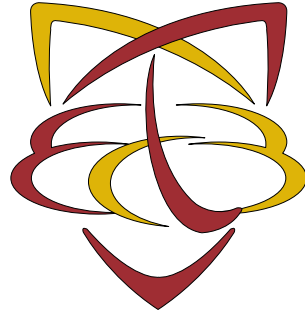


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**EASTERN CAPE**  
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UKHUSELEKO LOLWAZI LWESIQU NOKU  
UKUKHUTHAZWA

KOKUFIKELELA KULWAZI

# Ulawulo lweNguqulelo yoMgaqo-nkqubo

<b>Isihloko</b>	UKHUSELEKO LOLWAZI LOBUNTU & UKUKHUTHAZWA KOKUFIKELELA KOMGAQO-NKQUBO WOLWAZI			
<b>Yenziwe ngu</b>	I-OFISI YECEO			
<b>Inombolo yenguqulelo</b>	<b>Ilungiswe Ngu</b>	<b>Uhlengahlengiso lwenziwe</b>	<b>Umhla woHlengahlengiso</b>	<b>Ubume</b>
2022	Igosa lezomthetho IOfisi yeGosa eliyiNtloko lesiGqeba	Entsha	9 March 2022	Ivunyiwe

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## **1. INTSHAYELELO**

- 1.1 IBhodi yoTywala yaseMpuma Koloni (ECLB) inyanzelekile ukuba ithobele uMthetho woKhuseleko lweNgcaciso yoMntu (Nombolo yesi-4 yowama-2013) (“POPI”) kwakunye noMthetho wokuPhakanyiswa koFikelelo kuLwazi (oNombolo-2 ka-2000) (“ I-PAIA”), ekubeni ijongana nezicelo zamaphepha-mvume otywala kunye neenkqubo ezinxulumene noko ngokomthetho wayo, uMthetho woTywala we-Eastern Cape Liquor Act we-10 ka-2003 kwaye, ijongana nenkcazelo yobuqu yabasebenzi bayo, ababoneleli, abathengi kunye neminye imixholo yolwazi ukususela kwangexesha. ngexesha kunye nokuba kukho abaceli bolwazi olunxulumene ne-ECLB kunye nemisebenzi yayo.
- 1.2 I-ECLB iqinisekisa ukuzinikela kwayo ekukhuseleni ubumfihlo bedatha kunye nokuqinisekisa ukuba iinkcukacha zabo zobuqu zisetyenziswa ngokufanelekileyo, ngokungafihlisiyo, ngokukhuselekileyo nangokungqinelana nemithetho esebenzayo. Oku kuhambelana nezibonelelo zoMgaqo-siseko.
- 1.3 I-POPI ifuna ukuba i-ECLB yazise abantu bayo bedatha malunga nendlela iinkcukacha zabo zobuqu eziqokelelwa ngayo, zilungiswe, zikhuselwe, zibhengezwe kwaye zitshatyalaliswe njani. Lo Mgaqo-nkqubo umisela indlela i-ECLB ejongana ngayo neenkcukacha zobuqu kunye nokumisela injongo jikelele esetyenziselwa yona loo nkcazelo. Ikwajongana nemigangatho elindeleke kubasebenzi be-ECLB ngokumalunga nokuziphatha kwabo kulo mba.
- 1.4 Abathathi-nxaxheba abafanelekileyo kufuneka baziswe ngokuqulethwe ngulo Mgaqo-nkqubo xa imvume yabo iceliwe ukuze kulungiswe iinkcukacha zabo zobuqu okanye xa kukho unxibelelwano nezifundo zedatha.
- 1.5 Amalungiselelo alo Mgaqo-nkqubo kufuneka afundwe kunye nezenzo ezifanelekileyo kunye nemigaqo esetyenziswayo ukuphumeza injongo yoku.
- 1.6 Lo Mgaqo-nkqubo uxhaswa yincwadana yeECLB njengoko ifunwa licandelo 14 loMthetho wokuPhakanyiswa koFikelelo kuLwazi 2 ka-2000 njengoko ulungisiwe.

## **2. UKUQOKELELWA KWENKCUKACHA YOMNTU**

- 2.1 I-ECLB iqokelela iivenkile kwaye iqhube iinkcukacha zobuqu ezimalunga nezifundo zedatha ezibandakanya abasebenzi bayo, ababoneleli, abafake izicelo, abachasi,

abamangali kunye nabanye abathathi-nxaxheba. Uhlobo lolwazi oluqokelelweyo nolwenziwayo luya kuxhomekeka kwinjongo oluqokelelwa ngayo kwaye luya kusingathwa kulo mda wesicelo kuphela. Nanini na xa kufanelekile, i-ECLB iya kwazisa umxholo wedatha wolwazi olufunekayo, injongo yoko, amalungelo okuthatha inxaxheba kunye namanye amalungiselelo afanelekileyo aqulethwe ngumthetho.

2.2 I-ECLB kufuneka ibonise kwisifundo sedatha isiphumo sokungaphumeleli ukubonelela ngolwazi olunjalo lomntu. Ngokomzekelo, i-ECLB ayinakukwazi ukuqesha umntu ngaphandle kolwazi oluthile lobuqu olumalunga naloo mntu okanye i-ECLB ayinakho ukubonelela ngeenkono kumthengi ngokungabikho kolwazi oluthile olufunekayo.

2.3 Imizekelo yolwazi lobuqu oluqokelelwayo yi-ECLB lubandakanya, kodwa aluphelelanga kulwazi olunxulumene nomntu ochongiweyo, ophilayo, wendalo, kwaye apho kuyimfuneko, umntu onokuchongeka, okhoyo ngokusemthethweni -

- a) Ulwazi olunxulumene nobuhlanga, isini, isini, ukukhulelwa, ubume bomtshato, ubuzwe, uhlanga okanye imvelaphi yentlalo, umbala, isini, ubudala, impilo yomzimba okanye yengqondo, intlalontle, ukukhubazeka, inkolo, isazela, inkolelo, inkcubeko, ulwimi kunye ukuzalwa komntu;
- b) ulwazi olunxulumene nemfundo okanye imbali yezonyango, yezemali, yolwaphulo-mthetho okanye yengqesho yomntu;
- c) Nayiphi na inombolo echazayo, isimboli, idilesi ye-imeyile, idilesi yendawo, inombolo yomnxeba, ulwazi lwendawo, isazisi se-intanethi okanye esinye isabelo emntwini;
- d) ulwazi lwebhayometriki yomntu (izimvo nemibono yomntu);
- f) Imbalelwano ethunyelwe ngumntu ngendlela ecacileyo okanye ecacileyo eyeyabucala okanye eyimfihlo okanye enye imbalelwano eya kutyhila okubhalwe kwimbalelwano yokuqala;
- g) iimbono okanye iimbono zomnye umntu ngaloo mntu; kwayeh) the name of the person if it appears with other personal information relating to the person or if the disclosure of the name itself would reveal information about the person.
- i) idilesi yendawo yokuhlala yomntu.

### **3. UKUQOKELELWA KOLWAZI LOMQESHWA**

3.1 Ngenjongo yalo Mgaqo-nkqubo, "abasebenzi" baquka abanakho, abadlulileyo kunye nabasebenzi abakhoyo be-ECLB.

3.2 I-ECLB iya kuthi, xa iqesha abasebenzi abatsha, ifune ulwazi, kubandakanywa, kodwa alukhawulelwanga kule nto idweliswe ngasentla, ukusuka kumntu oza kuba ngumqeshwa ukuze kuqhutywe ulwazi lomqeshwa kwinkqubo yenkampani. Ezo nkcukacha ziyimfuneko ngokufanelekileyo kwiinjongo zengxelo yenkampani kwakunye nokuqinisekisa ukuba lowo uza kuba ngumqeshwa uyazanelisa iimfuneko zesikhundla aqeshelwe kuso kwaye ukufanele ukuqeshwa.

3.3 I-ECLB iya kuthi, xa isebenzisa inkcukacha yomsebenzi, ifune ulwazi, kubandakanywa, kodwa alukhawulelwanga kule nto idweliswe ngasentla, ukuyisebenzisela ukwenza izigqibo ezisemthethweni malunga nomqeshwa kwakunye noshishino lwenkampani.

### **4. UKUSETYENZISWA KOLWAZI LOMSEBENZI**

4.1 Ulwazi lomntu siqu lwabasebenzi luya kusetyenziselwa kuphela injongo ebiqokelelwe kwaye ijoliswe kuyo. Oku kuya kubandakanya, kodwa kungaphelelanga apho:

4.1.1 izingeniso kwiSebe lezeMisebenzi.

4.1.2 ungeniso kuMamkeli weNgeniso.

4.1.3 ukulungiselela uphicotho-zincwadi kunye neenjongo zokugcina iirekhodi.

4.1.4 ngokunxulumene neenkqubo zomthetho.

4.1.5 ngokunxulumene kunye nokuthobela iimfuno zomthetho nezolawulo.

4.1.6 ngokunxulumene nayo nayiphi na imisebenzi yolawulo lweNkampani.

4.1.7 inyathelo loluleko okanye naliphi na elinye inyathelo lokujongana nokuziphatha komqeshwa okanye amandla akhe ngokumalunga nazo naziphi na izibonelelo zengqesho anelungelo lomsebenzi.

4.1.8 naziphi na izibonelelo zabasebenzi umqeshwa anemfanelo zazo.

4.1.9 litshekhi kunye nokuhlolwa kwangaphambili nasemva kwengqesho.

4.1.10 nayiphi na enye injongo efanelekileyo athe umqeshwa aziswe ngayo.

4.1.11 naziphi na iimfuno zokuthotyelwa emthethweni.

4.2 Ukuba kuye kwasingathwa ingcaciso ngenxa yaso nasiphi na esinye isizathu esingekho kumdlala osemthethweni womqeshwa, i-ECLB iya kwazisa umqeshwa ngokufanelekileyo.

4.3 I-ECLB iyavuma ukuba ulwazi lomntu siqu lunokusingathwa kuphela ukuba iimeko ezithile zihlangatyezwane nezithi, ngokuxhomekeka kwizinto ezifanelekileyo zibandakanye-

4.3.1 Umqeshwa uyavuma ukuba kuqhutywe;

4.3.2 Ukusetyenzwa kuyimfuneko ukuze kuhoywe amalungelo neemfanelo ezithethelelayo, umzekelo ukuzaliseka kwesivumelwano;

4.3.3 Inkqubo ihambelana nesibophelelo esibekwe ngumthetho kwinkampani;

4.3.4 Ukwenziwa komsebenzi kukhusela umdlala osemthethweni womqeshwa;

4.3.5 Ukusetyenzwa kuyimfuneko ekulandeleni iimfuno ezisemthethweni ze-ECLB okanye zeqela lesithathu elinikwe ulwazi.

## **.5. UKUQOKELELWA KOMNIKI WENGCACISO**

5.1 Ngeenjongo zalo Mgaqo-nkqubo, abaniki-nkonzo baquka ababoneleli ngeenkono abanokubakho, abadlulileyo nabakhoyo.

5.2 I-ECLB iqokelela kwaye iqhube iinkcukacha zobuqu zababoneleli bayo, njengaleyo ikhankanywe apha ngezantsi. Uhlobo lolwazi luya kuxhomekeka kwimfuno eqokelelwa ngayo kwaye luya kusingathwa ngokwaloo njongo kuphela. Eminye imizekelo yolwazi lomntu oluqokelelwe kubathengi ibandakanya, kodwa ayiphelelanga koku:

5.2.1 Inombolo yesazisi somboneleli, igama, ifani, idilesi, ikhowudi yeposi;

5.2.2 Idilesi yendawo yokuhlala neyeposi yababoneleli;

5.2.3 Iinkcukacha zoqhagamshelwano;

5.2.4 Iinkcukacha zebhanki;

5.2.5 Inombolo yobhaliso yenkampani;

5.2.6 Igama elipheleleyo leziko elisemthethweni;

5.2.7 Inombolo yerhafu kunye/okanye ye-VAT;

5.2.8 Iinkcukacha zomntu ekuqhagamshelwana naye.

## 6. UKUSETYENZISWA KOMNIKI ENGCACISO

6.1 Ulwazi lomntu siqu lomthengisi luya kusetyenziselwa kuphela injongo eqokelelwe kwaye njengoko kuvunyelwene, ukuba kukho nasiphi na isivumelwano esinjalo esifunekayo emthethweni. Oku kunokubandakanya, kodwa kungaphelelanga apho:

6.1.1 Ukucaphula okanye ukuthenda iinkonzo kunye/okanye iimveliso kwi-ECLB.

6.1.2 Ukubonelela ngeemveliso kunye/okanye iinkonzo kwi-ECLB.

6.1.3 Ngokunxulumene nokuthumela ii-akhawunti kunye nonxibelelwano ngokubhekiselele kwiinkonzo ezinikezelwayo kunye/okanye iimveliso ezinikezelweyo.

6.1.4 Ukudluliselwa kwabanye ababoneleli-nkonzo.

6.1.5 Ukuqinisekisa, ukuqinisekisa kunye nokuhlaziya iinkcukacha zababoneleli-nkonzo.

6.1.6 ULawulo lweeKhontrakthi.

6.1.7 Ukwenzela uphicotho-zincwadi nokugcinwa kweerekhodi.

6.1.8 Ngokunxulumene neenkqubo zomthetho.

6.1.9 Ngokunxulumene kunye nokuthobela iimfuno zomthetho nezolawulo okanye xa kuvunyelwa ngenye indlela ngokomthetho.

6.2 I-ECLB iyavuma ukuba ulwazi lomntu siqu lunokusingathwa kuphela ukuba nayiphi na imiqathango ebekwe apha ngezantsi ihlangatyezwana:

6.2.1 Umthengisi uyavuma ukuba kuqhutywe.

6.2.2 Ukusetyenzwa kuyimfuneko ukuze kuhoywe amalungelo kunye nezibophelelo ezinokuthetheleleka, kubandakanywa nokuzalisekisa izibonelelo zekhontrakthi.

6.2.3 Inkqubo ihambelana nesibophelelo esibekwe ngumthetho.

6.2.4 Ukucubunga kuyimfuneko ukukhusela iimfuno ezisemthethweni zeqela lesithathu.

6.2.5 Ukucubungula kuyimfuneko ekulandeleni iimfuno ezisemthethweni ze-ECLB okanye zeqela lesithathu elinikwe ulwazi.



## **7. UKUQOKELELWA KOLWAZI LWABACHAPHAZELEKAYO**

7.1 Ngenjongo yalo Mgaqo-nkqubo, abachaphazelekayo baquka abantu abanokubakho, abadlulileyo nabasele bekho, amaqumrhu kunye namalungu oluntu athe asebenzisana kunye/okanye ngabaphulaphuli ekujoliswe kubo kwiinkqubo zokufikelela eluntwini ze-ECLB.

7.2 I-ECLB iqokelela kwaye iqhube iinkcukacha zomntu ochaphazelekayo, ezifana nale ikhankanywe apha ngezantsi. Uhlobo lolwazi luya kuxhomekeka kwimfuno eqokelelwa ngayo kwaye luya kusingathwa ngokwaloo njongo kuphela. Eminye imizekelo yolwazi lobuqu oluqokelelwe kubathathi-nxaxheba ibandakanya, kodwa ayiphelelanga koku:

7.2.1 Igama nefani yochaphazelekayo.

7.2.2 Idilesi yendawo yokuhlala neyeposi yabachaphazelekayo.

7.2.3 Iinkcukacha zoqhagamshelwano.

7.2.4 Imisayino.

7.2.5 Ukuhlelwa ngokwesini.

7.2.6 Ukuhlelwa kweentlanga.

7.2.7 Igama elipheleleyo leziko elisemthethweni.

7.2.8 Inombolo yerhafu kunye/okanye ye-VAT.

7.2.9 Iinkcukacha zomntu ekuqhagamshelwana naye.

## **8 UKUSETYENZISWA KOLWAZI LWABACHAPHAZELEKAYO**

8.1 Ulwazi lomntu ochaphazelekayo luya kusetyenziselwa kuphela injongo ebiqokelelwe kwaye njengoko kuvunyelwene, ukuba kukho nasiphi na isivumelwano esinjalo esifunekayo emthethweni. Oku kunokubandakanya, kodwa kungaphelelanga apho:

8.1.2 Ubonelelo ngobungqina obuxhasayo ngokubhekiselele kuqinisekiso kunye/okanye uphicotho-zincwadi lwe-ECLB yokuphumelela koko bekujoliswe kuko.

8.1.3 Ukuxhasa ukuqulunqwa kweenkcukacha-manani ukulungiselela iinjongo zokunika ingxelo.

8.1.4 ULawulo lweeKhontrakthi.

8.1.5 Ukwenzela uphicotho-zincwadi nokugcinwa kweerekhodi.

8.1.6 Ngokunxulumene neenkqubo zomthetho.

8.1.7 Ngokunxulumene kunye nokuthobela iimfuno zomthetho kunye nolawulo okanye xa kuvunyelwe ngumthetho ngenye indlela.

8.2 I-ECLB iyavuma ukuba ulwazi lomntu siqu lunokusingathwa kuphela ukuba nayiphi na imiqathango ebekwe apha ngezantsi ihlangatyezwana:

8.2.1 Abachaphazelekayo bayavuma ukuba kuqhutywe.

8.2.2 Ukusetyenzwa kuyimfuneko ukuze kuhoywe amalungelo kunye nezibophelelo ezinokuthetheleleka, kubandakanywa nokuzalisekisa izibonelelo zekhontrakthi.

8.2.3 Inkqubo ihambelana nesibophelelo esibekwe ngumthetho.

8.2.4 Ukwenziwa komsebenzi kukhusela umdla osemthethweni weqela.

8.2.5 Ukulungiswa kuyimfuneko ekulandeleni iimfuno ezisemthethweni ze-ECLB okanye zeqela lesithathu elinikwe ulwazi.

## **9. UKUQOKELELWA KOLWAZI LOMCAKAZI**

9.1 Ngenjongo yalo Mgaqo-nkqubo, abakhalaza babandakanya abakhalazi abanokubakho, abadlulileyo nabasele bekho abafake izikhalazo ngokuchasene neendawo ezinelayisenisi nezingenampepha-mvume. Kushicilelwe ukuba abakhalazi bayakwazi ukufaka isikhalazo ngokungaziwa.

9.2 I-ECLB iqokelela kwaye iqhube iinkcukacha zomntu zoMkhalazi, njengaleyo ikhankanywe apha ngezantsi. Uhlobo lolwazi luya kuxhomekeka kwimfuno eqokelelwa ngayo kwaye luya kusingathwa ngokwaloo njongo kuphela. Eminye imizekelo yolwazi lomntu oluqokelelwe kubathengi ibandakanya, kodwa ayiphelelanga koku:

9.2.1 Abakhalazi, igama, ifani, idilesi yokuhlala neposi, ikhowudi yeposi.

9.2.2 Iinkcukacha zoqhagamshelwano.

9.2.3 Indawo yoMmangali kwindawo yokuphuma.

## **10. UKUSETYENZISWA KOLWAZI LOMCAKAZI**

10.1 Ulwazi lobuqu loMmangali luya kusetyenziselwa injongo ebiqokelelwe kwaye njengoko kuvunyelwene, ukuba kukho nasiphi na isivumelwano esinjalo esifunwa ngumthetho. Oku kunokubandakanya, kodwa kungaphelelanga apho:

10.1.1 Kwiinkqubo zokusombulula isikhalazo ezinokubandakanya ukunika indawo enephepha-mvume iinkcukacha zoMmangali.

10.1.2. Ukudluliselwa kwiiNkonzo zamaPolisa oMzantsi Afrika, amaCandelo oNyanzeliso kaMasipala okanye amanye amacebiso anxulumene norhulumente.

10.1.3 Ukwenzela uphicotho-zincwadi nokugcinwa kweerekhodi.

10.1.4 Kulo naluphi na uphando ukuba isikhalazo sinxulumene nobuqhophololo bangaphakathi okanye bangaphandle.

10.1.5 Ngokunxulumene neenkqubo zomthetho.

10.1.6 Ngokunxulumene kunye nokuthobela iimfuno zomthetho kunye nolawulo okanye xa kuvunyelwe ngumthetho ngenye indlela.

10.2 I-ECLB iyavuma ukuba ulwazi lomntu siqu lunokusingathwa kuphela ukuba nayiphi na imiqathango ebekwe apha ngezantsi ihlangatyezwana:

10.2.1 Ummangali uyavuma ukuba kuqhutywe.

10.2.2 Inkqubo ihambelana nesibophelelo esibekwe ngumthetho.

10.2.3 Ukwenziwa komsebenzi kukhusela umdla osemthethweni weqela.

10.2.4 Inkqubo ihambelana nesibophelelo esibekwe ngumthetho kwinkampani;

10.2.5 Ukusetyenzwa kuyimfuneko ekulandeleni iimfuno ezisemthethweni ze-ECLB okanye zeqela lesithathu elinikwe ulwazi.

## **11. UKUQOKELELWA NOKUSETYENZISWA KOLWAZI NGOKUPHATHELELE KWIZILUNGISELELO ZOMTHETHO WOTYWALA WASEMPUMA KOLONI KUNYE NEZIBONELELO EZIDLULISANA NAWO.**

11.1 Kubhalwe phantsi ukuba i-ECLB ixhotyisiwe ukuba iqokelele kwaye isebenzise iinkcukacha zomntu zoMfaki-sicelo, amaqela anomdla afana nabaChasi kunye nabo bonke abanye abantu njengoko inikwe amandla ngamagatya owiso-mthetho ovumela uMthetho we-10 ka-2003 kunye neMimiselo enxulumene noko.

## **12. UKUDIZWA KWENKCUKACHA YOMNTU**

12.1 Ngokuxhomekeke kwimigaqo yomthetho enika okuchaseneyo, i-ECLB inokwabelana nabanye ngeenkukacha zobuqu bomxholo wedatha kunye nokufumana iinkcukacha kuloo mntu wesithathu ngenxa yezizathu ezichazwe ngasentla.

12.2 I-ECLB inokuphinda ichaze ulwazi lwesifundo sedatha apho kukho umsebenzi okanye ilungelo lokubhengeza ngokomthetho osebenzayo, isibophelelo sekhontrakthi umthetho okanye apho kunokuba yimfuneko ukukhusela amalungelo e-ECLB.

### **13. UKUKHUSELA ULWAZI LOBUNTU NEMVUME**

13.1 Kuyimfuneko kwi-POPI ukukhusela ngokufanelekileyo iinkcukacha zobuqu ezigcinwe yi-ECLB kunye nokuphepha ukufikelela okungagunyaziswanga nokusetyenziswa kwenkcazelo yobuqu.

13.2 I-ECLB iya kuphonononga ulawulo lwayo lokhuseleko olusebenzayo kunye neenkqubo rhoqo ukuqinisekisa ukuba ulwazi lomntu siqu lukhuselekile.

13.3 I-ECLB iya kutyumba iGosa leNgcaciso kunye neSekela leGosa elijongene nokukhuthaza ukuthotyelwa kwemiqathango yokusetyenzwa ngokusemthethweni kolwazi lomntu kunye namanye amalungiselelo ePOPI.

### **14. UKWAPHUHLISWA KOKHUSELEKO**

14.1 Ukuba i-ECLB ifumanisa ukuphulwa kokhuseleko kuyo nayiphi na inkqubo yayo equlethe ulwazi lomntu siqu, i-ECLB iya kuthatha amanyathelo afunekayo ukuvavanya uhlobo kunye nobungakanani bolwaphulo-mthetho ukuze kuqinisekise ukuba kukho naluphi na ulwazi oluye lwaphazamiseka.

14.2 I-ECLB iya kuqalisa iSicwangciso sokuPhendula ngeSihlo esibandakanya ukwaziswa kwamaqela achaphazelekayo kunye ne-Information Regulator ukuba inesizathu sokukholelwa ukuba ulwazi lobuqu luye lwathotywa. Eso saziso siya kwenziwa kuphela apho i-ECLB inokubona umxholo wedatha apho ulwazi luhambelana khona. Apho kungenakwenzeka khona kusenokufuneka ukuba kuqwalaselwe upapasho lwewebhusayithi kunye nayo nayiphi na enye into efunwa nguMlawuli woLwazi.

14.3 Isaziso siya kunikezelwa ngokubhaliweyo ngokuthi:

14.3.1 I-imeyile.

14.3.2 imeyile ebhalisiweyo.

14.3.3 ibekwe kwiwebhusayithi ye-ECLB.

14.4 Isaziso siya kubonelela ngolu lwazi lulandelayo apho kunokwenzeka:

14.1. inkcazo yeziphumo ezinokuthi zibe khona zokwaphulwa komthetho.

14.2 amanyathelo athathiweyo ukulungisa ulwaphulo-mthetho.

14.3 iingcebiso eziza kuthathwa yidatha ephantsi kokunciphisa iziphumo ezibi.

14.4 Isazisi seqela elinoxanduva lokophulwa.

14.5. Ukongeza koku kungasentla, i-ECLB iya kwazisa i-Regulator ngako nakuphi na ukwaphulwa kunye/okanye ukuthomalalisa kulwazi lomntu siqu ekulo kwaye isebenze ngokusondeleyo kunye nokuthobela naziphi na iingcebiso ezikhutshwe nguMlawuli.

La malungiselelo alandelayo aya kusebenza kulo mba njengoko kugunyaziswe liGosa loLwazi kwiSekela leGosa loLwazi: -

14.5.1 ISekela leGosa loLwazi liya kuba noxanduva lokongamela uphando.

14.5.2 ISekela leGosa loLwazi liya kuba noxanduva lokunika ingxelo zingaphelanga iintsuku ezi-2 zokusebenza emva kokwaphulwa/kuthotyelwe kwinkcazelo yobuqu.

14.5.3 ISekela leGosa leNgcaciso liya kuba noxanduva lokunika ingxelo kwiSifundo seDatha phakathi kweentsuku ezi-2 zokusebenza emva kokwaphulwa/kuthotyelwe kwinkcazelo yobuqu.

14.5.4 La maxesha abekiweyo apha ngasentla zizikhokelo kwaye ngokuxhomekeke kukufaneleka kwemeko kunokufuna ukuba kuxelwe kwangaphambili okanye kamva.

## **15. UKUFIKELELA NOKULUNGISWA KOLWAZI LOBUQU**

15.1 Izifundo zedatha zinelungelo lokucela ukufikelela kulo naluphi na ulwazi lobuqu i-ECLB enalo malunga nabo.

15.2 Izifundo zedatha zinelungelo lokucela i-ECLB ukuba ihlaziye, ilungise okanye icime ulwazi lwabo lobuqu ngezizathu ezifanelekileyo. Ezo zicelo kufuneka zenziwe kwiGosa loLwazi.

15.3 Apho umqeshwa, umntu ochaphazelekayo, ummangali kunye/okanye umthengisi uyala ukuba ulwazi lwakhe lobuqu luqhutywe, i-ECLB ayinakuphinda iqhubekisele phambili iinkcukacha zobuqu ezixeliweyo. Iziphumo zokungaphumeleli ukunika imvume yokuqhuba iinkcukacha zobuqu kufuneka zichazwe phambi kokuba umqeshwa okanye umntu ochaphazelekayo, ummangali kunye/okanye umthengisi aqinisekise inkcaso yakhe.

15.4 Isifundo sedatha masibonelele ngezizathu zokuchasa ukusetyenzwa kolwazi lwakhe lobuqu.

## **16. UKUGCINWA KWEEREKHODI**

16.1 I-ECLB iya kuqinisekisa ukukhuselwa kunye nokukhuselwa kwazo zonke iinkcukacha zomntu okanye idatha. I-ECLB kufuneka igcine ulwazi oluthile njengoko kumiselwe yimithetho kunye nomgaqo-nkqubo wayo wokugcinwa.

## **17. IZILUNGISO KULO MGAQO-NKQUBO**

17.1 Izilungiso kulo Mgaqo-nkqubo ziya kwenzeka amaxesha ngamaxesha ngokuxhomekeke kwisigqibo se-ECLB nangokulandela naluphi na utshintsho kumthetho. Utshintsho olunjalo luya kuziswa kwingqalelo yabathengi babasebenzi apho lubachaphazelayo.

## **18. IMIGANGATHO YOKUZIPHATHA EFUNEKAYO KUBAQESHA**

18.1 Ukongeza kwimiqathango equlethwe kulo mgaqo-nkqubo wePOPI, isivumelwano sengqesho, ikhowudi yoluleko, unxibelelwano ngekhompyutha nomgaqo-nkqubo wemidiya yoluntu kwakunye nalo naluphi na olunye uxwebhu olubhekiselele kubasebenzi, le migangatho ilandelayo yokuziphatha nenkqubo kunye nemigaqo esisiseko ehamba nayo lthotyelwe ngawo onke amaxesha kwaye ukophulwa kwayo kungakhokelela kwisohlwayo esiqatha kunye nokugxothwa ngenxa yolwaphulo-mthetho lokuqala.

### 18.1.1 Iirekhodi eziphathekayo kunye nee-asethi

Zonke iirekhodi eziphathekayo eziqulethe ulwazi lomntu siqu kunye nazo naziphi na i-hardware, izixhobo okanye izixhobo ezifanayo kufuneka zihlale zikhuselwe ukufikelela okungagunyaziswanga kunye / okanye umonakalo kunye / okanye ilahleko kunye / okanye enye into engalunganga.

### 18.1.2 Iinkqubo kunye namaqonga

Ukuthotyelwa kweemfuneko zokhuseleko ngokubhekiselele, umzekelo, ezi ndawo zilandelayo zibalulekile -

18.1.2.1. Ukutshintsha, ukugcinwa kunye nokwabelana ngee-usernames neepassword

18.1.2.2. Ugcino lwedatha kunye nokhuseleko

18.1.2.3. Unyino kusetyenziso lwezixhobo zobuqu ezifana nee-hard drives zangaphandle okanye iindlela zokugcina ezifanayo, iiselfowuni eziphathwayo nokunye okunjalo.

### 18.1.3. Ukuthunyelwa kwangaphakathi nangaphandle kolwazi lomntu kwizifundo zedatha ye-ECLB

18.1.3.1 Isithintelo sokwabelana kunye/okanye ukuthumela iinkcukacha zobuqu kuwo nawaphi na amaqonga angaphandle kwalawo avunyiweyo yi-ECLB phantsi kweemeko ezithile kunye nokuvalwa ngokupheleleyo kokuthumela kunye/okanye ukuthumela ulwazi lomntu ngaphandle kwe-ECLB kumajelo asekuhlaleni / okanye naliphi na elinye iqonga elifanayo.

#### 18.1.4 Imiqathango ekufuneka iqwalaselwe xa kuqokelela okanye kusetyenzwa iinkcukacha zomntu.

18.1.4.1 Le migaqo ilandelayo kufuneka ithotyelwe xa kusetyenzwa neenkukacha zobuqu kwaye ukuba kukho nawaphi na amathandabuzo, igunya elibhaliweyo leSekela leGosa loLwazi kufuneka lifunyanwe ngumqeshwa ngaphambi kokuba kuqhutywe inkqubo ekhankanyiweyo –

### **Ukuphendula**

Umqeshwa makaqinisekise ukuba imiqathango kunye nawo onke amanyathelo anika isiphumo kuloo miqathango iyathotyelwa ngexesha lokumiselwa kwenjongo kunye neendlela zokucubungula kunye naxa kusetyenzwa ngokwayo.

### **Ukucutshungulwa umda**

Ulwazi lomntu siqu kufuneka luqhutywe

(a) ngokusemthethweni; kwaye

(b) ngendlela efanelekileyo engaphambanisi ubumfihlo bomxholo wedatha.

- Oku kubandakanya ukuthathelwa ingqalelo kokuncinci kunye nokwanela kunikwe injongo ekujoliswe kuyo. Ukwengeza -
- Isihloko sedatha okanye umntu onobuchule (umxholo wedatha ngumntwana) uyavuma ukuba kusetyenzwe; okanye/ kunye
- Injongo kukwenza iintshukumo zokuqokunjelwa okanye ukwenziwa kwekhontrakthi; okanye/ kunye
- Ukwenziwa komsebenzi kuhambelana nesibophelelo esibekwe ngumthetho kwiqela elinoxanduva; okanye/ kunye



- Ukusetyenzwa kukhusela umdla osemthethweni wesifundo sedatha; okanye/ kunye
- Ukusetyenzwa kuyimfuneko ekusebenzeni ngokufanelekileyo komsebenzi womthetho woluntu ngumbutho karhulumente; okanye/ kunye
- Ukusetyenzwa kuyimfuneko ekulandeleni iimfuno ezisemthethweni zeqela elinoxanduva okanye leqela lesithathu elinikwe ulwazi; okanye/ kunye
- Ukuqokelelwa kufuneka kuvele ngokuthe ngqo kwisifundo sedatha, ngaphandle kokuba kubonelelwe ngenye indlela ngaphandle kokuba ulwazi luqulethwe okanye luvela kwirekhodi yoluntu okanye lwenziwe ngabom luluntu ngomxholo wedatha.

### **Ukuchazwa kwenjongo**

Ulwazi lomntu siqu luqokelelwa ngenjongo ethile, echazwe ngokucacileyo kwaye esemthethweni enxulumene nomsebenzi okanye umsebenzi weqela elinoxanduva.

### **Unyino lokuqhubeka phambili**

Ukusetyenzwa ngakumbi kolwazi lomntu siqu kufuneka luhambelane nenjongo ebiqokelelwe kwaye iqwalaselwe -

- (a) iziphumo zokuqhubeka okucetywayo kwisifundo sedatha
- (b) indlela ulwazi oluthe lwaqokelelwa ngayo; kwaye
- (c) nawaphi na amalungelo ekontraka kunye nezibophelelo phakathi kwamaqela.

### **IziKhuseli zoKhuseleko**

Abasebenzi bamele bakhusele ingqibelelo kunye nemfihlo yenkcazelo yobuqu egcinwe kubo okanye phantsi kolawulo lwabo ngokuthatha amanyathelo afanelekileyo, afanelekileyo obuchule nombutho okuthintela—

- (a) ilahleko, umonakalo okanye ukutshatyalaliswa okungagunyaziswanga kolwazi lomntu; kwaye
- (b) ukufikelela ngokungekho mthethweni okanye ukusetyenzwa kolwazi lomntu.

Abasebenzi kufuneka bathathe amanyathelo afanelekileyo ukuze—

- (a) ichonge yonke imingcipheko yangaphakathi neyangaphandle enokubonwa ngokufanelekileyo kwinkcazelo yobuqu ephantsi kwayo okanye ephantsi kolawulo lwayo;



- (b) aseke aze agcine izikhuselo ezifanelekileyo kwimingcipheko echongiweyo;
- (c) iqinisekise rhoqo ukuba izikhuselo ziphunyezwa ngokufanelekileyo; kwaye
- (d) aqinisekise ukuba izikhuselo zihlaziywa rhoqo ukuphendula imingcipheko emitsha okanye iintsilelo kwiindlela zokhuseleko ebeziphunyeziwe ngaphambili.

Abasebenzi kufuneka bathathele ingqalelo iinkqubo zokhuseleko zolwazi olwamkelwe ngokubanzi kunye neenkqubo ezinokuthi zisebenze kwimeko ngokubanzi okanye zifuneke ngokwemigaqo yeshishini elithile okanye imithetho nemimiselo yobungcali.

**19. UKUVUMELWA KOMGAQO-NKQUBO.....**

Ms K. Oosthuysen

Igosa lezomthetho

Umhla:

**Icetyiswe ngu**

.....

Dr N. Makala

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Umhla:

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.....

Ms N. Tys

uSihlalo: Ibhodi

Umhla: