilungelo lomgaqo-siseko lokufikeleleka kulwazi oluyimfuneko)

Incwadi yolwazi isinika imbonakalo nenkangeleko yalo lonke, ulwazi olugcininiweyo nolubhalwe phantsi liSebe loKhuseleko loLuntu kunye neenkqubo ekufuneka liziqhelanise nazo ukufumana olu lwazi lugcininiweyo nolubhalwe phantsi.

Zonke izicelo ezifakiweyo zokufikeleleka kulwazi oluyimfuneko (ngaphandle kolwazi olufumaneka ngaphandle kwentlawulo kuluntu) kufuneka zithunyelwe kuMongameli woLwazi okanye kumaSekela abongameli boLwazi njengokuba kuchaziwe kwiSiqendu 3 sale Ncwadi yoLwazi.

likopi sesikhokeli zifanele ukuba ziyafumaneka kuzo zonke iindawo ezinxulumene nomthetho

3. IINJONGO KUNYE NOBUCHULE OBUSETYENZISWA LISEBE LOKHUSELEKO LOLUNTU

3.1. Iinjongo zoBuchule Obusetyenziswayo

3.1.1. Injongo yokuqala: Ulawulo

Ukuqinisekisa ukuphumelela ngokubalaseleyo kwenkqubo yangaphakathi

Intetho Yenjongo	Ukuqinisekisa ukuba inkqubo yangaphakathi iyimpumelelo kwaye ibalasele ekuxhaseni iSebe ngendlela efanelekileyo nakuphuhliso lwemisebenzi eyenziwayo ngokomyalelo walo
Ukugwetywa	Ukuqinisekisa ukuba iSebe lisebenza ngethemba lokuba nempumelelo
Amalungu Afunekayo	Iyakuthi inike uncendo ekuphumezeni zonke iinjongo zeSebe nezithi zibeluncedo ekufezekiseni ngokulandelelanayo zonke iinjongo zobuchule obusetyenziswa sisizwe kunye nakwiphondo.

3.1.2. Injongo yeSibini: Oonobhala beQumrhu eliKhulu boKhuseleko kwiPhondo

Ulawulo lwenkqubo eNtshona Koloni

Intetho yeNjongo	Ukuphumeza umyalelo woWiso-mithetho noMgaqo-siseko oqukumbela konke okwenziwe ngabemi ngokomthetho wee arhente kwanokufezekisa iInkqubo zePhondo kunye neSizwe ngokusemagunyeni
Ukugwetywa	Oku kujolise ekunikeni ingxelo equkumbela konke ekwenziweyo ngokuhambelana nenkqubo zeNtshona Koloni ngokolawulo oluqukumbela konke okwenziwe ngabemi ngokobume bocwangciso-mali.
Amalungu Afunekayo	Umthetho 108 ka 1996 woMgaqo-siseko woMzantsi Afrika, Isiqendu 206: Umthetho 68 Nomb. 1995, weeNkonzo zamaPolisa oMzantsi Afrika, Isiqendu 3 (1); soBuchule boKhuselo boLaphulo Mithetho kwiSizwe ka 1996, wePhepha lengxelo lika Rhulumente elimalunga noKhuseleko,

3.1.3. Injongo yeSithathu: Ulawulo loKhuseleko lobuNgozi

Ukuqinisekisa ubume bokhuseleko olufanelekileyo ngokommsiselo wePhondo

Intetho Yenjongo	Ukuqinisekisa ukuba liNtloko zeSebe zixhotyiswe ngezakhono ukuze zibenako ukugcina ukhuseleko ngendlela efanelekileyo
Ukugwetywa	Ukwenza amalungiselelo okugcina indawo esingqongileyo ikhuselekile kwaye ingenabungozi
Amalungu Afunekayo	Ubuchule bale njongo buyakuthi bubeluncedo ekuphumezeni ukhuseleko lweendawo ezisingqongileyo zokusebenzela kwiPhondo nobuhambelana nenjongo yokunciphisa ubungozi ngokhuseleko.

3.1.4. Injongo yeSine: Ukuxhaswa nokukhuthazwa koKhuseleko lweZithuthi

Ukwandisa nokuxhasa ukukhuthazwa kolawulo loKhuseleko lweZithuthi kwiNtshona Koloni

Intetho Yenjongo	Ukwandisa ukuxhaswa nokukhuthazwa koKhuseleko lweZithuthi ngokuthi kunkqenqenze phambili uphuhliso kunye nokuphunyezwa kweendlela zobuchule bokhuseleko kwindlela zePhondo, uqeqsho kunye neenkqubo zeNtshona Koloni
Ukugwetywa	Ukuqinisekisa intsebenziswano kunye nomanyano phakathi kwee arhente ezahlukeneyo zobutyebi nezinto eziluncedo (ezikudidi lokuqala kunye nolwesibini) nezithwele uxanduva lomsebenzi woKhuseleko lweZithuthi kwiPhondo.
Amalungu Afunekayo	Ubuchule bentsebenziswano nokhuseleko lwezithuthi kwiphondo, uqeqesho kunye neenkqubo eziluncedo ekuphumezeni injongo yobuchule obusetyenziswa kwisizwe nakwiphondo ngurhulumente okholisayo, ukuphuculwa kweenkonzo zophuhliso nokuncitshiswa kwezehlo ezinobungozi nezibulayo, uMthwalo weZifo kunye nokutshatyalaliswa kobuhlwempu.

3.2. Umbono kunye nenjongo yeSebe loKhuseleko loLuntu

Umbono

Ukuvula ithuba lokhuseleko lukawonke-wonke eluntwini... ngokukhululekileyo nolungena loyiko lolwaphulo mthetho

Injongo

I-Sebe loKhuseleko loLuntu liyakuthi lixhase ukukhuthazwa kwenkululeko kunye nokudala amathuba abo bonke abantu bephondo ngokuphucula ukusebenza kwezokhuseleko ngenkuthalo nangempumelelo kummandla wezokhuseleko loluntu nangenkqubo equkumbela yonke imisbenzi eyenziwe ngabemi, ukusetyenziswa kobuchule bentsebenziswano ekulweni ulwaphulo mthetho, inkxaso nenkuthazo yokhuseleko lwezithuthi kunye nolawulo lokhuseleko lobungozi.

4. UKHWAKHIWA KWESEBE

I-Lungu elikwi Bhunga (MEC) loMbuso eliLawulayo yintloko yeSebe yezoPolitiko nephiko lolawulo lweSebe elikhokelwa yiNtloko yeSebe (HOD), nokwangumongameli wocwangciso-mali weSebe. I-Sebe lakhiwe ngokwala masebe makhulu alandelayo:

- (a) Inkqubo 1: Ulawulo – Ukuqinisekisa ukubalasela kwenkqubo yangaphakathi
- (b) Inkqubo 2: Oonobhala bequmrhu elikhulu boKhuseleko kwiPhondo- Kufuneka balawule inkqubo kwiNtshona Koloni.
- (c) Inkqubo 3: Ulawulo loKhuseleko lobungozi – Ukuphucula ukhuseleko kwingozi nokukhuselwa kwabaqeshwa, abaxhamla kwezoshishino, izinto ezilixabiso kunye nolwazi oluyimfuneko lwe PGWC.
- (d) Inkqubo 4: Ukuxhaswa nokukhuthazwa kokhuseleko lwezithuthi – Ukwandiswa nokulawulwa kwezithuthi Ulawulo loKhuseleko eNtshona Koloni.

5. ULUNGISELELO LOKWAKHIWA KWESEBE LEZOKHUSELEKO LOLUNTU, ENTSHONA KOLONI

(Khangela kwiphepha 10, Ubume bokwakhiwa kwemisebenzi yeSebe

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Inombolo yomnxeba	
Inombolo yeFeksi	

**7. ACCESS TO RECORDS HELD BY THE DEPARTMENT OF
COMMUNITY SAFETY, WESTERN CAPE PROVINCE
UKUFIKELELEKA KULWAZI OLUGCINIWEYO NOLUBHALWE
PHANTSI LISEBE LEZOKHUSELEKO LOLUNTU, KWINTSHONA
KOLONI**

**7.1. Description of categories of Records Automatically available in
Terms of Section 15(1) of the PAIA Inkcazelo yeendidi zolwazi
olugciniweyo nolubhalwe phantsi olufumaneka ngokuzenzekelayo
ngokweenkqubo zesiQendu 15 (1) zePAIA**

<ul style="list-style-type: none"> a. Annual Reports lingxelo zonyaka b. Budget Uqingqo-mali c. Budget Speeches lintetho Zoqingqo-mali d. Service Standards and Norms Imigangatho yemisebenzi kunye nemilinganiselo/izithethe???? e. 5 Year Strategic Plan Ubuchule bamalungiselelo eminyaka emi- 5?? f. Publications and Pamphlets lincwadana kunye nezaziso kumaphephandaba g. Newsletters lincwadana ezithunyelwa malungu ombutho othile h. Acts and Regulations Immimiselo ngokusemthethweni kunye nemithetho i. Policies linkqubo j. Circulars of advertised posts Imiikelezo yezithuba zomsebenzi ezazisiweyo k. White Papers Amaphepha Amhlophe ?? l. MEC's Speeches lintetho zabaPhathiswa (MEC's) m. Pamphlets lincwadana n. Posters Amaphepha ezaziso o. Annual Performance Plan Amalungiselelo emisebenzi eyenziwa ngonyaka p. Quarterly Performance Reports lingxelo zemisebenzi eyenziwa ngesiqingatha sonyaka 	Hard copies
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7.2. Records that may be requested – Section 14(d) Ulwazi olugciniweyo nolubhalwe phantsi olunokuthi lufuneke/lucelwe???

This section of the Manual serves as a reference to the records that the Department of Community Safety holds in order to facilitate a request in terms of the PAIA. Esi siqendu sencwadi yolwazi sisebenza njengesiqinisekiso solwazi olugciniweyo nolubhalwe phantsi olugcinwe liSebe lezoKhusleko loLuntu ukuze libenako ukwenza isicelo/isibongozo nkokwenkqubo ye PAIA.????

Records that may be requested Ulwazi olugciniweyo nolubhalwe phantsi olunokuthi lufunwe/lucelwe???

Function Umsebenzi	Records Categories lindidi Zolwazi olugciniweyo nolubhalwe phantsi
<p>1. Programme 1 Inkqubo 1 (Coordinating and supporting the governance and compliance requirements of government on behalf of the Department) (Ulungelelaniso kunye nenkxaso yolawulo kunye nemiyalelo efunekayo karhulumente enxulumenene neSebe???)</p> <p>Human Resource Management Ulawulo loncedo lwabantu??</p> <p>Financial Management Ulawulo lwezimali</p>	<p>Electronic systems – PERSAL linkqubo ezisebenza ngezixhobo zombane???</p> <p>Personal files of employees Ifayile zabaqeshwa ???</p> <p>Injury on duty files lifayile zokwemnzakala emsebenzini</p> <p>Organizational Structures Ukwakhiwa kombutho</p> <p>Staff Establishment Ukuzinziswa kwabasebenzi</p> <p>Performance Contracts Izivumelwano zokwenziwa komsebenzi</p> <p>Performance evaluation reports lingxelo zexabiso lokwenziwa komsebenzi</p> <p>Bursary Files lifayile zemali enikelwe imfundo</p> <p>Training Manuals lincwadi zolwazi loqeqesho</p> <p>Work –study Research Reports lingxelo zophando lwezifundo- Umsebenzi</p> <p>Leave files lifayile zokuthatha ikhefu??</p> <p>Salary Files lifayile zemivuzo</p> <p>File Plans lifayile zokwenziwa kwamalungiselelo</p> <p>Register of incoming and outgoing items Ukubhaliswa kwezinto eziphumayo nezingenayo ??</p> <p>Register of files opened Ukubhaliswa kweefayile ezivuliweyo ???</p> <p>Service level agreements Izivumelwano zemiganthatho yokwenziwa komsebenzi</p> <p>Training Manuals lincwadi zolwazi loqeqesho</p> <p>Selection (Appointment records)</p> <p>Labour Relations Ukukhethwa – (Ulwazi olugciniweyo nolubhalwe phantsi lwezigqibo zokudlan' iindlebe)</p> <p>Ezinxulumene nemisebenzi??</p>

<p>Directorate Strategic Services and Communication</p>	<p>Audit Reports lingxelo zokuphicothwa kweencwadi zemali Payment Vouchers Iziboniso zentlawulo yamalungelo okufumana izipho Asset Register Iregista yezinto ezinexabiso S&T Claims Amabango?? Orders li-odolo?? Receipts lirisithi?? Invoices Uluhlu namaxabiso ezinto ezithengiswayo/ ezithengiweyo Financial Statements and reports lingxelo kunye nenkcazo ngemali esebhankini BAS (Basic accounting Systems) Quotations Inkqubo zocwangciso-mali (BAS) Minutes of Tender Committee Meetings Imizuzu yeentlanganisano zeekomiti zeminkelo yamaxabiso emisebenzi ekufuneka yenziwe Tender Contracts Izivumelwano zamaxabiso emisebenzi ekufuneka yenziwe Maintenance Files :lifayile Zemisebenzi ekufuneka yenziwe IT Infrastructure Amaziko okusebenzela e IT?? Data Base of Suppliers Uluhlu ololudwe labaniki beenkonzo zemisebenzi?? Tender Evaluations reportslingxelo zokujongwa kwexabiso leminikelo yemisebenzi ekufuneka yenziwe?? Application : E-mail Ukufaka isicelo: I-Imeyile??</p> <p>Project Business Policies Inkqubo zoshishino lwePorjekthi Annual Performance Plan Ilunguselelo Y Quarterly Reports lingxelo zesiqingatha sonyaka Annual Reports Ilngxelo zonyaka Strategic Plans Amalungiselelo obuchule bomsebenzi ekufuka wenziwe</p>
<p>Programme 2 Inkqubo 2 Secretariat for Safety and Security Oonobhala be Qumrhu eliKhulu bezokhuseleko loLuntu??</p>	<p>School Safety Ukhuseleko lwesikolo Commuter Safety Ukhuseleko loLuntu Youth Safety Programme Inkqubo yokhuseleko loLutsha Victim Support –Training Manual and Facilitator's guidelinekxaso yamaxhoba – Incwadi yolwazi yoqeqesho kunye noncedo lwancedisi Education and awareness around Ulumkiso lokuqonda kunye nemfundiso malunga nokukhusela ukuhlukunyenzenza</p>

	kwabantwana?? preventing the abuse of children Liquor Control and Farm Safety Ukhuseleko lwamafama kunye nokulawulwa kotywala?? Community Safety Forums Imbutho yengxoxo yasekuhlani yoKhuseleko loLuntu Crime Prevention Ukukhuselwa kolwaophulomthetho Community Liaison Umanyano loLuntu Monitoring reports lIngxelo zokukuqwalasela ngeliso elibukhali
Programme 3 Inkqubo 3 Security Risk Management Ulawulo lobungozi bentlekele	Security Policy Inkqubo yezoKhuseleko Inspection Reports lIngxelo zoHlobo Anti Fraud and Corruption Investigations Uphando loRhawaphilizo kunye nokuthintelwa kobuqhinga Security Advisory Services linkonzo zamaCebiso ezoKhuseleko
Programme 4 Inkqubo 4 Traffic Safety Promotion Ukuxhaswa nokukhuthazwa kokhuseleko lwezithuthi	Programme support Inkxaso yenkqubo Traffic Law Enforcement Ukunika amalungelo omthetho wezithuthi?? Road Safety Management Ulawulo loKhuseleko lwendlela?? Traffic Training and development Uphuhliso loqeqesho lwezithuthi?? Logbooks Maintenance reports lIngxelo zemisebenzi ekufuneka yenziwe?? Accident reports, lIngxelo zengozi, Files on misuse of Government Vehicles and fraud reports lifayile malungha ngokusetyenziswa kwezithuthi zikarhulumente ngokungekho mthethweni?? Kunye neengxelo zorhwaphilizo??? Nobumenemene??

8. REQUEST FOR ACCESS TO A RECORD HELD BY OR UNDER CONTROL OF THE DEPARTMENT OF COMMUNITY SAFETY (15b) ISICELO SOKUFIKELELEKA KULWAZI OLUGCINIWEYO NOLUBHALWE PHANTSI NOLUPHANTSI KOLAWULO LWESEBE lezokhuseleko loluntu (15b)

8.1. Obtain a Request form Ukufumana ifomu yesicelo??

Obtain a request form Fumana ifomu yesicelo (Ifomu A)- (Form A) – Request for Access to Records of Public Body by – Iisicelo sokufikeleleka olugciniweyo nolubhalwe phantsi lwabantu bonke

- (a) personally obtaining it from the deputy information officer Ukuzifumanela ngokwakho kwisekela mongameli wolwazi ; or okanye
- (b) phoning,ngokutsala umnxeba, e-mailing nge-imeyile okanye ngokubhala incwadi eya kwiSekela Mongameli loLwazi nangoklucela ukuba ulwazi olunjalo lufekiswe okanye luthunyelwe ngeposi (okanye luthunyelwe nge-imeyile ukuba kulula oko kwisekela mongameli loko) kumfaki sicelo nakwidilesi okanye inombolo oyifumene kuye.??? or writing a letter to the relevant Deputy Information Officer and requesting that such a form be faxed or posted (or be send by e-mail where possible for such a deputy information officer) to the requestor to the address or number as provided by him or her.

8.2. Completion of Request form Ukugqityezelwa kwefomu yesicelo??

- (a) Complete the request form fully and submit it to the deputy information officer Gqibezela ifomu yesicelo ngokugqibeleleyo uyithumel kwisekela mongamneli wolwazi
- (b) The deputy Information officer can assist the requester with the request for access to records to ensure that the request complies with the requirements of the Act. (Requesters who cannot read or write can make oral requests to the information officer of a public body who must fill in the request form for the requester)Isekela mongameli wolwazi lingamncedisa umfaki sicelo kwisicelo sakha sokufikeleleka kulwazi olufanelekileyo olugciniweyo nolubhalwe phantsi ukuqinisekisa ukuba isicelo sihambelana nemiyalelo efunekayo yoMthetho. (Abafaki sicelo abangakwaziyo ukufunda okanye eukubhala bangazifaka ngokwenethetho izicelo zabo kumongameli wolwazi wequmrhu loluntu)????
- (c) Sufficient particulars to enable an official of the public body to identify the requester. linkcukacgcha ezipheleleyo ezinceda umnongameli wequmrhu loluntu public body?? Ekuchongeni umfaki sicelo.
- (d) Sufficient particulars to identify the record,Inkcukacha ezipheleleyo zokuchonga ulwazi olugciniweyo nolubhalwe phantsi, including the reference ukuquka inombolo yesingqiniso, number, if that is known to the requesterukuba umfaki sicelo unolwazi loko,. If the space in the request ukuba isithuba esikwifomu yesicelo asonelanga, umfaki sicelo angaqhubeka kwelinye iphepha alidibanise kwifomu yesicelo sakhe form is not adequate, the requester may continue on a separate folio and attach it to the request form. The requester must sign all additional folios.Umfaki sicelo kufuneka asayine sign??? Onke amaphepha awongezelelweyo??? Folio??
- (e) Clearly indicate the form of access or nature of the record in which the record should be provided Bonakalisa ngokucacileyo uhlobo lokufikeleleka okanye uhlobo lowazi olugciniweyo nolubhalwe phantsi ekufuneka olulwazi ulunkwe ngalo???
- (f) The preferred language in which the record should be provided in the case of a public body Ulwimi olukhethayo lolwazi olugciniweyo nolubhaliweyo ofuna ukulufumana ngalo kwimeko yequmrhu loluntu
- (g) The postal address or fax number of the requester in the Republic lidilesi yeposi okanye inombolo yefeksi fax?? Yomfaki sicelo kwiRiphabliki??

- (h) State the manner in which the requester would like to be informed about the decision on the request. Indlela okanye imo afuna ukwaziswa ngayo umfakisicelo malunga nesigqibo esithathiweyo ngesicelo sakhe.
- (i) If the request is made on behalf of another person, to submit proof. Ukuba isicelo senziwe malunga nomnye imntu, kufuneka kufakwe nobungqina becapacity??? Yendlela umafaki sicelo afake ngayo isicelo sakhe???? of the capacity in which the requester is making the request.
- (j) If the request form is not fully completed, Ukuba ayizaliswanga ngokupheleleyo ifomu yesicelo, isekela mongameli wolwazi akanano ukusikhaba isicelo ukuba asizaliswanga ngokupheleleyo okanye ngendlela efanelekileyo correctly.?? the deputy Information officer may not refuse the request if it is not fully or correctly completed. The deputy Information officer will notify the requester by the means of a Notice of intended refusal. In such an event, the requester may then provide more detailed information regarding the request. Isekela mongameli wolwazi uyakuthi amazise umfaki sicelo ngoKwenza iSaziso seNjongo yokukhatywa kwesicelo.??? Kwimeko elolu hlobo, event?? Umfaki sicelo ananika ulwazi olongezelelweyo nolupheleleyo malunga nesicelo asifakileyo.

8.3. Submission of request form Ukufakwa kwefoku yesicelo??

The fully completed request form must be submitted by hand, fax or post to the relevant deputy Information officer. Ifomu ezaliswe ngokupheleleyo kufuneka ifakwe ngesandla by hand,??? Ngefeksi okanye ngeposi kwiSekela elifanelekileyo lika mongameli wolwazi.

8.4. How to gain access to records not automatically disclosed Ungafikeleleka njani kulwazi olugciniweyo nolubhalwe phantsi olungafumaneki ngokuzenzekelayo nolungachazwanga???

- (a) A requester must use the form that has been printed in the Government Gazette (Govt Notice R187-15 February 2002) (Form A) Umfaki sicelo kufuneka asebenzise ifomu eshicilelwe kwiGazette ka Rhulumente?? Gazette???(Isaziso sikaRhulumente R187-15 Februwari 2002) (iFomu A)
- (b) The requester must also indicate if the request is for a copy of the record or if the requester wants to come in and look at the record at the Offices of the Department. Alternatively, if the record is not a document can viewed in the presence of the Information officer. Umfaki sicelo kufuneka abonakalise ngokucacileyo ukuba ingaba isicelo sakhe sesokufumana ikopi yeowazi olugciniweyo nolubhalwe phantsi okanye ufuna ukuza ngokwakhe azokuzibonela/ jongela?? Look??? Ulwazi kwiiofisi zeSebe, Ngenye indlela, ukuba ulwazi olugciniweyo ayiloxwebhu lusenokujongwa phambi komongameli wolwazi
- (c) If a person asks for access in a particular form then the requester should get access in the manner that has been asked for. This is unless doing so would interfere unreasonably with the running of the public body concerned, or damage the record, or infringe a copyright not owned by the state. If for practical reasons access cannot be given in

the required form but in an alternative manner, then the fee must be calculated according to the way that the requester first asked for it. Ukuba umntu ucela ukufikeleleka ngenye indlela ethile kufuneka umfaki sicelo kufuneka afumane uncedo lokufikeleleka ngendlela ebecele ngayo. Oku kwenzeka kuphela ukuba kuingathi kuphazamisane ngokungafanelekanga ngendlela ekusetyenzwa ngayo liqumrhu loluntu,?? oknye ukonala kolwazi olugciweyo nolubhaliweyo, okanye ukwaphula umthetho welungelo lekopi?? Copy right?? Ephantsi kolawulo lombuso??Ukuba ngenxa yesizathu esithile akunako ukulufumana uncedo kwifomu efunekayo kodwa ngenye indlela, kufuneka umrhumo ubalwe ngokuhambelana nendlela athe umfaki sicelo wacela ngayo kwasekuqaleni.???

- (d) If in addition to a written reply to their request for the record, the requester wants to be told about the decision in any way, for example, telephonically - this must be indicated. Ukongeza kwimpendulo ebhalwe phantsi ethunyelwa kumfaki sicelo wolwazi olugciniweyo nolubhalwe phantsi, nangoluphina uhlobo umfaki sicelo uthi afune ukunikwa ingxelo ngesigqibo esithathiweyo, umzekelo, ngemfono-mfono- oku kufuneka kubonakalisiwe.
- (e) If a requester is asking for the information on behalf of somebody else, the capacity in which the request is being made should be indicated .Ukuba umfaki sicelo ucela ulwazi malunga nomnye umntu, icapacity ?? yendlela esenziwe ngayo isicelo kufuneka ibonaklaliswe
- (f) If a requester is unable to read or write, or has disability, then they can make the request for the record orally. The information officer must then complete the form on behalf of such a requester and a copy should be given to him/her copy .14g. Ukuba umfaki sicelo akakwazi ukubhala okany eukufunda, okanye ukhubazekile, angasenza isicelo solwazi olugciniweyo ngomlomo. Umongameli wolwazi kufuneka azlise ifomu malunga nomfaki sicelo olulu hlobo, amnike nekopi yaso 14g.

9. FEES IMIRHUMO

9.1. Types of fees payable lindidi zemirhumo

- (a) There are 2 types of fees required to be paid in terms of the PAIA, being the request fee and the access fee S22.Zimbini (2) iindidi zemirhumo ekufuneka zihlawuliwe ngokwenkqubo ye PAIA, ngumrhumo wokufaka isicelo kunye nowokufikeleleka kulwazi S22.??
- (b) The information officer must notify the requester (other than a personal requester) by notice, to pay the prescribed fee (if any) before further processing the request.Umongameli wolwazi kufuneka azise umfaki sicelo (ngaphandle komntu osifake ngakwakhe isicelo personal requester??) ngokwenza isaziso, yokuhlawula umrhumo ocahziweyo prescribed??(ukuba ukhona) phambi kokuba kuqutyelwe phambili ngesicelo.
- (c) The request fee payable to public bodies is R35. The requester may lodge an internal appeal, where appropriate or an application to the court against the tender of payment of the request fee.Umrhumo wesicelo ohlawulwa kumaqumrhu oluntu ngama- R35. Umfaki sicelo

angenza isibheni ngaphakathi, ukuba kuyimfuneko oko okanye isicelo esiya enkundleni yamatyala court?? Ngokuchaseneyo nentlawulo yomnikelo wexabiso elithile lomsebenzi ofuna ukwenziwa womrhumo wesicelo???

- (d) After the information officer has made a decision on the request the requester must be notified of such a decision in the way in which the requester wanted to be notified in. Emveni kokuba umongameli wolwazi ethathe isigqibo sesicelo, umfaki sicelo kufuneka aziswe ngesigqibo esithathiweyo ngendlela afune ukwaziswa ngayo umfaki sicelo.???
- (e) If the requester is granted then a further access fee must be paid for the research, preparation, reproduction and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure. Ukuba umfaki sicelo unikwe uncendo oluvunyiweyo kufuneka ahlawule omnye umrhumo wokwenziwa kophando, amalungiselelo, umfanekiselo kunye naliphina ixesha elithe lagqithisa kwiiyure ezichaziweyo?? Prescribed?? Zokuphanda kunye nokwenza ulungiselelo lokunika inkcazelo ngolwazi olugciniweyo nolubhalwe phantsi.

9.2. General Provisions Amalungiselelo Jikelele

In terms of section 92 of PAIA, the Minister (of Justice and Constitutional Development) may by notice in the Government Gazette make regulations Relating to fees for the records of public bodies and private bodies (Government Notice No R223 dated 9 March 2001) Ngokwenkqubo yesiqendu 92 se PAIA, uMphathiswa (woPhuhliso loMgaqo-siseko kunye neZobulungisa) azenza isaziso semithetho nemimiselo enxulumene nemirhumo yolwazi olugciniweyo nolubhaliweyo lwamaqumrhu oluntu nazimeleyo kwi Gazette ka Rhulumente (Isaziso sika Rhulumente Nomb. R223 somhla we-9 kuMatshi 2001)??

9.3. Exemption from fees/mirhumo yokukhululewa

A person is exempted from paying the request fee if such a person- (also see point 7.1 on page 11) Umntu uyakhululelwa ekuhlawuleni umrhumo ofunekayo ukuba loo mntu-

- (a) Is a personal requester ("personal Requester" means a requester seeking access to a record containing personal information about himself or herself. Nguye ofake isicelo ("Umntu ofake isicelo ngokwakhe"?? kuthetha ukuthi umfaki sicelo ucela ukufikeleleka kulwazi olugciniweyo nolubhaliweyo olunolwazi lomntu ngaye ubuqu.??
- (b) Request information which is already in the public domain or published as "automatically available records" or Ukucela ulwazi olusele lupapashwe kumaphepha ndaba okanye oluphantsi kolawulo loluntu "ulwazi olufumaneka ngokuzenzekelayo" okanye
- (c) Is exempted by the Minister of Justice by proclamation in the Gazette from paying- Lukhululelwe nguMphathiswa weZobulungisa. ngokwenza isaziso sentlawulo kwi Gazette??
 - (i) requested fees/mirhumo efunekayo
 - (ii) any fees nokuba ngowuphina umrhumo

10. LEGAL REMEDIES: AMANCEDO NGOKUSEMTHETHWENI:

The Act makes provision for an internal appeal procedure which must be exhausted before the matter may be taken to court. This internal appeal procedure is applicable to national and provincial departments and municipalities only; (Section 74-77) Lo Mthetho wenza amalungiselelo enkqubo yokwenza isibheni ngaphakathi nekufuneka igqityezelwe phambi kokuba umcimbi usiwe enkundleni yamatyala. Inkqubo yokwenza isibheni ngaphakathi isetyenziswa kumasebe ephondo nawesizwe kwana koomasipala kuphela, (Isiqendu 74-77)

10.1. Right of Internal Appeal to Executing Authorityllungelo lokwenza isibheni ngaphakathi esiya kwisebe lombuso elilawulayo ngokusemagunyeni

An internal appeal against a decision of the information officer or Deputy Information Officer may be lodged with the MEC for Community Safety, or the person designated in writing by the MEC, on the following grounds: Isibheni esenziwe ngaphakathi nesichasene nesigqibo somongameli wolwazi okanye isekela mongameli wolwazi singafakwa lodged?? kuMphathiswa (MEC) wezoKhuseleko loLuntu, okanye kumntu onyulwe nguMphathiswa (MEC) ngokubhalwe phantsi.

- (a) a refusal to grant access; or Ukulandula kokunikwa imvume yokufikeleleka; okanye
- (b) a decision taken in terms of sections 22, 26 (1) or 29(3) lisigqibo esithathiweyo ngokwenkqubo yeqendu 22, 26 (1) okanye 29(3)
- (c) A third party may lodge an internal appeal against a decision of the Information officer or deputy information officer to grant a request for access. Umntu wesithathu angasenza ngaphakathi isibheni esichasene nesigqibo esithathwe ngumongameli wolwazi okanye isekela mongameli wolwazi sokunika uncdo grant?? lwesicelo sokufikeleleka kulwazi oluyimfuneko / olufanelekileyo ????

10.2. Manner of Internal Appeal Indlela yokwenza isibheni ngaphakathi

An internal appeal must – lisibheni esenziwa ngaphakathi kufuneka-

- (a) Be lodged in the prescribed Form B within 60 days if notice to a third party as required by section 49(1)(b) and within 30 days after decision was taken or notice has been given to the appellant of the decision appealed against. Sifakwe kwifomu B echaziweyo/oyinikiweyo ??? kwiintsuku ezingama- 60 ukuba kufuneka isaziso kumntu wesithathu third party?? ngokuhambelana nesiqendu 49(1)(b) kwiintsuku ezingama-30 emveni kokuba

kuthathwe isigqibo okanye ufumene isaziso kumntu owenze isibheni esichasene nesigqibo esithathiweyo.

- (b) Be delivered or sent to the information officer / deputy information officer at his or her address, fax number or electronic mail address; Sihanjiswe okanye sithunyelwe kwidilesi kamongameli wolwazi/ isekela mongameli wolwazi, sifekswe fax?? Okanye sithunyelwe nge imeyile e-mail??;
- (c) Identify the subject of the internal appeal and state the reasons thereof and may include any other relevant information known to the appellant; Kuchongwe oyena ndoqo uyintloko subject?? Wokufaka isibheni ngaphakathi nokuchaza izizathu zokwenza oko ikwasenokluquka nalo naluphina ulwazi olulolunye olwaziwsa ngumntu owenze isibheni??
- (d) State the manner and provide the particulars, which the appellant desires to be informed of on the decision of the internal appeal in addition to a written reply; Chaza imo manner?? unike neenkcukacha, particulars??, afuna ukwaziswa ngazo umenzi wesibheni malunga nesigqibo sesibheni sangaphakathi ukongeza kwimpendulo yembalelwano,

And kunye
- (e) Specify a postal address or fax number Balula idilesi yeposi okanye inombolo ye feksi fax??
- (f) If an internal appeal is lodged after the expiry of the period referred to, the MEC must, upon good cause shown, allow the late lodging of the appeal. Ukuba isibheni sangaphakathi sifakwe emveni kosuku lokuphelelwa kwexesha elichaziweyo referred to,?? uMphathiswa (MEC) kufuneka, ngesizathu esivakalayo, avumele ukufakwa kwesibheni emveni kwexesha late??
- (g) If the MEC disallows the late lodging of the appeal, he/she must give notice of that decision to the person who lodged the appeal. Ukuba uMphathiswa uthe akavuma ukwamnkela isibheni esifakwe emveni kwexesha late??, kufuneka anike isaziso sesigqibo esithathiweyo kumntu owenze isibheni
- (h) A requester lodging the appeal against the refusal of his/her request for access must pay the prescribed fee (if any) Umfaki sicelo owenze isibheni esichasene nokulandulwa kwesicelo sakhe sokufikeleleka kulwazi oluyimfuneko ?? kufuneka ahlawule umrhumo ochaziweyo prescribed fee?? (ukuba ukhona)
- (i) If the prescribed appeal fee is payable in respect of an appeal, the decision of the appeal may be deferred until the fee is paid. Ukuba umrhumo wesibheni esichaziweyo prescribed?? Uyahlawuleka, isigqibo sesibheni sisenokurhoxiswa kude kuhlawulwe umrhumo ofunekayo.
- (j) As soon as reasonably possible, but in any event within 10 working days after receipt of an appeal or Deputy Information Officer must submit to the MEC: Nakweyiphi na imeko event/ isehlo?? kwiintsuku ezili- 10 zomsebenzi emveni kokufumaneka kwesibheni okanye

iSekela Mongameli woLwazi kufuneka lisifake kuMphathiswa ngokukhawulezileyo nangesizathi esivakalayo.;

11. APPLICATIONS TO COURT IZICELO EZIYA ENKUNDLENI YAMATYALA

Application regarding decisions of the MEC or the person designated in writing by the MEC Izicelo ezifakwe malunga nezigqibo ezithathwe nguMphathiswa (MEC) okanye ngumntu onyuliweyo nguMphathiswa (MEC) ngokubhalwe phantsi

- (a) Requester or third party may only, after exhausting the internal appeal procedure against a decision of an information officer or deputy information officer, apply to a court for appropriate relief. Umntu wesithathu okanye umfaki sicelo angeza oku kuphela, emveni kokuba kuphelelwe inkqubo yesibheni sangaphakathi nesichasene nesigqibo esenziwe ngumongameli woLwazi okanye iSekela likamongameli woLwazi, kufuneka afake isicelo esiya enkundleni yamatyala ukukwenzela sisqabu.
- (b) A requester whose internal appeal has been unsuccessful or aggrieved by a decision of the MEC or person designated in writing by the MEC to disallow the late lodging of an internal appeal in terms of section 75(2) may, by way of an application, within 30 days apply to a court for appropriate relief in terms of section 82. Umfaki sicelo othe akabinampumelelo kwisibheni sakhe sangaphakathi okanye othe wahlungiswa sisigqibo esithathwe ngMphathiswa (MEC) okanye ngumntu onyuliweyo ngokubhalwe phantsi nguMphathiswa (MEC) ngokwala ukufakwa kwesibheni sangaphakathi emveni kwexesha late?? Ngokuhambelan nenkqubo 75(2) usenokuthi, ngendle afake ngayo sisicelo, kwiintsuku ezingama-30 afake isicelo enkundleni yamatyala ukufumana isiqabu esifanelekileyo ngokwenkqubo yesiqendu 82.
- (c) The unsuccessful third party in an internal appeal to the relevant executing authority may, by way of an application, within 30 days apply to a court for appropriate relief in terms of section 82. Iqela lesithathu/Umntu wesithathu othe akaphumelela ekwenzeni isibheni sangaphakathi kwisebe lombuso elawulayo ngokusemagunyeni usenokuthi, afake isicelo kwiintsuku ezingama-30 enkundleni yamatyala ukufumana isiqabu esifanelekileyo ngokwenkqubo 82.??

12. WHEN ACCESS TO INFORMATION MAY BE REFUSED XA USENOKUTHI WALELWE UKUFIKELELEKA KULWAZI OLUYIMFUNeko/OLUFANELEKILEYO??

PAIA balances the requester's constitutional right to information against the information officer's right to refuse access to information, if granting the information would harm the public body in question on any of the grounds mentioned below: I-PAIA ithelekisa ilungelo lomfaki sicelo ngokomgaqo siseko welungelo nochasene nelungelo likamongameli woLwazi loKwala ukufikeleleka kulwazi oluyimfuneko/ olufanelekileyo???, ukuba ukunikezela ngolwazi kunganobungozi kwiqela loluntu ngokwesizathu okanye ngokombuzo wala malungelo akhankanywe apha ngezantsi:

- (a) Mandatory protection of privacy of a third party who is a natural person Ukwenziwa kwesibhengezo sokhuseleko lwemcimbi yangasese yomntu wesithathu ongumntu wendalo natural person??
- (b) Mandatory protection of certain records of South African Revenue Services Ukwenziwa kwesibhengezo sokhuseleko lolwazi olugciniweyo nolubhaliweyo lweNkonzo zeNgeniso zoMzantsi Afrika

- (c) Mandatory protection of commercial information of a third party
Ukwenziwa kwesibhengezo sokhuseleko lolwazi lorhwebo lomntu wesithathu third party??
- (d) Mandatory protection of certain confidential information, and protection of certain n other confidential information of a third party Ukwenziwa kwesibhengezo sokhuseleko lolwazi oluthile olulihlebo confidential??, nokukhuselwa kolunye ulwazi olulihlebo confidential?? lomntu wesithathu??
- (e) Mandatory protection of safety of individuals and protection of property Ukwenziwa kwesibhengezo sokhuseleko lwabantu nokukhuselwa kwezinto zabo
- (f) Mandatory protection of police dockets in bail proceedings, and protection of law enforcement and legal proceedings Ukwenziwa kwesibhengezo sokhuseleko lwamadockethi dockets?? amapolisa kwiinkqubo zebheyile, kunye nokhuseleko lomyalelo ngokweenkqubo zomthetho.
- (g) Mandatory protection of record privileged from production in legal proceedings Ukwenziwa kwesibhengezo sokhuseleko lwelungelo lolwazi olugiciniweyo nolubhaliweyo kwiinkqubo zoveliso ngokusemthethweni
- (h) Defence, security and international relations of the Republic Ukhuselo, ukuhuseleko olunxulumene nelizwe kunye ne Riphabliki??
- (i) Economic interest and financial welfare of the Republic and commercial activities of public bodies Ukutsala umdla kwezoqoqoqsho kunye nezimali kwezentlalontle kunye nemisebenzi yorhwebo yamaqela oluntu
- (j) Mandatory protection of research information of a third party Ukwenziwa kwesibhengezo sokhuseleko kolwazi lophando lomntu wesithathu, and kunye nokhuseleko lolwazi lophando lweqela loluntu protection of research information of a public body
- (k) Operation of public bodies Ukusebenza kwamaqela oluntu??
- (l) Manifestly frivolous or vexatious requests, or substantial and unreasonable diversion of resources Izicelo eziyimfeketho ngokucacileyo okanye ezikhathazayo kunye nokupahzanyiswa okungafanelekanga kwezinto eziluncedo
- (m) Ukwenziwa kwesibhengezo sokutsala umdla elutwini

13. UKUHLAZIYWA KWENCWADI YOLWAZI (ISIQENDU 14)(2)

I-Sebe lisenokuhlaziya kwaye liyipapasha iNcwadi yoLwazi ukuba kuthe kwabayimfuneko oko, (Incwadi yoLwazi yeSiqendu 14) kwizithuba ezingekho ngaphezulu konyaka omnye.

14. UKUFUMANEKA KWENCWADI YOLWAZI (ISIQENDU 14)(3)

Incwadi yoLwazi iyakuthi ifumaneke ngezi lwimi zilandelayo:

IsiNgesi
IsiBhulu
IsiXhosa

15. ISIKHOKELO SESIQENDU 10 SOKUSETYENZISWA KWESIQENDU 14(1) c) SE PAIA???

Ikhomishini (iKhomishini yamaLungelo oLuntu) yenza impembelelo ye Sikhokelo ngomhla woku-1 kuMatshi 2005. Isikhokelo siyafumaneka kuphinyaphinye (website) yeKhomishini yamaLungelo oLuntu- www.sahrc.org.za

16. Izingqiniso

2. Isikhokelo sokuba ingasetyenziswa njanina inkuthazo yokuxhasa ukufikeleleka kuMthetho woLwazi oluyimfuneko
3. Umthetho 2 ka 2000
4. Isiqendu 14 seNcwadi yoLwazi ye-PAIA – uRhulumente wase Limpopo
5. Incwadi yoLwazi yeSebe lezeZindlu neSizwe
6. Incwadi yePAIA yoLwazi yeSebe leeNKonzo zoLuntu neSizwe
7. Ulawulo
8. Umthetho ka 1999 woLawulo lweziMali zoLuntu
9. Imithetho yeBatho Pele
10. Annual Report 08/09.Ingxelo Yonkaka (-Sebe loKhüsleko loLuntu)
11. Incwadi yePAIA yoLwazi lwamaLungelo oLuntu
9. I-Ncwadi yoLwazi yePAIA, I-Sebe leZindlu, (W/Cape), Entshona Koloni,