



**UMNYANGO WEZABASEBENZI BAKARHULUMENDE NOKUPHATHA
IRIPHABLIKI YESEWULA AFRIKA**

**UMHLAHLANDLELA NGOKWESIGABA
14 SOMTHETHO WOKUTHUTHUKISWA
KOKUFUMANEKA KWELWAZI, 2000
(UMTHETHO WESI-2 WEE-2000)**

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1. UMNQOPHO WOMHLAHLANDLELA LO

- 1.1 Ngokwesigaba 32(1) somThethosisekelo weRiphabliki yeSewula Afrika, 1996 (ukusukela la uzokubizwa “ngomThethosisekelo”), woke umuntu unelungelo lokuthola elinye nelinye ilwazi eliphethwe mBuso begodu nelinye nelinye ilwazi eliphethwe ngomunye umuntu elifunelwa ukusetjenziselwa nofana ukuvikelwa kwananyana ngimaphi amalungelo. UmThetho wokuThuthukiswa kokuFumaneka kweLwazi, 2000 (umThetho wesi-2 wee-2000) (ukusukela la uzokubizwa “nge-PAIA”), kumthetho wenarha owamenezelwa bona uphumelelise ilungelo lokufumaneka kwelwazi njengokumumethwe sigaba 32 somThethosisekelo.
- 1.2 Ngokwe-PAIA, woke amaSewula Afrika anelungelo lokufumana amarekhodi aphethwe mBuso, ekufaka hlangana iminyango karhulumende, kanye neenhlango zangeqadi. Hlangana nokhanye, lokhu okulandelako, ngeminye yeminqopho i-PAIA efuna ukuyifeza:
- (a) Ukuqinisekisa bonyana umBuso ubayingcanye ekuthuthukiseni isiko lamalungelo wobuntu kanye nobulungiswa kezehlalakhle;
 - (b) ukukhuthaza ukukhanyela kanye nokuhloma iindlela zokuzinikela nezikatelelako nofana iinkambiso ezipha ukusebenza kwelungelo lokufumana ilwazi ngendlela erhabako, eyonga imali kanye nesebenza kuhle; begodu
 - (c) ukukhuthaza ukubusa okutjhatjhalazi, ukuziphendulela kanye nangendlela efaneleko kizo zoke iinhlango zomphakathi nezangeqadi, ngokuthi kuphiwe amandla bekufundiswe woke umuntu bona azwisisa amalungelwakhe wangokwe-PAIA ukwenzela ukuqinisekisa bonyana uyawasebenzisa amalungelwakhe aphantelene neenhlango zomphakathi kanye nezangeqadi, ukuzwisisa isijamiso kanye nemisebenzi yehlangano yomphakathi, begodu nokuhlolisisa ngokwanelo kanye nokuzibandakanya ekwenziweni kweenqunto ezithinta amalungelwabo ezenziwa yihlangano yomphakathi.
- 1.3 Ngokwesigaba 9(b)(i) se-PAIA, ilungelo lokufumaneka kwelwazi lilawulwa mikhawulo evumelekileko, efaka hlangana, kodwana engapheleli kwaphela emikhawulweni ehloselwe ukuvikela ngefanelo ubufihlo, iinfihlo zokurhweba, ukubusa okusebenzako, okunepumelelo kanye nokuhle. Omunye weminqopho ye-PAIA, kunzinzisa ilungelo lombawo lokufumana ilwazi kanye nelungelo lomNyango, lokwalela ukufumaneka kwelwazi ngokweenzathu zokwala ezikhonjwe esaHlukweni 4 se-PAIA.

1.4 Ngokwesigaba 14 se-PAIA, zoke iinhlango zomphakathi kufanele zihlangangise umhlahlandlela welwazi ukwenzela ukusiza nanyana ngimuphi umuntu ofuna ukufumana amarekhodi wehlangano karhulumente. Ihloso yomHlahlandlela lo kukupha ilwazi elizakusiza begodu liqinisekise bonyana zoke iimbawo zokufumana ilwazi zitjhejwa kuhle nangepumelelo, ngobunjalo bekuthukiswe iminqopho kanye nommoya we-PAIA.

2. IINHLATHULULO

Ngaphakathi komHlahlandlela lo, igama nofana isitjho esiphiwe ihlathululo ngokwe-PAIA, lizakusebenzisa ihlathululo leyo ngaphandle kwalapho ummango utshwaya okuhlukileko—

“isihloko sedatha” kuhlathulula umuntu ohlobene neminingwana yomuntu;

“umNyango” kuhlathulula umNyango wezabaSebenzi bakaRhulumente nokuPhatha;

“isiphathiswa selwazi” kuhlathulula umNqophisi-Zombebele womNyango;

“umHlahlandlela” kuhlathulula umhlahlandlela lo ohlanganiswe ngokwesigaba 14 we-PAIA;

“umbawo siqu sakhe” kuhlathulula umuntu obawo ukufumana irekhodi elimumethe iminingwana yomuntu emanqophana nombawo;

“irekhodi” kuhlathulula elinye nelinye ilwazi elirekhodiweko, nangaphandle komhlobo nofana ubukhulu balo, elisehlelweni nofana elingaphasi kwelawulo lomNyango, nangaphandle kokutjheja bonyana lenziwe mNyango nofana awa;

“isibawo” kuhlathulula isibawo sokufumana irekhodi lomNyango;

“umbawo” kuhlathulula umuntu ofaka isibawo sokufumana irekhodi lomNyango ekufaka hlangana omunye nomunye umuntu obawela esikhundleni somuntu loyo nofana nombawo; begodu

“ne-SAHRC” kuhlathulula iKhomitjhini yamaLungelo woBuntu yeSewula Afrika.

3. IMISEBENZI YOMNYANGO

- 3.1 UmNyango usiza umNgqongqotjhe wezokuLawulwa kwemiSebenzi yomBuso (“uNgqongqotjhe”) manqophana nomthethomgomo ophathelene nemisebenzi yombuso, ngokweemfuneko ezindlalwe ngaphakathi komThethosisekelo kanye nakeminye imithetho efaneleko.
- 3.2 Iimfuneko ezifaneleko zomThethosisekelo kanye neminye imithetho ekhonjwe ngehla, isukela esaHlukweni 10 somThethosisekelo, esitjheje iindaba eziphathelene nokuphatha kurhulumende.
- 3.3 Isigaba 195 somThethosisekelo siqalelela bonyana ukuphatha kurhulumende kufanele kulawulwe magugu neenkambisolawulo ezisekela intando yenengi nezimumethwe mThethosisekelo, efaka hlanguana iinkambisolawulo ezilandelako:
- (a) Izinga eliphakamileko lokuziphatha elamukelekako kufanele lithuthukiswe beligcinwe.
 - (b) Ukukhuthazwa kokusetjenziswa kweensizakusebenza ngendlela efaneleko neyongako.
 - (c) Ukuphatha kuRhulumende kufanele kuthuthukiswe.
 - (d) Imisebenzi kufanele yethulwe ngokungathathi ihlangothi, ngokufaneleko, ngokulinganako begodu nangokungakhethiko.
 - (e) Iindingo zabantu kufanele zitjhejwe, begodu umphakathi kufanele ukhuthazwe ukuthi uzibandakanye ekwenziweni komthethomgomo.
 - (f) Ukuphatha kurhulumende kufanele kube nokuziphendulela.
 - (g) Ukusebenzela tihatjhalazi kufanele kukhuthazwe ngokuthi kuphiwe umphakathi ilwazi elifika ngesikhathi, elifumanekako kanye nelinembako.
 - (h) Ubudlelwano hlanguana nabantu netuthuko yokuthwasiselwa imisebenzi kufanele kungezelelwe begodu kutjalwe nemphakathini.
 - (i) Ukuphatha kuRhulumende kufanele kutjengise ukujanyelwa ngokunabileko kwabantu beSewula Afrika, ukuqatjha nekambiso yokuphatha kufanele kusekelwe phezu kwekghono, kuzaliswe neendingo zokukhuphula labo abatjhiyeke emva ngebanga lebandlululo ukwenzela ukufikelela ubujamo obulinganako.
- 3.4 Isigaba 197 somThethosisekelo sitjheja iinqalelelo ezikhethekileko zemisebenzi yombuso. Isigaba 197 siqalelela bonyana—
- (a) umbuso kufanele usebenze, begodu wakheke, ngokomthetho wenarha;
 - (b) imigomo nemibandela yomsebenzi wombuso kufanele ilawulwe mthetho wenarha; begodu

- (c) aborhulumende beemfunda benesibopho sokufumana abasebenzi, ukuqatjha, ukukhuphula eenkhundleni, ukuthumela keline i-office kanye nokuqatjha abasebenzi bombuso emisebenzinabo wokuphatha ngaphakathi kwephahla leenkambiso namazinga afanako nekungilawo asetjenziswa emisebenzini yombuso.

3.5 Umthetho wenarha kanye nephahla leenkambiso namazinga akhonjwe esigabeni 197 somThethosisekelo, uphuma ngaphakathi komThetho wezemiSebenzi yomBuso, 1994 (isiMemezelo se-103 se-1994)(“i-PSA”). I-PSA itjheje amandla nemisebenzi kaNgqongqotjhe. I-PSA iqalelela uNgqongqotjhe ngamandla nemisebenzi—

- (a) yokuletha iinkambiso namazinga eendabeni eziphathelene nemisebenzi, amahlelo wehlangano, imibandela yokusebenza, ukuqatjiswa, itjhebiswano kezemisebenzi, zepilo kanye nepilo ehle yabasebenzi, ukuphathwa kwelwazi, ukusebenza kwakarhulumende nge-elektroniki, ukudzimelela emigomeni ebekiweko, ukuziphatha okulungileko, ukulwisana nobukhohlakali, amatjhuguluko, ukulungisa kanye nokuza nokutjha;
- (b) yokwenza iinqunto eziphathelene nokudlulisela imisebenzi kweminye iminyango;
- (c) yokululeka uMengameli nesigungu seemphathimandla manqophana neendaba eziphathelene nemisebenzi yombuso, amahlelo wokuqatjiswa kwabasebenzi nofana iindlela zokuqatjiswa eenjamisweni zombuso, imirholo nemibandela yokuqatjiswa kwabasebenzi abaseenkhundleni zananyana ngiyiphi ibhodi, iziko nofana isijamiso; begodu
- (d) nokukwenza imithetholawulo, ukukhupha iinqunto kanye nemilayelo.

3.6 Ukungezelela ku-PSA, umThetho oLawula zokuPhatha kuRhulumende, 2014 (umThetho we-11 we-2014) (“i-PAMA”) ukuya phambili ufisa—

- (a) ukuthuthukisa amagugu neenkambisolawulo ezimumethwe sigaba 195 somThethosisekelo;
- (b) ukuqalelela ukuthuthukiswa kwamakghono kanye nokuthwasisa;
- (c) ukuhloma iYunidi yezokuPhatha okuHle kuRhulumende ukuThembeka kanye neSizo lokuKhalima;
- (d) nokuhloma i-Ofisi lamaZinga nokuThotjelwa komthetho.

3.7 Ngokwesigaba 16 se-PAMA, uNgqongqotjhe uphiwe amandla wokukhupha iinkambiso namazinga kizo zoke iingaba zakarhulumende, ukusukela ezingeni lenarha, eemfundeni

kanye nakiborhulumende bendawo, ekubalwa hlangana nokhunye—

- (a) ukuthuthukiswa kwamagugu neenkambisolawulo ezikhonjwe esigabeni 195(1) somThethosisekelo;
- (b) ukuthuthukiswa kwamakghono nokuthwasiswa;
- (c) itheknoloji yelwazithintano kezokuphatha kurhulumende;
- (d) ukuthembeka, isimilo, nokuziphatha,
- (e) ukuvezwa kweenrhuluphelo zeemali;
- (f) iindlela zokuthuthukisa ukusebenza kuhle kanye nepumelelo yamaziko; begodu
- (g) nokuveza ilwazi eliphathelene nokukhalinywa okungakaphethwa kanye nokukhalinywa esele kuphethiwe lapho umsebenzi alahlwe licala khona.

4. ISAKHIWO SOMNYANGO

4.1 UmNyango wakhiwe ngamagatja amahlanu, ngendlela ekutjengiswe ngayo ngenzasi:

- (a) **Lokuphathwa nokuThuthukiswa kwabaSebenzi** ngilo elitjheje ukuhlela kwezabasebenzi, ukuqatjha kanye nokuphathwa kokusebenza, ukuthuthukiswa kwabasebenzi kanye netjhuguluko, ukuphathwa kweendawo zokusebenzela kanye ne-Ofisi lamaZinga nokuThotjelwa komthetho;
- (b) **LemiKhulumiswano, iTjhebiswano kezemiSebenzi kanye nokuPhathwa kwemiRholo** ngilo elitjheje ukuthuthukiswa kwehlangano, ukuhlela imisebenzi ngamananeko, iinhlango ezikulu zombuso, imirholo, imibandela yokuqatjha (iinzuzo ezikulu nezijayelekileko), amarherho wezabasebenzi, imikhulumiswano, itjhebiswano kezemisebenzi kanye nokuphathwa kwemibango begodu neYunidi yezokuPhatha okuHle kuRhulumende ukuThembeka kanye neSizo lokuKhalima;
- (c) **LokuFumaneka nokuLawulwa kwemiSebenzi kaRhulumende** ngilo elitjheje ukuphathwa kwemisebenzi, ukufumaneka kweensiza kanye nokuthuthukiswa kwazo, itjhebiswano kwezezakhamizi kanye nokubandakanye komphakathi;
- (d) **LokuPhathwa kweLwazi nemiSebenzi kaRhulumende nge-inthanethi** ngilo elitjheje itheknoloji yelwazithintano ekuphathweni kombuso, ukusebenza nge-inthanedi kanye netheknoloji yelwazithintano yokuphathwa kwemisebenzi yomthangalasisekelo, ukuphathwa kwelwazi nababambisani kanye nokuphathwa kwelwazi nokwenziwa kwezinto ezitjha; kanye

- (e) **NelokuPhatha** ngilo elitjheje isekelo langaphakathi lokuphatha ngamano nesekele lesigungu, ukuphathwa kwezokuthintana nelwazi langaphakathi, zemithetho, ukuphathwa kweziko labasebenzi langaphakathi kanye nendawo yokusebenzela, ukuphathwa kwetheknoloji yelwazithintano langaphakathi, itjhebiswano leentjhabatjhaba kanye nokusekelwa ngeemali, ukuhlolwa kweencwadi kwangaphakathi, ubungozi, ilawulo lemisebenzi yeemali, i-Ofisi langeQadi likaNgqongqotjhe, i-Ofisi langeQadi leSekela likaNgqongqotjhe kanye ne-Ofisi lomNqophisi-Zombebele.

5. IMININGWANA YOKUTHINTANA YESIPHATHISWA SELWAZI KANYE NESEKELA LESIPHATHISWA SELWAZI

UmNqophisi-Zombebele womNyango wezabaSebenzi bakaRhulumende nokuPhatha usiPhathiswa seLwazi ngokwe-PAIA. ISekela lesiPhathiswa seLwazi elikhethiweko lomNyango lomNqophisi osiKhulu: kwezemiThetho.

Isiphande seposo: Private Bag X916
PRETORIA 0001

Isiphande sendlela: Batho Pele House
546 Edmond Street
ARCADIA

Umrhala: 012-336-1218/1553/1006

Iposommoya: PAIA@dpsa.gov.za

6. UMKHOMBANDLELA WEKHOMITJHINI YAMALUNGELO WOBUNTU YESEWULA AFRIKA WOKUSETJENZISWA KWE-PAIA

Ngokwesigaba 10 se-PAIA, i-SAHRC ikhonjelwe bonyana ihlanganise umkhombandlela, ngelimi ngalinye elisemthethweni, omumuthe ilwazi elinje, ngendlela ezwisisakala lula, nangendlela engakhonjelwa mumuntu onesifiso sokusebenzisa amalungelwakhe ngokwe-PAIA. Njengombana kuveziwe ngehla, umkhombandlela uzakusiza umuntu bona asebenzise amalungelwakhe wangokwe-PAIA, kube ngakelinye ihlangothi ihloso yomHlahlandlela kusiza umuntu ofisa ukuthola ilungelo lokuthola ilwazi eliphethwe

yihlangano karhulumende ngendlela engabiziko nenepumelelo. Umkhombandlela wokuthi i-PAIA isetjenziswa njani uyatholakala e-SAHRC. Imibuzo ingathunyelwa ku-SAHRC bunje:

Isiphande seposo: Braampark Forum 3
33 Hoofd Street
Braamfontein

Umrhala: +27 11 877 3600
Ubunzinzolwazi: www.sahrc.org.za
Iposommoya: info@sahrc.org.za
linghonyoyilo: complaints@sahrc.org.za

7. AMAREKHODI

7.1 IHLATHULULO YEENHLOKO UMNANGO OPHETHE AMAREKHODAZO KANYE NEENGABA ZAMAREKHODI APHETHWEKO EENHLOKWENI NGASINYE

Ngemimnqopho yokukghonakalisa isibawo ngokwe-PAIA, iinhloko umNyango ophethe amarekhodazo kanye neengaba zamarekhodi aphethweko eenhlokweni ngasinye ajame ngendlela elandelako:

- A. UkuPhathwa nokuThuthukiswa kwabaSebenzi**
 - a. UkuHlela kwezabaSebenzi, ukuQatjiswa kanye nokuPhathwa kokuSebenza
 - b. UkuThuthukiswa kwabaSebenzi
 - c. AmaTjhuguluko nokuPhathwa kweeNdawo zokuSebenzela
- B. ImiKhulumiswano, iTjhebiswano kezemiSebenzi kanye nokuPhathwa kwemiRholo**
 - a. UkuThuthukiswa kweHlangano, ukuHlela imiSebenzi ngamananeko, iinHlangano eziKulu zomBuso
 - b. ImiRholo, imiBandela yokuQatjiswa kanye namaRherho wezabaSebenzi
 - c. ITjhebiswano kwezemiSebenzi kanye nokuPhathwa kwemiBango
- C. UkuFumaneka nokuThuthukiswa kwemiSebenzi kaRhulumende**

- a. UkuPhathwa kwemiSebenzi
- b. UkuFumaneka kweenSiza
- c. UkuThuthukiswa kokuPhakela iinSiza, iTjhebiswano leZakhamizi kanye nokuBandakanyeka komPhakathi

D. UkuPhathwa kweLwazi nemiSebenzi kaRhulumende nge-inthanethi

- a. UkuPhathwa kweTheknoloji yeLwazithintano lomBuso
- b. UkuSebenza nge-Inthanedi kanye neTheknoloji yeLwazithintano yokuPhathwa kwemiSebenzi yomThangalisisekelo
- c. UkuPhathwa kweLwazi nabaBambisani
- d. UkuPhathwa kweLwazi nokwenziwa kwezinto eziTjha

E. UkuPhatha

- a. UkuPhatha ngaMano neSekelo lesiGungu
- b. UkuPhathwa kwezokuThintana neLwazi langaPhakathi
- c. zemiThetho
- d. UkuPhathwa kweZiko labaSebenzi langaphakathi kanye neNdawo yokuSebenzela
- e. UkuPhathwa kweTheknoloji yeLwazithintano langaPhakathi
- f. ITjhebiswano leenTjhabatjhaba kanye nokuSekelwa ngeeMali,

F. I-Ofisi lomNqophisi-Zombebele

- a. I-Ofisi lamaZinga nokuThotjelwa komthetho
- b. IYunidi yezokuPhatha okuHle kuRhulumende ukuThembeke kanye neSizo lokuKhalima
- c. Ukuhlolwa kweencwadi kwangaphakathi;
- d. UkuLawula ukuziPhatha nobuNgozi
- e. Imisebenzi yezokuPhathwa kweeMali

7.2 AMAREKHODI AFUMANEKA NGALESOSIKHATHI

7.2.1 Isaziso sikhutjiwe manqophana neengaba zamarekhodi womNyango afumaneka ngalesosikhathi nangaphandle kokuthi umuntu afake isibawo sokuwafumana ngokweenkambiso ze-PAIA.

7.2.2 Amarekhodi akubunzinzolwazi bomNyango, www.dpsa.gov.za, ayatholakala ukuthi

umuntu awavulele khona kubunzinzolwazi nofana awadlulisele kumtjhiningqondo ngaphandle kokuthi afake isibawo ngokwe-PAIA.

7.2.3 Ngokwesigaba 14(1)(e) se-PAIA, umNyango uneengaba zamarekhodi ezilandelako afumaneka ngalesosikhathi ngokuthi kwenziwe amakhophi kanye nokuhlolwa ngaphandle kokuthi umuntu (umbawi) afake isibawo sokuwafumana ngokwe-PAIA:

- (a) ImiThetho, imiThethomlingwa kanye nemiThetholawulo ekhutjhwe mNyango;
- (b) imithethomgomo kanye neemkhombandlela ekhutjhiweko;
- (c) amaforomu wesibawo;
- (d) ikomba yeminingwana yokuthintana;
- (e) imitlolo ekhutjhwe nge-elektroniki
- (f) iincwajana zemininingwana nezihlathululako ezikhutjhiweko;
- (g) iinsetjenziswa zokukhangisa ezikhutjhiweko, ekufaka hlangana iincwajana zokukhangisa zomnyango;
- (h) amaphephandaba akhutjhiweko;
- (i) iincwajana zemibiko namaphamfulethi akhutjhiweko;
- (j) imibiko ekhutjhiweko;
- (k) amahlelo amamano;
- (l) amahlelo wokusebenza ngomnyaka;
- (m) imibiko yomnyaka;
- (n) iimbiko yesabelomali;
- (o) amasekhula weenkundla zemisebenzi; begodu
- (p) neemvumelwano zokukhulumisana ezihlangeneko.

7.2.4 Ubunzinzolwazi bomNyango ku-www.dpsa.gov.za, bumumethe ubunengi belwazi elitshwaywe eendimeni 7.1 ne ye-7.2 ngehla, nelitholakala bonqophangethungelelwanohlanganiso. Sibawa utjheje begodu usebenzise ubunzinzolwazi ngaphambi kokuthumela iimbawo, njengombana leyo kuzakuba yindlela elula khulu yokufumana amarekhodi womnyango. Ungathintana nomNyango ukuqinisekisa bonyana ilwazi elifunekako liyafumaneka na, lingelifumaneka ngalesosikhathi, nofana kufanele ulandele ikambiso yokufumana ilwazi ukwenzela bona ufumane imitlolo efunekako.

7.2.5 Elinye ilwazi elifumaneka ngalesosikhathi nelingakabekwa kubunzinzolwazi bomNyango lingatholakala ngesibawo emNyangweni ngaphandle kokuthi kufakwe

isibawo ngokwe-PAIA.

7.2.6 Akunasidingo sokugcwaliswa kwamaforomu wesibawo sokufumana ilwazi ngokwe-PAIA manqophana namarekhodi afumaneka ngalesosikhathi ngokwendima le. Nanyana kunjalo, imbadalo yokwenzelwa amakhophi ingasebenza, lapho kudingeka khona.

7.3 IKAMBISO YOKUBAWA

(a) *Ngilibawa njani ilungelo lokufumana lerekhodi?*

- Umbawo kufanele asebenzise iforomu (iForomu A) eyaphrintwa e*Gazethini* kaRhulumente (isiYeletiso sakaRhulumente R187 sangomhlaka 15 kuMhlolanja 2002).
- Umbawo kufanele atjengise nokobana ingabe umbawo ufuna ikhophi yerekhodi nofana ingabe umbawo ufuna ukuza azokuqala irekhodi emafisini wehlangano karhulumente. Ngokujamiselela, nangabe irekhodi alisiwo umtlolelo wephapha yeke ungaqalwa ngendlela elibawo ngayo la kutlhogeka khona.
- Nangabe umuntu ubawo ilungelo lokufumana ngendlela ethileko (isib. ikhophi yephapha, ikhophi ebu-elektroniki, njll.) ye-ke umbawo kufanele afumane ilungelo lokufumana ngendlela leyo. Ngaphandle kokwenza njalo lokhu kuzokuphazamisana ngokungazwakaliko nokuphathwa kwehlangano karhulumente ebandakanyekako namkha kone irekhodi namkha kuphikisane nelungelo lokukhuphela elingasingelomBuso. Nangabe ngeenzathu ezingenzeka ilungelo lokufumana ngeze lanikelwa ngendlela efunekako kodwana ngenye indlela, yeke imbadalo kufanele ibalisiswe ngokwendlela umbawo alibawo ngayo ekuthomeni.
- Ngokungezelela ependulweni etloliweko yesibawo sabo serekhodi nangabe umbawo ufuna ukutjelwa ngesiquanto ngananyana ngiyiphi indlela, isib. umrhala, lokhu kufanele kutjengiswe.
- Nangabe umbawo ubawela othileko ilwazi, ikghono isibawo esenziwe ngalo kufanele litjengiswe.
- Nangabe umbawo akakghoni ukufunda nokutlola namkha unokukhubazeka, ye-ke isibawo singenziwa ngomlomo. Yeke isiphathiswa selwazi kufanele sizalisele umbawo onjalo iforomu bese simnikela ikhophi yeforomu elizalisweko.

(b) *Ukuvunywa nofana ukwaliwa kwesibawo:* Umbawu kufanele anikelwe ilungelo lokufumana irekhodi lehlalano karhulumente nangabe umbawu ukhambisana nokulandelako:

- Umbawu ukhambisana nazo zoke iimfuneko zekambiso esemThethweni ephathelene nesibawo selungelo lokufumana irekhodelo; begodu
- Nelungelo lokufumana irekhodi alalelwa ngananyana ngisiphi isizathu sokwala esitjhiweko ngaphakathi kwe-PAIA.

(c) *Iimbadalo ezibhadalelwa isibawo kanye nesiyeleliso sesiquanto ngelungelo lokufumana*

- Umbawu ofuna ilungelo lokufumana irekhodi elimumethe imininingwana yombawu loyo siqu sakhe akufuneki bona abhadale imbadalo yesibawo. Boko abanye ababawu kufanele babhadale imbadalo yesibawo yama-R35.
- Isiphathiswa selwazi kufanele siyelelise umbawu (kunombawu siqu sakhe) ngesiyeleliso, ngokufuna umbawu kobana abhadale imbadalo eqintelweko yesibawo (nangabe ikhona) kanye nesibambiso (nangabe sikhona) ngaphambi kokufakwa ekambisweni okuragela phambili kwesibawo.
- Umbawu angenza isibawo esirhabekileko sangaphakathi la kufanele khona nofana isibawo sekhotho ngokuphikisana nokunikelwa nofana ukubhadala imbadalo.
- Ngemva kobana isiphathiswa selwazi senze isiquanto ngesibawo umbawu kufanele ayeleliswe ngesiquanto esinjalo ngendlela umbawu afune ukuyelelisa ngayo.
- Nangabe isibawo sivunyiwe yeke imbadalo yokungezelela yelungelo lokufumana kufanele ibhadalelwe amakhophi nokufuna kanye nokulungisa kwananyana ngisiphi isikhathi esifuneka ngobunengi sama-awara abekiweko wokufuna kanye nokulungisa irekhodi kobana livezwe.
- Ilungelo lokufumana irekhodi lizokubanjwa bekube lapho zoke iimbadalo ezifaneleko zibhadalwe khona.

8. IMININGWANA NELWAZI LABASEBENZI BOMBUSO

Idatha eliphathelene namalunga womphakathi elirhunyeziweko nofana elisithezwe ubunini esigabeni senarha nesifunda sakarhulumente lingafakelwa isibawo erherhweni iPhiko

lomNyango lamaRherho weLwazi nokuPhathwa kweDatha. Kungaba ngcono nange isibawo esisemthethweni esibuya ezikweni singaphekelelwa yincwadi esemthethweni enetshwayo lemininingwana yezikwelo begodu itlikitlwe ngokomthetho mumuntu ojamele izikwelo.

9. IMISEBENZI EFUMANEKAKO YOMPHAKATHI

Imisebenzi yomNyango, njengokuhlathululwe endimeni 3, ihleleke ngendlela yokuthi amatlayenti wawo kuvamise ukuba minyango eminye yakarhulumende. Eensizeni zawo azikho lezo ezingezomphakathi. Nanyana kunjalo, elinye ilwazi elingafakelwa isibawo mininingwana ethileko ephathelene nehlalo kanye nenani labantu kurhulumende (isibonelo, ubukhulu bukarhulumende kanye nenani labasebenzi bomnyango ngamunye).

10. AMAHLELO AVUMELA UKUBANDAKANYEKA EKWAKHIWENI KOMTHETHOMGOMO KANYE NOKWENZIWA KWEMISEBENZI

10.1 *Umthethomgomo kanye nomthetho*: Lokha umNyango nawuhlongoza umthethomgomo nofana umthetho omutjha uthoma ngokubonisana nabahlanganyeli boke ngokuthi ubameme bonyana bathumele imibono emaphepheni akhutjhiweko kesinye isikhathi nangokusebenzisa iimfundobandulo/imibuthano. Ikambiso yokuba yingcenywe ihluka ngokuya ngomhlobo wephrojekthi eyenziwako begodu kuvamise bonyana ilwazelo likhutjhwe ngaphambi kokuthoma kwephrojekthi nofana ngemva kokuthoma kwayo.

10.2 *Isenzo sokuphatha*: Ebujameni lapho isenzo sokuphatha sikhinyabeza kumbi nangokubonakalako-

(a) amalungelo nofana okulindelwe ngokomthetho ngomunye nomunye umuntu; nofana

(b) amalungelo womphakathi,

the kuzakusetjenziswa iimfuneko zekambiso engathathi ihlangothi ezimumethwe ngaphakathi komThetho wezokuThuthukiswa kokuPhathwa kobuLungiswa, 2000 (umThetho wesi-3 wee-2000)(“iPAJA”). (Qala khulu iingaba 4 nesesi-5 se-PAJA).

10.3 *Imibandela yokusebenza kwabasebenzi bakarhulumende*: Imibandela yokusebenza kanye nezinye iindaba zeenrhuluphelo ezifanako zabasebenzi bakarhulumende kukhulunyiswana ngazo ngaphakathi kwemikhandlu yemikhulumiswano eyahlonywa ngokwemibandela yomThetho wezeTjhebiswano kezemiSebenzi, 1995 (umThetho wama-66 we-1995)(“i-LRA”). IinHlangano ezijamele abasebenzi benani elithileko bakarhulumende

zingaba yingcenywe yomkhandlu wemiKhulumiswano. UmKhandlu wemiKhulumiswano wokuhlela wakaRhulumende uyihlangano hlangana nezinye lapho yoke imibandela yomsebenzi esebenza kibo boke abasebenzi bakarhulumende kukhulunyenise ngayo ngokufanako. Iingcenywe ezilandelako zemikhandlu yemiKhulumiswano zikhona:

- (a) Ingcenywe yomkhandlu wemiKhulumiswano yakaRhulumende wawokewoke;
- (b) Umkhandlu wezeFundo weTjhebiswano kezemiSebenzi
- (c) Ingcenywe yomkhandlu wemiKhulumiswano yezePilo neHlalakuhle yomPhakathi
- (d) Ingcenywe yomkhandlu wemiKhulumiswano yokuphepha nokuVikeleka

11. ISOMBULULO ESIFUMANEKAKO MANQOPHANA NEZENZO EZINGEKHO EMTHETHWENI NOFANA IMITJHAPHO YEEMPHATHIMANDLA ZIKARHULUMENDE

Kuneenkambiso ezilandelako ezenzelwe bona abantu babike nofana bafune isombululo ezimeni lapho kuneensolo zezenzo zokuphambuka, zokutjhapha nofana ezingekho emthethweni zabasebenzi abaqatjhwane mNyango:

11.1 Iinkambiso zokubika nofana zokufuna isombululo:

- (a) Ilungelo lesombululo manqophana nezenzo nofana ubutjhapho bokuhluleka ukuthatha igadango ngokwe-PAIA: Inkambiso yangaphakathi yokuzibilayeza ngokwe-PAIA yenza iinqalelelo zokuthi umuntu ongakaphatheki kuhle angazibilayeza kuNgqongqotjhe (qala iingaba 74 – 77 ze-PAIA). Ngemva kokulandela yoke inkambiso yangaphakathi yokuzibilayeza, isibawo singathunyelwa ekhotho (qala iingaba 78 -82 ze-PAIA).
- (b) Isisebenzi sakarhulumende singenza isinghonyayo ukwenzela bonyana iKhomitjhini yezemiSebenzi yakaRhulumende yenze iphenyo manqophana nesenzo esisemthethweni nofana ukweqiwa komthetho (qala isigaba 35 se-PSA).
- (c) Umuntu odinga isombululo, hlangana nokhanye, angasebenzisa imithetho ephathelene nezemisebenzi, efana ne-LRA kanye nomThetho wemiBandela esisekelo kezokuQatjha, 1997 (umThetho wama-75 we-1997)(“i-BCEA”).
- (d) Umuntu angenza isinghonyayo kumhloli wezemisebenzi manqophana neensolo zokuphulwa komThetho i-BCEA (Qala isigaba 78(1)(a)), nofana umThetho wezokuQatjha ngokuLingana, 1998 (umThetho wama-55 we-1998)(Qala isigaba 34(e)).

- (e) Umuntu angenza isinghonyoyiso kumVikeli womPhakathi mangophana neensolo zokuphula umthetho nofana ukuziphatha okungekho emthethweni kwesisebenzi sakarhulumende. Isigaba 182(1) somThethosisekelo kanye nesigaba 7 somThetho womVikeli womPhakathi, 1994 (umThetho wama-23 we-1994) ingeminye efaneleke khulu kilokhu.
- (f) Umuntu angafaka isinghonyoyiso ku-SAHRC mangophana nesenzo nofana ubutjapho obenziwa sisebenzi sakarhulumende osolelwa bonyana uphule nanyana ngiliphi ilungelo lobuntu elisisekelo lomunye umuntu. Kilobu ubujamo kusebenza isigaba 15 somThetho weKhomitjini yamaLungelo woBuntu yeSewula Afrika, 2013 (umThetho wama-40 wee-2013).
- (g) Ukwenzela bona ukwazi ukuvikeleka ekwenziweni ungazimbi ngonobangela wokuveza okuphathelene nesenzo esiphula umthetho nofana esingakalungi somqatjhi nofana somlingani wangokomsebenzi, umuntu ongakaphatheki kuhle, angalandela iinkambiso zokuveza ezingaphakathi komThetho wokuveza okuVikelekileko, 2000 (umThetho wama-26 wee-2000) (“i-PDA”).
- (h) Umuntu ongakaphatheki kuhle angakhetha ukuthola isombululo sezomthetho esifana nebuyekezo ngokobulungiswa lesenzo sokuphatha ngokwe-PAJA.

11.2 *Eminye imihlobo yeensombululo:*

- (a) Umuntu ongakaphatheki kuhle angabawa iinzathu ezenze bonyana kuthathwe isiqu nto kezokuphatha ngokwesigaba 5 se-PAJA.
- (b) Umuntu angabawa nelungelo lokufumana amarekhodi womnyango karhulumende nofana wenye ihlangano karhulumende ngokwesigaba 11 se-PAIA.

11.3 *Umsebenzi wokubika:*

- (a) Isisebenzi sakarhulumende, ngesikhathi semisebenzakhe esemthethweni, sikatelekile, ngokwemigomo yokuLawula ukuziphatha kwabasebenzi bakarhulumende, bonyana abikele iimphathimandla ezifaneleko, ubukhohlakali, ukukhwabanisa, ukuqatjhana ngobuhlobo, ukuphathwa kumbi, kanye nezinye izinziso ezithathwa njengezimlandu nofana ezinobungozi eenrhuluphelweni zomphakathi. Isisebenzi esingalandeliko imigomo yokuziphatha kufanele siqalane nesendla somthetho ngokweenkambiso zokukhalinywa ezindlalwe esigabeni 16A se-PSA. Nakibo lobu ubujamo, umThetholawulo 9 wemiThetholawulo yezemiSebenzi kaRhulumende, 2016 nawo ungofanelekileko.
- (b) Kunesibopho sangokomthetho sabo boke abaqatjhi nabasebenzi sokuthi aveze ukuphulwa komthetho kanye nananyana ngikuphi ukuziphatha okungakalungi emsebenzini. I-PDA ngiyo efaneleke khudlwana kilobu ubujamo.

12. ELINYE ILWAZI ELIBEKWE NGOKWESIGABA 14(1)(1) SE-PAIA

Elinye nelinye ilwazi ngokwesigaba 14(1)(i) se-PAIA, kuzakwenziwa bonyana litholakale ngemva kwesiphakamiso sikaNgqongqotjhe wezobuLungiswa nokuThuthukiswa komThethosisekelo.

13. UMTHETHO WOKUVIKELWA KWEMININGWANA YOMUNTU, 2013 (UMTHETHO WESI-4 WEE-2013) ("I-POPIA")

13.1 Ngokwesigaba 2 se-POPIA, omunye weminqopho emikhulu ye-POPIA kukwenza bona kusebenze ilungelo langokomthethosisekelo lobufihlo, ngokuvikela imininingwana yomuntu lokha nayifakwa ekambisweni ngiloyo ophathiswe umsebenzi loyo, nangokulawulwa mikhawulo ekhonjwe esigabeni 36 somThethosisekelo. "Imininingwana yomuntu" njengokuhlathululwe esigabeni 1 se-POPIA, kuhlathulula imininingwana emanqophana naleyo ehlobaniseka nomuntu ngokwemvelo nofana ngokomthetho, hlangana nokhunye, kubalwa imininingwana ephathelene nobuhlanga, ubulili, ubuzwe, ubutjhaba nofana imvelaphi yezehlalakuhle, ifundo, zepilo, zeemali, umlando wobulelesi nofana wezokuqatjiswa komuntu loyo. Isigaba 13 se-POPIA sikatelela ngokomthetho umNyango bonyana ufake ekambisweni imininingwana yomuntu ngokwehloso ethileko kanye nesemthethweni kwaphela. Ukufakwa ekambisweni kwemininingwana yomuntu ngokwe-POPIA, hlangana nokhunye, kufaka ukhlanganiswa, ukubulungwa, ukurhujululwa, ukusatjalaliswa nofana ukoniwa kwelwazelo.

13.2 Isahluko 3 se-POPIA sindlala ubuncani beemfuneko zokufakwa ekambisweni kwemininingwana yomuntu ngokomthetho mNyango. Iimfunekwezi akukafaneli zeqiswe amehlo, ngaphandle kwalapho kusetjenziswa khona okukhethekileko. Umnqopho wokulungiselelwa kwemininingwana yomuntu, iingaba zeenhloko zemininingwana kanye nomhlobo welwazi elilungiselelwa mNyango, abamukeli bemininingwana yomuntu, ukudlulisela imininingwana yomuntu kwelinye ilizwe, kanye neendlela zokuphepha zindlalwe ngenzasi:

13.3 Umnqopho wokufaka ekambisweni

Imininingwana yomuntu ingafakwa ekambisweni kwaphela ngokomnqopho othileko. Iminqopho eyenza bona umNyango ufake ekambisweni imininingwana yomuntu

ingendlela elandelako:

(a) Yabasebenzi:

- (i) ukuqinisekiswa kwemininingwana yomuntu ofake isibawo ngesikhathi sokuqatjha;
- (ii) ukuqinisekiswa kwemininingwana ephathelene nesisebenzi esirhwebelana nomBuso;
- (iii) iindaba ezivamileko eziphathelene nabasebenzi ezingafaka hlangu:
 - o linzuzo ezijwayelekileko;
 - o Umhlalaphasi;
 - o Isizo lezokwelatjhwa;
 - o Irhelo labarholelwako;
 - o Igadango lokukhalima; begodu
 - o Nokuthwasiswa
- (iv) nanyana ngimuphi omunye umnqopho odingekako ophathelene nokuqatjha nofana ikghonakalo yobudlelwano bokuqatjha.

(b) Yabathengisi/abasabalalisi bepahla:

- (i) Ukuqinisekiswa kelwazi kanye nokwenziwa kwereferensi namanye amatjhege abekiweko;
- (ii) iminqopho ephathelene nobudlelwano besivumelwano nofana bebhizinisi nofana ikghonakalo yobudlelwano besivumelwano nofana bebhizinisi obuphakathi kweenhlangano;
- (iii) ububhadalwa kwama-invoyisi;
- (iv) ukuthotjelwa kwemithetholawulo kanye nezinye iimbopho zomNyango; begodu
- (v) nanyana ngimuphi omunye umnqopho ophathelene nebhizinisi yomNyango.

13.4 Iingaba zeenhloko zeminingwana kanye nemihlobo yemininingwana yomuntu esele ifakwa ekambisweni

Elandelako ziingaba zeehloko zeminingwana kanye neminingwana yomuntu elifakwa ekambisweni mNyango.

(a) Yabasebenzi:

- (i) Igama neminingwana yokuthintana;
- (ii) inomboro kamazisi kanye nemitlole yakamazisi efaka hlangana iimpasipoti;
- (iii) umlando wokuqatjiswa kwakhe kanye namareferensi;
- (iv) iminingwana yebhankakhe nezeemali;
- (v) iminingwana yokubhadalwa kwabantu besithathu (ngokudoselwa emrholweni);
- (vi) iimvumelwanosibopho zomsebenzi;
- (vii) amahlelo wezokulingana emsebenzini;
- (viii) amarekhodi wesizo lezokwelatjiswa;
- (ix) amarekhodi wesiKhwama somhlalaphasi;
- (x) amarekhodi wesibonelelo/umrholo;
- (xi) ukulinganiswa kokusebenza;
- (xii) amarekhodi wokukhalinywa;
- (xiii) amarekhodi wamalifu; kanye
- (xiv) namarekhodi wokuthwasiswa.

(b) Yabangahle baqatjwe:

- (i) Isiphande seposo kanye nesendlela;
- (ii) ithayitlela negama;
- (iii) inomboro zokuthintana kanye neposommoya;
- (iv) ubuhlanga;
- (v) umlando wokuqatjiswa;
- (vi) iminyaka yobudala;
- (vii) ubulili;
- (viii) ubujamo bomtjhado;
- (ix) ubuzwe;
- (x) ilimi;
- (xi) ilwazi ngezeemali;
- (xii) inomboro kamazisi nofana yepasipoti; begodu
- (xiii) neminingwana yekundla yokuthintana.

(c) Yabathengisi/ abasabalalisi bepahla:

- (i) Igama neminingwana yokuthintana;
- (ii) iminingwana kamazisi kanye neyekhamphani begodu neminingwana yabanqophisi bayo;

- (iii) imininingwana yebhanka neyezeemali;
- (iv) imininingwana ngemikhiqizo nofana imisebenzi; kanye
- (v) neminye imininingwana engakabalwa kodwana edingekako bona ifakwe ekambisweni manqophana nemisebenzi yebhizinisi.

13.5 Abamukeli nofana iingaba zabamukeli ebanganikelwa imininingwana yomuntu

UmNyango uphathele umBuso ilwazi nje-ke awunikeli ngemininingwana yomuntu kenye nenye ihlangano ngaphandle komunye umnyango nofana iziko lombuso. Nanyana kunjalo, imininingwana ethileko yomuntu, ingakhutjhelwa abamukeli bemininingwana yomuntu abalandelako:

- (a) limphathimandla ezilawulako nofana abaphenyi beenghonyayo, ekufaka hlangana, iPhiko leNgeniso leSewula Afrika, lapho umNyango unesibopho sangokomthetho sokwaba ilwazi;
- (b) abantu besithathu ebabhadalelwa esikhundleni sabasebenzi; kanye
- (c) namaziko aphantsi umsebenzi wokuqinisekisa ukulandelwa komthetho.

13.6 Imininingwana yomuntu ehlelwe ukusiwa kwelinye ilizwe

13.6.1 UmNyango awuthumeli imininingwana yomuntu ngaphandle kwemikhawulo yenarha le, ngaphandle kwalapho imininingwana leyo idingelwa ukusetjenziselwa iminqopho yokwenziwa kwemisebenzi yesisebenzi, nofana ngomnqopho ophathelene nalokho isisebenzi esiqatjhelwe khona. Kilobu ubujamo, umNyango kufanele uqinisekise bonyana-

- (a) inarha eyamukelako ingakghona ukufinyelela izinga elithembisako lokuvikela elifanele lifane nalelo elikhonjwe ngaphakathi kwe-POPIA; nofana
- (b) isihloko somhlobo welwazi uyavuma bonyana imininingwana yomuntu ingadluliselwa; nofana
- (c) ukudluliswa kwelwazi kudingelwa ukusetjenziswa kwesivumelwanosibopho esiphakathi komnikazi welwazi kanye naloyo othintekako.

13.6.2 Ebuja meneni lapho imininingwana yomuntu ingabulungeka khona ngesithwalithungelelwano esingaphandle kweSewula Afrika, umNyango kufanele uqinisekise, ngendlela ekungakghonakala ngayo, bona abamukeli bemininingwana yomuntu bazakuthatha amagadango athembekako ukwenzela ukuqinisekisa ukuphepha kwedatha kanye nemininingwana yomuntu ekukhulunywa ngayo.

13.7 *indlela Zokuvikela Ilwazi*

UmNyango kufanele uze neenkambiso zokuphepha ukwenzela ukuphephisa imininingwana yomuntu bonyana ingafinyeleleki ngokungekho emthethweni. UmNyango uqalelela ukuqinisekiswa kweendlela zokuvikela ilwazi ngendlela elandelako:

- (a) Ngokuqinisekisa bonyana ukuhlukaniswa kwelwazi ngamaneko kurekhodiwe njengombana idatha yesisebenzi izakuhlukaniseka 'njengemininingwana yomuntu' nofana 'imininingwana yomuntu ekhethekileko';
- (b) ukuqinisekisa bonyana iinkambiso zokuphepha ziqinisiwe ukwenzela ukukhandela ukufinyelelwa ngokungemthetho kwelwazi ngokuza neendlela zokuvikela ithungelelwano kanye nomtjhiningqondo ekufana namaphasiwedi, ukusebenzisa irherho elisihlangu sethungelelwano, ukuhloma iinkhandeli zobulelesi bethungelelwano, ukuqinisekisa ukuvikeleka kwedatha ngokuyifihla nangokusebenzisa amakhowudi eminininingwaneni yomuntu, ukuvikela imitjhiningqondo ngokusebenzisa amaphasiwedi kanye nokuvikela ngeThungelelwano langeQadi eliFihlako (i-VPN).
- (c) imithetho yekambiso eyazisa abasebenzi nofana abanye abantu lokha iminingwanabo isebaleni, nofana lokha nokuphulwe ilungelo lokufihlwa kwemininingwanabo; begodu
- (d) nangokuqinisekisa bonyana iindlela eziqinileko zekambiso yokuphepha ziyalandelwa ukwenzela ukukhandela ukufinyelelwa mumuntu wesithathu, ibhoduluko le-offisi, ithungelelwano lomtjhiningqondo, irherho, amahlelo womtjhiningqondo, idatha nofana esinye isisetjenziswa.

14. UKUBUYEKEZWA KANYE NOKUFUMANEKA KOMHLAHLANDLELA LO NJENGOKUKHONJWE ESIGABENI 14(2) SE-PAIA.

Ngokwesigaba 14(2) se-PAIA, lapho kudingeka khona, umhlahlandlela lo kufanele ubuyezwe qobe mnyaka begodu kufanele ufumaneke njengokukhonjwe esigabeni 14(2) se-PAIA, ekufaka hlangana ukuwabela kubunzinzolwazi bomNyango ku- www.dpsa.gov.za begodu kube namakhophi womHlahlandlela lo azakutholakala lokha kunesibawo sawo kusiPhathiswa seLwazi, ngokusebenzisa imininingwana yokuthintana esendimeni 5 ngehla.

Uphasiswe ngomhlaka
2021.

enyangeni ka

UKSZ. YOLISWA MAKHASI

UMNQOPHISI-ZOMBELELE/ISIPHATHISWA SELWAZI

UMNYANGO WEZABASEBENZI BAKARHULUMENDE NOKUPHATHA